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**NEW YORK CITY FIRE DEPARTMENT CHIEF
OFFICER'S EVALUATION OF THE CITYWIDE
INCIDENT MANAGEMENT SYSTEM AS IT PERTAINS
TO INTERAGENCY EMERGENCY RESPONSE**

by

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September 2011

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OF THE CITYWIDE INCIDENT MANAGEMENT SYSTEM AS IT PERTAINS
TO INTERAGENCY EMERGENCY RESPONSE**

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ABSTRACT

A review of the events of September 11 in New York City shows that inadequate inter-agency coordination or inter-disciplinary collaboration existed among the rescuers arriving at the World Trade Center in Lower Manhattan. The 9/11 Commission recommended and NIMS mandated better coordination between the several agencies, specifically the fire and police departments. In 2004, New York City created the Citywide Incident Management System (CIMS) to address these shortcomings.

The goal of this research is to provide an evaluation of CIMS several years after implementation; has it changed emergency response in New York City or are the same problems occurring? A survey of the FDNY chief officers was conducted and the results show that CIMS' policies are not consistently enacted.

The history and creation of CIMS shortly following the September 11 terrorist attacks is discussed along with a brief background on interagency emergency operations. The history of conflict between the FDNY and the New York City Police Department (NYPD) and its motives are not the subject of this thesis, although they are discussed briefly.

In closing, many of the same problems that plagued the emergency responders on September 11 still exist according to the survey results.

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LIST OF ACRONYMS AND ABBREVIATIONS

AARs	After Action Reports
CBRNE	Chemical, Biological, Radiological, Nuclear, and Explosive
CIMS	Citywide Incident Management System
DEP	Department of Environmental Protection
DHS	Department of Homeland Security
EMS	Emergency Medical Services
ESU	Emergency Service Unit
FDNY	New York City Fire Department
IAP	Incident Action Plan
ICS	Incident Command System
NIMS	National Incident Management System
NSHS	National Strategy for Homeland Security
NYC	New York City
NYCTA	New York Transit Authority
NYPD	New York City Police Department
OEM	Office of Emergency Management

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EXECUTIVE SUMMARY

Large-scale terrorist attacks and natural disasters require numerous agencies from all levels of government to work together in a collaborative manner to provide effective assistance to those in need. Historically, the City of New York has endured large and small-scale terrorist attacks, as well as numerous large-scale emergencies ranging from airplane crashes to crane collapses to subway collisions.

This thesis evaluates the effectiveness of New York City's Citywide Incident Management System (CIMS) to provide a framework for creating a unified effort during interagency operation in New York City as perceived by the Chief Officers of the New York City Fire Department (FDNY). The implementation of CIMS changed the official policy for the command and mitigation of hazardous materials incidents in New York City. This research attempts to determine if the new policies contained in CIMS have been implemented in the field. The ultimate goal of this thesis is to show whether a problem exists with the Citywide Incident Management System. The history and creation of CIMS shortly following the September 11, 2001 terrorist attacks is discussed along with a brief background on interagency emergency operations. The history of conflict between the FDNY and the New York City Police Department (NYPD) and its motives are not the subject of this thesis, although they are discussed briefly.

To gain evidence about how CIMS has been implemented, a survey of Chief Officers in the FDNY was conducted. Over 90% of the FDNY Chief Officers were provided the opportunity to answer a 34-question survey containing questions about the implementation of CIMS. The survey included a comment section that allowed respondents to provide observations about CIMS. The policy issues raised in this commentary are explored and discussed. An analysis of the survey results is also included, as well as the implication of these results.

The final element of the thesis provides a general recommendation to conduct additional research on how to improve the interagency coordination and cooperation in New York City between the FDNY and the NYPD.

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I also want to thank FDNY Fire Commissioner Salvatore Cassano for supporting me through this program.

To my NPS colleagues in “0711”: I appreciate the support and the pushes; I would not have finished without you. I have learned as much from our leisure-time discussions as I did in the classroom. Memories, networks and bonds were created that will last a lifetime; I cherish them all.

Most importantly, I dedicate this thesis to my fallen brothers from FDNY Squad Company 18. They were my friends and their loss broke my heart. I believe I owe it to their memories to learn the lessons from that day and ensure they are never repeated. September 11, 2001 was a terrible day for many and Squad 18 was no exception. West 10th Street lost seven great men, including my mentor, Lieutenant William “Billy” McGinn. Billy was a great man and outstanding leader who taught us to speak our mind and to stand up for what we know is right. To Billy, knowledge was power; he encouraged us to read, learn and better ourselves. Never one to back down from a challenge, Billy died with his men on the upper floors of the north tower of the World Trade Center.

They are sorely missed:

Lieutenant William McGinn

Firefighter Andy Fredericks
Firefighter Manny Mojica
Firefighter Timmy Haskell

Firefighter Dave Halderman
Firefighter Eric Allen
Firefighter Larry Virgilio

They will never be forgotten

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I. BACKGROUND

The people of New York City are protected by two very large and accomplished public safety agencies, the New York City Fire Department (FDNY) and the New York City Police Department (NYPD). Although these two agencies have co-existed for more than 130 years, responding to and operating at the same emergency scenes, they are two separate entities brought together by the misfortune of others. Even on a joint operation, the two agencies function independently, maintaining longstanding cultural barriers. After the large loss of life of emergency responders on September 11, several studies and reports recommended better coordination and cooperation among agencies on all levels and disciplines, especially between the FDNY and the NYPD (Lawson; McKinsey and *9/11 Commission*). It is widely believed a lack of coordination increased the number of emergency responders that lost their lives in the towers of the World Trade Center (Lawson & Vettori, 2005).

The *9/11 Commission* recommendation that all first response agencies adopt the Incident Command System (ICS), which was mandated when Homeland Security Presidential Directive 7 restricted grant money to only those agencies that adopted the ICS approach as presented in the new National Incident Management System (NIMS) created and managed by the federal government. Prior to this requirement, and during testimony before the New York City Council, the Commissioner of the NYPD suggested that a national incident response system was not needed in New York City (City Council, 2002, p. 42). This suggestion was made even though the FDNY has managed fire and emergencies using a written incident management system since 1991 and had incorporated similar components of the ICS¹ since its inception as a career department in 1865 (G. Maier, personal communication, April 22, 2010).

The New York City government leadership determined it would meet the NIMS requirement by drafting the Citywide Incident Management System (CIMS) in 2004. The most controversial aspect of CIMS was the section that changed command of hazardous

¹ Practices, such as incident commander, chain of command, unity of command, have been used by the FDNY since its inception.

materials incidents from a unified FDNY-NYPD command to a sole NYPD command. The first draft version of CIMS caused heated debate at New York City Hall that culminated in the FDNY's Chief of Department Peter Hayden, the highest-ranking uniformed member, testifying before the New York City Council that the new policy "confused" him and was counter to common sense. Some of the issues raised by Chief Hayden included naming the NYPD, an agency that "does not have experience performing or commanding" (City Council, 2005, p. 174) hazardous materials incidents, as the sole incident commander for these incidents.

During the City Council hearing, several of the City Council members also admitted to being confused by the new CIMS policy, with one member stating that although they had heard testimony from the Police Commissioner and others that he did not "understand it. And if we don't understand it here in this room, it's absolutely going to lead to confusion in the trenches" (City Council, 2005, p. 163). Despite the dissent, CIMS was adopted and remained the official policy of New York City as of this writing (June 2011) without modification.

The intended purpose of CIMS was to cure the deficiencies illustrated in the various reports from the events of September 11 by requiring a coordinated response to emergencies in New York City, specifically, to increase the coordination and cooperation between the FDNY and the NYPD, and also to ensure that New York City remained eligible for federal grants by incorporating a NIMS compliant response system. The *9/11 Commission Report* found a "lack of comprehensive coordination between FDNY, NYPD and the Port Authority Police Department" (2004, p. 321) on September 11, 2001, and recommended that emergency response agencies throughout the country adopt the Incident Command System as a framework for managing an incident with multiple agencies or jurisdictions involved (The 9/11 Commission Report, 2004, p. 397).

The McKinsey report, prepared to examine the FDNY's operation on September 11, 2001, concurred, stating, "the FDNY and NYPD rarely coordinated command and control functions and rarely exchanged information related to command and control" (McKinsey, 2002, p. 9). Unified, coordinated, efficient interagency operations were recommended and CIMS was developed, in part, to cure these deficiencies. CIMS

enabled New York City Office of Emergency Management (OEM) Commissioner Joseph Bruno to state that New York City was “fully compliant with the National Incident Management System (NIMS)” (Citywide Incident Management System, 2005, memo page). The document further stated, “CIMS is the City of New York’s implementation of the National Incident Management System” (Citywide Incident Management System, 2005, p. 6).

This thesis evaluates whether the policies and procedures embodied in CIMS are complied with from the perspective of the Chief Officers of the FDNY. By evaluating if CIMS has been implemented at routine emergencies, the researcher may be able to predict its effectiveness at future large-scale interagency operations.

A. RESEARCH QUESTION

When CIMS was promulgated, it was touted as the solution to problems that plagued New York City’s emergency responders on September 11. This research endeavors to answer the following questions in an attempt to determine if New York City’s Citywide Incident Management System’s policies and procedures are actually implemented at inter-agency emergencies in New York City or if they are just words on a page as perceived by FDNY Chief Officers.

- What, if any, specific aspects of CIMS are consistently not being adhered to during inter-agency emergency response incidents?
- What, if any, specific aspects of CIMS are consistently identified as problematic from a policy point of view?

B. PROBLEM STATEMENT

Many, if not most, of the interagency responses that involve the FDNY have not complied with CIMS. Specifically, at hazardous materials incidents, where the NYPD is the single agency command (at least until they complete an assessment of the incident’s origin), the NYPD often fails to arrive on the scene in a timely manner, and when they do, the officers may not be trained as hazardous material technicians to perform the requisite assessment. The NYPD frequently sends its highly trained Emergency Service Unit (ESU) officers to emergencies where the FDNY is assigned both the core

competency for tactical operations and as the sole agency command element. These officers will frequently commence their own parallel operation without reporting in to the FDNY incident commander.

Additionally, the Department of Environmental Protection (DEP) is considered a lead agency at chemical incidents, yet it will only respond to an incident when requested by on-scene emergency responders from either the FDNY or NYPD. Although DEP does not respond to “real” events in a timely manner, during drills and exercises, DEP personnel are scripted as arriving first on the scene, creating an artificiality that bears no resemblance to reality. Finally, a requirement of NIMS not always complied with is the mandated sharing of information. At times, the FDNY does not receive updated information from other agencies during the early stages of an emergency, or may not receive notification of the emergency at all, even for incidents in which the FDNY has the core competency and is the single agency command.

The four topics mentioned above are in direct conflict with the NIMS requirement for a single collaborative effort, an incident command system with accountability and information sharing during responses to domestic events. If these requirements are not being met during routine incidents, then one can only imagine the inefficiency and lack of coordination and control that will occur during the next terror attack or natural disaster.

Although CIMS was intended to ensure New York City’s emergency responders put forth a united coordinated effort, that goal has been thwarted by a combination of unclear language within the CIMS policy itself, and by the failure of some to comply consistently with CIMS protocols. Regardless of the reasons, the result is a failure to meet the requirements stated in NIMS and CIMS itself, and more importantly, the failure to meet the important objectives of enhanced emergency response capabilities that NIMS and CIMS were designed to support.

C. ARGUMENT

If New York City were to suffer another devastating terror attack, natural disaster or other large-scale emergency, the resulting inter-agency response may not be the

coordinated and efficient operation envisioned in CIMS. Since, in the experience of the FDNY Chief Officers, CIMS' policies and procedures are not regularly implemented at routine large- and small-scale inter-agency emergency incidents throughout New York City (NYC), it would be surprising if they were implemented during future large-scale incidents

D. BENEFITS OF THE STUDY

1. Literature

The research contained in this thesis may be the first to show the effectiveness of CIMS and whether CIMS protocols are consistently implemented during inter-agency operations. Little currently exists specifically concerning CIMS and the ability of the various New York City agencies to implement the policy.

2. Future Research Efforts

New areas of research may be identified, such as how to define terms and how to measure the effectiveness of a policy like CIMS. Additional avenues of research include how CIMS is viewed from the perspective of other city agencies and the specific reasons the policy is not actively enforced by OEM. An interesting study would be a survey of equal level commanders from the FDNY and NYPD on their interpretation of CIMS and what they expect from the other agency and what they believe the other agency expects from them. Also, a survey of NYPD supervisors and emergency service unit members to determine their perspective of the implementation of CIMS may provide more insight into this issue.

3. Immediate Consumer

The City of New York, the New York City Office of Emergency Management, the New York City Fire Department and the U.S. Department of Homeland Security are the immediate consumers. The New York City Council, the New York City Police Department and other agencies on all levels in New York City will also benefit from the research, which will show the importance of unified operations with clearly delineated tasks among the various disciplines.

4. Homeland Security Practitioners and National Leaders

This research mainly assists state and local leaders charged with planning emergency responses and managing emergency responders at the scene in compliance with HSPD 5. The procedures that provided a positive outcome may be incorporated into plans for other cities and states.

E. LITERATURE REVIEW

The literature in this field is mostly comprised of government policy, strategy and planning documents, but also includes academic papers that provide background on the creation of CIMS and other works about interagency operations.

1. Government Policy, Strategy and Planning Documents

The basis of analysis for this group of literature is the actual *Citywide Incident Management System* document. Published in 2005, the document mandates that the Incident Command System be implemented at all emergency responses and states that it represents New York City's implementation of NIMS. Agency core competencies are listed, as well as the command matrix, which lists what agency will be in command for various types of incidents.

New York City's Mayor has stated that CIMS "clearly spells out the division of responsibilities for first responders at major incidents" (Senate Committee on Homeland Security and Governmental Affairs, 2007). While this may be arguably true for major incidents, it is not so for some routine daily emergencies. CIMS employs terms not adequately defined, and thus, leaving each term to independent interpretations by different agencies. For example, under CIMS, the agency that has single agency command at an automobile collision with a person trapped is either the FDNY or the NYPD—whoever is the "first to arrive" (CIMS, 2005, Annex A, p. 4). CIMS does not specify whether that refers to the first agency that has personnel on the scene, or the first agency that has properly trained and equipped resources on scene to extricate the trapped people, or the first agency that makes patient contact. It is almost illogical that the FDNY, which has single agency command at confined space and entrapment/impalement

incidents and the core competency for both pre-hospital emergency medical care and search and rescue, does not even share in the command of an automobile extrication incident if NYPD resources arrive prior to FDNY resources, despite the fact that none of the NYPD's *Core Competencies* are related to such an incident (CIMS, 2005, p. 19). Additional similar confusing mandates in CIMS are discussed later in this thesis.

The NIMS published by the United States Department of Homeland Security (DHS) in 2004, and updated in 2008, "provides a consistent nationwide template to enable federal, state, local and tribal governments...to work together effectively and efficiently" (Department of Homeland Security, 2004, p. IX) to respond to domestic incidents. NIMS outlines a comprehensive way to establish a compliant incident management system. Specific requirements of NIMS that may not be adhered to in New York City include the accountability requirement, training and exercise recommendations, the requirement of a single collaborative approach to operations, requirements of the multi agency coordination entities and preparedness measures.

CIMS as interpreted should be compared to the *National Strategy for Homeland Security* (NSHS), which provides specific examples of tasks necessary to achieve a coordinated effective response. *Homeland Security Presidential Directive 5* (HSPD 5) further includes the requirement of a single incident command system to respond to domestic incidents and includes the statement: "the objective of the United States Government is to ensure that all levels of government across the nation have the capability to work efficiently and effectively together" (HSPD 5, 2003, p 280). HSPD 5 also includes a mandate to develop the *National Response Plan*, which was superseded by the *National Response Framework* (NRF) in 2008 (i). The NRF explains the entire procedure for how the nation and all levels of government react to a domestic incident, from the immediate emergency response to the weeks of planning and support necessary for longer term assistance. The responsibilities of all levels of government and competencies to respond to emergencies are also listed. Realizing that many state, local and tribal agencies currently use some type of incident command system, the Department of Homeland Security issued a publication that offers checklists to measure the current system to see if it meets the new standards.

A criticism of CIMS is that although it was written to comply with NIMS, some aspects are actually contrary to NIMS, specifically the inclusion of a joint operations section during a single agency command incident. Also, terms used in the document are not adequately defined and the matrix that determines the lead agency for specific incidents is confusing.

2. Studies

Several theses have been written about the implementation of NIMS, including *Is NIMS Going to Get Us Where We Need to Be? A Law Enforcement Perspective*, in which Thomas Bauer surveyed law enforcement agencies in Wisconsin and found that most were not proficient in the actual implementation of NIMS policies. Although he received a very low survey completion rate, the results show that NIMS proficiency was very low, and that for various reasons, NIMS was not functionally implemented in most of Wisconsin. A significant finding from Bauer's survey is the need for NIMS principles to be regularly practiced to be successful.

Theodore Moody, who examines whether NIMS and the Incident Command System are adequate to manage the "paramilitary terrorism" tactics used in Mumbai, wrote another Naval Postgraduate School thesis that references NIMS. To differentiate Moody's position from the current researcher's position, Moody feels that even if implemented properly, NIMS would not be adequate; this researcher's position is that CIMS, (NYC's implementation of NIMS) is not implemented properly. Determining the adequacy of CIMS is not the current researcher's goal. Moody also discusses whether an incident command system is an appropriate tool for managing law enforcement incidents while also acknowledging it has worked well for the fire service. Moody recommends combined fire-law enforcement-EMS tactical teams to address the multidisciplinary needs of future terror attacks.

Another study, authored by Commander Cynthia Renaud of the Long Beach Police Department, examines whether NIMS is complete since it does not recognize the actions the very first arriving emergency responders must take at the scene of the large-scale disasters when chaos reigns and sense must be made of the situation. Commander

Renaud also stresses the importance of building relationships among emergency responders *prior* to their insertion into a stressful situation stating that a group of responders from the various disciplines “would function much more effectively than just a group of arriving first responders who do not know each other, have no established ties, no relationships and, subsequently, little to no trust in each other” (Renaud, 2010, p. 72).

Cultural and organizational differences between the emergency response disciplines are identified as the obstacles to an efficient inter-agency collaboration in a study entitled *Assessing the Utility of Work Team Theory in a Unified Command Environment at Catastrophic Incidents* by Douglas Templeton. The study also explains these cultural differences, which shed light on why an inter-agency coordination protocol, such as CIMS, may not be easily implemented. Chief Templeton exhaustively researched the long-standing operational and cultural differences between the Fire Service, EMS and law enforcement.

Joseph McGearry, a New York Fire Department Captain wrote extensively about the background and creation of CIMS in his thesis, *Applying Goldwater-Nichols Reforms to Foster Interagency Cooperation between Public Safety Agencies in New York City*, which was written in 2007 for the Naval Postgraduate School. In his thesis, McGearry examines CIMS and explains the changes the new protocol enacted. He also indicates specific areas of the CIMS policy that contradict the NIMS protocols. McGearry provides an excellent history of the public safety agencies and even goes back to the 1930s to illustrate the long-standing history of emergency response in New York City. He also examines the debate and protests concerning CIMS when the draft was released and finally promulgated. The areas where CIMS conflicted with NIMS were examined, as well as the statements of the New York City Mayor, Fire Commissioner and Police Commissioner during City Council hearings concerning the CIMS protocol. Captain McGearry’s study exposed the potential failures of CIMS. The goal of this research is to expand Captain McGearry’s thesis and provide an evaluation of CIMS several years after implementation.

An FDNY Battalion Chief, Thomas Currao, wrote a thesis, entitled *A New Role for Emergency Management: Fostering Trust to Enhance Collaboration in Complex*

Adaptive Emergency Response Systems that examined why effective interagency collaboration at emergency incidents within New York City has not been fully achieved. He interviewed representatives from various agencies in New York City and determined that “inter-organizational trust” was the necessary missing element needed for effective inter-agency operations. This research adds to Chief Currao’s study and attempts to determine if CIMS is followed during emergency incidents.

F. METHODOLOGY

The ultimate goal of this study is to determine if a problem exists with New York City’s Citywide Incident Management System. To determine the experiences and conditions encountered by FDNY Chief Officers, a survey was conducted in November 2008. The survey was created exclusively for this thesis to ascertain how CIMS has actually affected interagency operations, as determined by the personal experiences of the chief officers related to specific emergency response topics addressed in CIMS. The goal of the survey was to evaluate the experiences of FDNY chief officers and determine if the policies mandated in CIMS were actually being implemented at the scene of emergencies in the field. The distribution goal was to reach the 412 chief officers of the FDNY.² The 26 FDNY captains promoted to battalion chief effective November 8, 2008 were not included in this total number of chief officers nor were they included in the survey sample because they did not possess the experience the survey was attempting to evaluate; the capability to determine if CIMS’ policies as written were actually implemented in reality from the perspective of a Chief Officer in the FDNY. Although these members had been company officers and operating under CIMS since its inception and may have even been the incident commander at these type incidents, the company officer operating as an incident commander does not gain the same experience of a chief officer.

² As of October 28, 2008, the FDNY had 412 Chief Officers in the ranks of Assistant Chief, Deputy Assistant Chief, Deputy Chief and Battalion Chief.

When evaluating the effectiveness of CIMS at FDNY operations, the chief officers are an ideal choice for two reasons. First, a chief is on scene and commands operations at the great majority of non-medical FDNY operations and virtually all inter-agency operations. Second, the size of the group, approximately 400, was small enough to accommodate a survey of the entire population in a short period of time.

Among the goals of the survey were to evaluate the effectiveness of CIMS from the three different viewpoints: staff chief,³ deputy chief and battalion chief. Each of these three ranks arrives at different stages during an emergency. Battalion chiefs usually arrive simultaneously or just after the first arriving fire companies in the initial stages of an incident, deputy chiefs usually arrive between five and fifteen minutes, depending on geographical location, after confirmation of serious incidents. Staff chiefs generally arrive after the deputy chief at ongoing major incidents.

It was important to this researcher to determine if a difference in perception, concerning the use of CIMS, existed among the different ranks included in the survey. This topic was necessary to explore because, while the focus group feedback indicated CIMS had not solved interagency controversies, the heads of the agencies and the mayor himself have frequently commented on how well the agencies operated together, thus denying the existence of a serious problem.

All respondents, regardless of rank, were asked the same questions in the same order. Although the ranks varied, the survey was seeking the experience of the incident commander, a position that each of the respondents have staffed at different stages of an incident. Upon arrival, the battalion chief will assume command from a company officer, and as the incident escalates, the deputy chief will arrive and assume command from the battalion chief. If the incident escalates further, the staff chief will arrive and assume command from the deputy chief. This researcher believed that if the survey results indicated survey responses regarding noncompliance with specific CIMS protocols were common within a rank but different among ranks, it could help identify the stages in an incident in which the problems existed.

³ The term “staff chief” refers to assistant chiefs and deputy assistant chiefs, who comprise the executive staff of the FDNY.

The goal of this research was to provide a survey to all FDNY chief officers that have worked in response assignments since CIMS was promulgated. The daily FDNY “Chief Sheet”⁴ was utilized for a one-week period to identify the chiefs currently working in the field. The survey was disseminated via the FDNY GroupWise e-mail account of 355 of the 412 active (not retired) chiefs in the FDNY as of October 28, 2008. Each member of the FDNY at the rank of battalion chief and above is eligible for their own @fdny.nyc.gov e-mail address, which varies from lieutenants and captains that must use their FDNY unit’s e-mail address, which allowed the survey to target the specific class of respondents. The survey itself was in an electronic format and created on the *Survey Monkey* website,⁵ which required the respondents to click on a link that would open the survey. The survey safeguards ensured each link would become invalid once a completed survey was submitted from that link. Of a maximum 412 respondents, 355 surveys were distributed.

There were two primary reasons that not all members of the potential sample group received a survey. The first was that they may have been working one of the various administrative assignments, and therefore, would not appear on the chief sheet. The second reason was that not all potential respondents utilized the FDNY GroupWise e-mail account available to them. Although this may have had the unintended consequence of missing a chief that may have completed a survey, the sample was still large enough to provide a representative sample.

To overcome the risk of missing appropriate potential respondents, e-mails were sent to the individual battalion, division and borough command e-mail addresses announcing the survey and requesting a reply if any chief did not receive a survey and would like to complete one, which resulted in two survey requests. Additionally, an announcement was made at the meeting of New York City Fire Chiefs Association, a fraternal organization of active and retired FDNY chiefs, although surveys were not

⁴ The daily “Chief Sheet” provides the name of all FDNY chief officers staffing each of the FDNY’s battalions, divisions and staff positions for each day tour and night tour for that calendar day.

⁵ <http://www.surveymonkey.com>.

distributed to retired chiefs. In the end, 86% of the targeted population received a survey, which is a more than an adequate number to provide a representative sample to obtain an accurate portrait of the way CIMS was actually being implemented.

The selection of the specific survey topics resulted from discussions with five randomly selected FDNY battalion chiefs. These chiefs were asked to provide specific examples when their experiences in the field were counter to the features of CIMS and whether it was a common occurrence. This panel was informal and the researcher met with each panelist separately. These responses were used to create 31 questions that asked about specific topics included in CIMS.

A separate control group of chiefs working on November 4, 2008 was asked to complete the survey prior to mass distribution. After completing the survey, the control group indicated 15 minutes was sufficient time to complete the survey and the survey instructions were easily understood. They also suggested that survey respondents should be provided the ability to make comments on either the survey or CIMS. As a result, two “comment” areas were added to the survey. The first comment area was for examples of incidents where the FDNY learned of FDNY core competency or FDNY single agency command incidents via the news media. This comment section was provided to determine if the anecdotal evidence suggesting that the FDNY was not being notified properly of emergency incidents was resulting in the FDNY learning of these incidents via radio or television news reports. A request for the respondents that specifically list the incident was intended to help the researcher determine if this practice was widespread. The second comment area was at the end of the survey and was for “CIMS related comments.” This comment section was included to provide a gauge about the respondents’ mood concerning CIMS in their own words and possibly obtain data that would not have been included in responses to the survey questions.

Of the 355 survey links sent via e-mail, 183 surveys had at least one question answered, and of those, 159 were completed for a completion rate of 45 %. Staff chiefs submitted eight completed surveys for a rate of 47% of the actual population, 26 were submitted from deputy chiefs for a completion rate of 42% and 127 were submitted from battalion chiefs for a completion rate of 38 %.

Unsolicited feedback from several chiefs suggested that because of their administrative assignment, they had not operated in the field since CIMS was promulgated, and therefore, did not possess the experience the survey was trying to evaluate. This feedback indicates that at least several respondents who received the survey may not have possessed the experience being evaluated, which should not be seen as skewing the results because the start of the survey requested that questions be answered based on the respondents' "own experience," also suggesting that the completion rate for some question may have been higher if the instructions clarified that not all questions required answers. For example, if the respondent believed they did not possess the experience or understand the question, it could simply be skipped and the respondent could move on to the next question, which does explain why the completion rate for individual questions varied throughout the survey; respondents skipped questions throughout the survey.

The answer choices for most questions were percentages. The survey asked the respondent to provide the frequency an event either occurs or does not occur; the choices were generally percentages: 0–25%, 50%, 75% and 90% or higher. These percentages were used to avoid vague terms, such as sometimes, frequently, normally, most of the time, and generally. The 0–25% range indicated rarely or not at all, 50% was half the time, 75% translated to most of the time and 90% or higher indicated the action usually did or did not occur all the time. The choices were offered in this manner to illustrate whether an event occurred all or none of the time, which is what is expected if a New York City policy is properly enforced. If CIMS was being implemented and followed as required, the results were expected to show either an event that should have occurred receiving an average response of "90% or more" of the time and an event that should not have occurred obtaining an average response of "0–25%" of the time.

The respondents were asked to identify their rank and geographical work location to allow the responses to be divided by rank and geographic location throughout the city to identify any trends or variations according to rank or location.

G. SURVEY TOPICS

1. Use of CIMS by FDNY

Does the FDNY implement CIMS at incidents in which it is the only agency operating? Does the FDNY implement CIMS at interagency operations? Is there a difference? These questions were designed to establish if the FDNY implemented CIMS at different types of incidents.

2. Use of CIMS by Other City Agencies

Do the experiences of FDNY chief's show that other New York City agencies are implementing CIMS at interagency incidents, as required? Is CIMS, as a general procedure or protocol, routinely followed?

3. Specific Aspects of CIMS

Are agencies guided by the core competency matrix and do they provide tactical direction when another agency is performing a core competency that is not their own? How information is shared between agencies; are the agencies sharing the information they possess about incidents with other responding agencies? Are the city's resources being used in a unified effort when operating at the scene of an emergency?

The survey was also designed to help the researcher determine if the city had been learning from its incident management experiences via incident after action reports (AARs), how these after action reports were utilized, and if the chiefs preparing them felt they were worth the effort.

The topic of delayed notifications to the FDNY from the NYPD⁶ of incidents requiring an FDNY response was also explored. Anecdotal evidence suggested this topic was a common occurrence; it was hoped the survey data would help ascertain the frequency of such events.

⁶ A 911 phone call in New York City is answered by an NYPD call taker at an NYPD facility and the information transmitted to the FDNY when the call taker categorizes the emergency as requiring an FDNY response.

The major point of controversy in CIMS was naming the NYPD as the sole agency command for hazardous materials incidents until they completed an assessment to determine that the incident did not involve terrorism or criminality. According to CIMS, when the assessment indicated no terrorism or criminality, the FDNY then become part of the unified command. Did this routinely occur? Did NYPD personnel arrive in a timely manner and perform assessments of chemical, biological, radiological, nuclear, and explosive (CBRNE) and hazardous materials incidents?

Another change to normal city protocols included in CIMS was naming the NYC DEP as the agency assigned the core competency of mitigating chemical incidents, which was a task previously assigned to the FDNY. Did they respond and perform their core competency in a timely manner?

Information sharing is vital during an emergency, but also prior to the arrival at an incident scene. The survey was designed to also help determine how often information about the reported incident was shared among agencies prior to their arrival on the scene.

The specific undisputed CIMS policies inquired about in the survey are those that directly affect the ability to have a unified and coordinated inter-agency operation, such as the ability to identify the incident commander and command post, and timely sharing of information. Questions were also asked about the controversial aspect of CIMS, namely change of command at hazmat incidents to NYPD and chemical mitigation to DEP, to determine if they are actually implemented.

The next chapter discusses and analyzes the survey findings.

II. KEY FINDINGS AND ANALYSIS

The survey results were analyzed and key findings are discussed in the following chapters, including a comparison of the key findings with the standards or recommendations found in CIMS. Respondent's comments were also used throughout the analysis when their inclusion contributed to the discussion. The complete survey results and comments are available in the appendices. For the purposes of discussing the results and analysis in this chapter, the questions are grouped into separate topics. The question numbers in parenthesis are discussed in the preceding topic.

- Informed consent and biographical data (1, 2, 3)
- FDNY implementation of CIMS in general (4, 5, 6)
- CIMS implementation in general, other than FDNY (7, 8)
- Core competency: Interference, performance and tactical direction (9, 10, 11, 19, 20, 31)
- Unified, coordinated efforts (12)
- Command post and incident commander identified (13, 14)
- After Action Reports (15, 16, 17, 18)
- Delayed notification (21, 22)
- Hazardous materials incidents: (23–29)
- Inter-agency information sharing (32, 33)

The format for this analysis is the same for all the topics: the survey results are stated followed by an analysis and comparisons to applicable sections from CIMS. The survey was conducted to evaluate the experiences of FDNY chief officers and determine if the policies mandated in CIMS have actually been implemented at emergency scenes in the field. The distribution goal was to reach the 412 chief officers of the FDNY. The survey was e-mailed individually to the respondents and the completion rate was 45%, which provides a representative sample. The questions were structured to ascertain how often specific actions either occurred or did not occur.

A. INFORMED CONSENT AND BIOGRAPHICAL DATA

After the informed consent that all respondents were required to acknowledge reading, the next two questions were asked to determine if the respondents that completed surveys were diverse geographically and by rank to ensure the results were not skewed. The results showed the survey respondents were proportionally divided by rank according to the actual numbers of chief officers. While assistant chiefs and deputy assistant chiefs each accounted for 2% of the chief officers on November 3, 2008, each composed 2.5% of the respondents' self-identified rank. Battalion chiefs and deputy chiefs comprised 81% and 15% of the FDNY chief officer ranks, respectively while the survey respondents were 79% battalion chief and 16% deputy chief. Similarly, the respondents also had representative proportions when divided geographically by borough.

B. FDNY IMPLEMENTATION OF CIMS

1. FDNY-Only Operation

Survey question #3 was designed to determine how often CIMS was implemented at routine operations where the FDNY was the only agency operating. The survey results showed that 62% of chief officers felt that CIMS was properly implemented at 90% of these type incidents. Twenty percent of respondents indicated that CIMS was implemented 75% of the time. The remaining 18% of respondents indicated that CIMS was properly enacted at half or fewer of the incidents where the FDNY was the only agency on the scene. The intent of this question was to have a value to compare questions about the other city agencies and their implementation of CIMS. One survey respondent provided insight into the disparity by chief officers on the implementation of CIMS: "CIMS is usually employed in a formal or informal manner... Every incident does not call for a strict CIMS structure, but every incident does utilize ICS to provide structure" (survey comment #31). As a matter of practice, the FDNY had been using components of an incident management system even before a formal set of strategies, such as ICS, CIMS and NIMS were developed. Chain of command, unity of command and a single incident commander have been policies in the FDNY since the inception of the career department in 1865 (G. Maier, personal communication, 22 April 2010).

2. Interagency Operation

CIMS was created specifically to address interagency operations. Eighty-six percent of respondents indicated the FDNY properly enacted and complied with the CIMS protocols at inter-agency incidents according to the results of question #5. A greater percentage of respondents said that CIMS was used by the FDNY at inter-agency incidents more often than incidents where only the FDNY operated. One possible explanation for the discrepancy is that respondents may not have realized that CIMS applies to all emergency response incidents in New York City, whether a single agency or multi-agency operation.

Since the FDNY had been utilizing an incident command system long before the federal government required it or the implementation of CIMS, its use has been so commonplace that respondents may not equate the routine actions as a component of CIMS. Evidence to support this position could be found in the comment section of the survey when respondents were asked to, “please add any comments concerning CIMS.” Sixty-two respondents provided comments and 66% of these comments referred to either the NYPD, “other agency” or “interagency,” effectively showing that for many respondents, CIMS is equated with inter-agency operations. One respondent indicated that, as a battalion chief, they had “limited responses that required an inter-agency CIMS protocol,” which further illustrates the possibility that some respondents may not have realized CIMS applies to all emergency responses in New York City (survey comment #14).

3. Implementation of CIMS by Other City Agencies

CIMS was created to comply with NIMS, which is generally concerned with coordinated multi-agency operations. When asked about the use of CIMS by agencies other than the FDNY, the results show that FDNY chief officers believe CIMS is not properly implemented by other city agencies at multi-agency operations. Only 22% of respondents replied that agencies other than the FDNY properly implement or comply with CIMS at 90% or more of inter-agency incidents. Of the 125 respondents who felt that CIMS was not implemented or complied with at least 90% of the time during multi-

agency events, 44% perceived the compliance rate to be 25% or less, while an additional 44% felt the compliance rate to be 50% of the time. These results should be surprising since CIMS is the official policy of New York City and compliance is expected. Additionally, Commissioner Bruno stated during the City Council testimony that OEM “will ensure that the command structure of CIMS is in place” (City Council, 2005, p. 36).

One possible explanation is that CIMS is being interpreted differently by the two agencies. Testimony provided at the New York City Council hearings suggests that as early as the initial publication of CIMS, some misunderstandings may have occurred concerning how the protocol actually works. When discussing a hazardous materials incident, an incident type that CIMS clearly assigns to the NYPD as a single agency command (e.g., the FDNY is not represented in the command element; they are relegated to the Operations Section), Commissioner Bruno stated, “the Fire Department will always be in charge of life safety actions and waits for no one and does not need approval from anyone to perform their activities” (City Council, 2005, p. 28). The operations section is part of the general staff, which is tasked with implementing the incident action plan developed by the incident commander or the planning section, if staffed. This statement contradicts not only the written text of CIMS but also NIMS, the policy CIMS is intended to enforce. CIMS states in section 2.4.1 that in a single agency command, the primary agency will assign “a single incident commander with overall incident management responsibility.” CIMS defines the command element as the individuals performing the command function and then continues to state, “the command element is responsible for overall incident management and has the authority to make overall strategic and tactical decisions regarding the mitigation of the incident” (CIMS, 2005, p. 9). The National Incident Management System contains similar wording that the incident commander will, “develop the incident objectives” and “approve all requests pertaining to the ordering and releasing of incident resources” (Department of Homeland Security, 2004, p. 14). Under CIMS and NIMS, the operations section is not permitted to unilaterally conduct operations not approved by the incident commander.

If this is the case, then it is possible that both agencies will believe they are in compliance while other agencies are not. The majority of the FDNY’s inter-agency

operations are conducted with the NYPD and most of the survey comments alluded to the lack of CIMS compliance by the NYPD. One respondent commented that, “CIMS is only enacted when it will benefit the NYPD-all other times it is ignored by the other city agencies” (survey comment #5). The portions of CIMS considered beneficial to the NYPD include the NYPD being the sole agency in command at a hazardous materials incident until it performs an assessment and determines that terrorism and criminality are not involved, at which point, the incident becomes a unified command with the FDNY and NYPD. If terrorism and criminality are not ruled out, then the NYPD remains the sole incident commander and the FDNY is not part of the command function. The “other times” when CIMS compliance is perceived to be not beneficial to NYPD, and therefore, “ignored,” presumably refer to the technical rescue incidents, such as confined space rescue, building collapse and other search and rescue where the FDNY is designated single agency command. At these incidents, FDNY has the core competencies necessary to save lives, e.g., the NYPD would be relegated to their core competency of force protection, traffic control and site access control. The survey results are clear: New York City fire chiefs believe CIMS is not properly implemented by other agencies at most inter-agency operations.

The authors of CIMS realized that even though each core competency was only given to one agency, more than one agency might be able to perform tasks related to that core competency. CIMS addresses the common scenario where one agency is on scene performing the core competency of another agency by stating, “the agency with the core competency will give tactical direction, by the ranking officer, to other agencies performing operations within that competency” (CIMS, 2005, p. 19). When asked about compliance with this aspect of CIMS, 63% of the respondents said personnel from other agencies did not seek and did not follow the direction of the FDNY incident commander when that agency was performing a FDNY core competency. Only 16% answered that other agencies sought direction from the FDNY when performing FDNY core competencies at 90% or more of the incidents.

CIMS does not state which agencies are trained and equipped to perform which core competencies of another agency.

4. Utilization of CIMS by Other City Agencies

A review of the CIMS document, City Council testimony and the survey of FDNY chief officers, show three different approaches to the interpretation and enactment of CIMS from its creation until the time of this writing. Each of these approaches moves further away from a strict interpretation of the written policy towards the current condition where many of the situations that required the creation of CIMS remain present in emergency response in New York City. The first approach is the implementation of CIMS and the Incident Command System exactly as written, the second stage is implementation of CIMS as described by agency commissioners and other officials in the City Council testimony, and the final stage is how it is actually implemented. It appears, for the inter-agency emergency incidents for which it was created, CIMS is not properly implemented.

If CIMS is implemented as written, at a hazardous materials chemical incident, the NYPD incident commander will formulate the strategic and tactical plans, which will be implemented by a unified operations section consisting of the NYPD, FDNY and NYC Department of Environmental Protection performing their core competencies. The NYPD will conduct an assessment to determine if criminality or terrorism is involved; the Department of Environmental Protection will conduct mitigation activities; and the FDNY will address life safety issues. If the assessment of the incident by the NYPD determines no terrorism or criminality occurred, then a unified command is established; until such a time, the NYPD is in sole command (Annex A, p. 3). The survey results show this is clearly not the case.

The second approach is derived from the testimony before the New York City Council concerning CIMS; this yields a different interpretation of the document. City officials testified that although life safety is the “top priority” at hazardous materials incidents, the NYPD is the sole agency command because they are “preserving evidence, doing interviews, checking into it with the databases, doing essentially investigative things, talking to witnesses” (City Council, 2005, pp. 64, 69). Effectively, the FDNY is permitted to perform any actions it determines are necessary to carry out their life safety competency without, “any interference from the NYPD what so ever” (City Council,

2005, p. 40). Additionally, the testimony indicated that the Department of Environmental Protection is not expected to be a first responder and will not be performing mitigation, but instead, will tell unspecified personnel, “this is how you will deal with it” referencing the mitigation of a chemical hazardous material (City Council, 2005, p. 36). CIMS states that core competencies “relate specifically to tactical operations” (City Council, 2005, p. 19) yet Commissioner Bruno testified that the Department of Health and the Department of Environmental Protection are “subject matter experts,” which are defined in the CIMS glossary as: “agencies with specific scientific or technical expertise related to tactical operations, but **do not have tactically assigned personnel operating at the incident**” (emphasis added) (City Council, 2005, p. 35). According to the CIMS protocol and the related testimony, the core competency for mitigation of chemical incidents was assigned to an agency not expected to have tactical personnel operating at the scene. Prior to CIMS, the FDNY was responsible for the mitigation of hazardous materials incidents. The fact that the FDNY has a fully trained, equipped and staffed hazard materials response team on permanent standby that has performed mitigation tasks since its inception in 1984 is apparently ignored in the creation of CIMS.

The final approach to CIMS implementation is revealed when the results of the survey and survey comments are examined. This analysis shows that some inter-agency operations, hazmat specifically, are handled the same as prior to CIMS promulgation. Although the NYPD is the sole member of the command element at hazardous materials incidents until they eliminate criminality and terrorism, it usually does not arrive on the scene prior to when the FDNY completes operations. On the occasions in which it does arrive on the scene, it either fails to perform the required assessment or neglects to inform the FDNY chief of the results. The NYC Department of Environmental Protection also usually does not arrive on the scene to perform the assessment and mitigation tasks assigned to it, causing one survey respondent to comment, the “FDNY has mitigated every hazmat emergency that I have responded to” (survey comment #44). The survey results compared with the respondent’s comments indicate that the NYPD is more likely to respond to the incidents considered a “high profile” incident or where the media may

be present. This scenario also supports the assertion made in the survey comment section that CIMS is utilized by the NYPD “when convenient” and “ignored other times” (survey comment # 5, 41).

C. CORE COMPETENCY INTERFERENCE

CIMS states that the agency with the core competency for specific tactical operations will provide tactical direction during a multiagency response. One agency should not prevent another from performing its core competency, regardless of type of command (single or unified), which was supported by NYPD Commissioner Ray Kelly’s city council testimony, “the fire department remains in charge of life safety operations and mass decontamination, with no interference whatsoever in the police department” (City Council, 2005, p. 40). Commissioner Bruno further elaborated that “nothing and no one can interfere with their [FDNY’s life safety operations] activities” (City Council, 2005, p. 105). The essence of the testimony from Commissioners Kelly and Bruno was that one agency would not interfere with the core competency of another and that life safety, an FDNY core competency, was the most important of all competencies. Despite these reassurances, and Commissioner Bruno’s statement that, “the mayor will not tolerate...any commander of any agency stopping another agency from performing their core competency work out of jurisdictional pride” (City Council, 2005, p. 30), 40% of the group of fire chiefs surveyed indicated that another New York City agency had prevented or attempted to prevent the FDNY from performing tasks associated with an FDNY core competency. Such action is contrary to not only the assurances of the NYPD and OEM, but also CIMS itself, which states, “life safety concerns will supersede investigative concerns” (City Council, 2005, p. 18).

Despite these assurances, more than 98% of those prevented from performing a core competency by another agency said the reason cited was the declaration of a “crime scene”; essentially to perform an investigative function. Only one respondent said they were prevented from acting because of the threat of violence, which may create an unacceptable risk for FDNY members to operate and is assumed to be the only acceptable reason to prevent the Fire Department from performing its’ core competencies. FDNY

members are New York State certified peace officers and have law enforcement powers. All personnel are trained in crime scene preservation measures and frequently operate at crime scenes/potential crime scenes during fires, medical emergencies, vehicle collisions and hazardous materials incidents. CIMS states that life safety operations are the most important operations that can occur at an emergency and the FDNY core competencies are formed in that direction, yet the survey results indicate that FDNY resources have been prevented from performing a core competency requirement numerous times.

In question 31, survey respondents were asked their perception of site security and the request for outside agency assistance. Although 94% of the respondents answered that FDNY units frequently wait more than 10 minutes after requesting another agency to arrive and perform its core competency, and 66% answered they have experienced difficulty when FDNY operations are concluded and NYPD is required for security, the method in which the questions were worded, the indeterminate meaning of the word “difficult,” and the choices offered do not yield data from which a solid conclusion can be drawn. The researcher received feedback from some survey respondents indicating these two questions were “leading.” The questions will not be used in any further analysis or conclusions.

D. WATER RESCUE INCIDENTS

A common FDNY-NYPD interagency operation is a water rescue incident, which is also the type that has been the source of problems between FDNY and NYPD responders in the past. Water search and rescue is a core competency and single agency command incident of the NYPD, which means that FDNY resources performing this core competency must do so while following the “tactical direction” of the NYPD incident commander. Of the 88 respondents who indicated they had operated at the scene of a water rescue since the implementation of CIMS, 78% then said the NYPD did not provide tactical direction or seek to include FDNY water rescue resources in a single unified effort. In a water rescue scenario, if FDNY water rescue resources arrived on the scene and initiated life safety operations, and the subsequently arriving NYPD incident

commander does not provide tactical direction or include the FDNY resources in a single unified operation, then two separate competing operations are being conducted. This is not the result intended in CIMS.

E. INFORMATION SHARING

Although information sharing is vital to the success of inter-agency coordination, the survey results indicated an information-sharing deficiency between the FDNY and the NYPD. Ideally, information about an incident or on-going emergency gathered by any NYC agency should be shared with all agencies involved with that incident (NIMS, 2008, p. 23). NYPD Commissioner Ray Kelly called information sharing the “most important aspect of interagency coordination” (City Council, 2002, p. 26). FDNY Assistant Chief Joseph Pfeifer wrote, “[w]hen an organization possesses critical information, it must be immediately shared with other commanders and all emergency responders operating at an incident” (2007, p. 210). The survey results show that this is not the case. More than 92% of the respondents indicated that they rarely receive updated information from other city agencies while responding to an emergency.

This lack of updated information specifically involves emergencies that are either FDNY single agency command or an incident in which the FDNY has a core competency. It is not uncommon for the FDNY to have units respond to a reported incident scene and, upon arrival, discover no emergency exists. The units then contact the dispatcher to verify the location and then are informed that additional information from the NYPD indicates callers report the same incident at a different, but nearby, location. A tactic to counteract the lack of information sharing is to utilize the radios installed in all FDNY command vehicles (battalion chief and above) that monitor NYPD frequencies.

The current procedure requires the NYPD to notify the FDNY when an incident mandating an FDNY response is reported, and this requirement is normally fulfilled. The problem occurs when additional information and phone calls are received that clarify or better identify the location of the incident; this information is not normally shared with responding FDNY units. FDNY chief officers also are not aware if NYPD resources are

responding, and if so, what capabilities these units possess. Also, when a reported incident is confirmed to be an actual emergency, this fact is not shared among agencies.

For example, the FDNY is notified of a report of a construction worker injured at a high-rise office building construction site. Since the FDNY has the core competency for pre-hospital care, search and rescue, and impalement and entrapment, FDNY resources are dispatched to the scene. The NYPD may also dispatch, in addition to their regular patrol officers, an emergency service unit staffed with trained medical personnel; this information is not shared with the FDNY incident commander. The FDNY incident commander is, therefore, aware of neither the amount, type of resource, training nor capabilities of the NYPD resources responding to and operating at an incident that CIMS dictates he/she has overall responsibility.

When giving tactical direction to NYPD members performing an FDNY core competency, FDNY commanders should know if the NYPD member is trained and equipped to perform such an action. This lack of awareness may create a liability issue. Even if some NYPD personnel are trained at minimum levels, FDNY chief officers have not been informed how to identify the members trained to operate at the technical rescue incidents. FDNY chief officers are also unaware of the standard to which members of other city agencies have been trained. Without this sharing of information concerning the training of the members of one agency performing tactical operations (core competencies) assigned to the FDNY, the incident commander may be taking a risk assigning these personnel to perform tasks they may not be qualified to perform.

The same issue can be raised when the NYPD commands a hazardous materials incident. Since not all FDNY members are qualified at all levels of hazardous materials training, the NYPD incident commander may be assigning FDNY members to perform tasks they are not trained to perform. Conversely, the FDNY members are not aware if the NYPD incident commander possesses the training and knowledge to make the strategic and tactical decisions required to resolve the incident safely. The FDNY publishes the capabilities and training requirements for various types of resources so the FDNY incident commander knows the capabilities, and more importantly, the limitations,

of each FDNY resource. Similar information about NYPD personnel and their resources is not published in the FDNY's "books"⁷ so as to be available to FDNY chiefs.

NIMS, CIMS, City Council testimony concerning the CIMS protocols, the *9/11 Commission Report* and the McKinsey Reports all address the importance of information sharing among emergency service agencies. If a formal exercised system of sharing information is not in place, the possibility of a repeat of the events of 9/11 could occur in which the NYPD received information about stability problems of the towers and evacuated its members; the warning did not reach the numerous FDNY members in the building prior to the collapse (Pfeifer, 2007).

1. Survey Respondents' Comments

The survey allowed the respondents to provide feedback and comments that have provided keen insight into the FDNY chief officers' experiences. Although the respondent comments are included in Appendices B and C, and referenced in other chapters, they are briefly discussed here. The first comment section includes all the general CIMS comments that respondents added. Sixty-two comments were submitted and only four can be viewed as suggesting that CIMS is effective or successful as implemented; the remainder describes problems or suggests reasons CIMS is not complied with. Seven responses indicated that CIMS, as currently written, could be successful if enforced, but not all agencies abide by the policies in CIMS. One response summarized this position: "the document is not the problem...the problem is the lack of discipline and accountability for it by other agencies" (survey comment #22). This respondent also said that the FDNY sometimes oversteps its core competencies, although not as often as other agencies.

Eight comments indicated, with different wording, that CIMS was not complied with by some or all agencies, which is especially problematic, not only because of the forceful statement during the City Council hearings by OEM Commissioner Bruno, but

⁷ In the FDNY, "the books" commonly refers to the printed material that is the source for the FDNY promotional examinations, and is comprised of the policies and regulations that govern the department and all aspects of firefighting and emergency scene operations. When sorted into binders and stacked, the books are more than five feet tall.

also because of the sections of CIMS that mandate OEM's responsibility to "ensure that a CIMS command structure is in place" at multi-agency incidents (CIMS, 2005, p. 13). Although CIMS is published and enforced by OEM, only two responses referenced OEM by name, while the majority referenced the NYPD.

Respondent comments also indicted that when the NYPD was in command, it kept the FDNY "back and out of their perimeter," thus, ensuring that "FD resources are excluded from the scene" (survey response #52, 1). When faced with a police officer physically preventing access to an area, while keeping in mind the history of on-duty firefighters arrested for actions at the scene of an emergency, it is perhaps understandable that FDNY members are more likely to abide by CIMS than members of the NYPD.

2. Analysis

Aside from FDNY imposed discipline for straying from CIMS guidelines, FDNY members must also contend with the possibility of being arrested when NYPD members at the scene of an incident feel the FDNY is overstepping its authority. The two most commonly cited cases involved a firefighter arrested at the scene of a confined space rescue and the arrest of a firefighter after removing a victim trapped in a car crash (Brick, 2003; James, 1992). In the confined rescue case, an alleged burglar was stuck in a chimney and NYPD personnel on the scene requested FDNY resources. Additional NYPD personnel arrived and eventually arrested an on-duty FDNY firefighter for allegedly interfering with the NYPD operation. The car crash occurred in 1992 and involved a car accident with a person trapped in the car. A dispute occurred at the scene between FDNY and NYPD members. After the patient was removed from the vehicle and transported to a hospital, the FDNY units left the scene. Subsequent to FDNY leaving the scene, NYPD officers pursued and stopped one of the fire trucks. The NYPD then arrested a firefighter involved in the dispute at the scene of the previous accident.

Although the arrests are by no means common and both occurred prior to the adoption of CIMS, they could explain the self-discipline of FDNY members concerning CIMS. Although FDNY members are sworn New York State peace officers and some are

certified police officers,⁸ no reported instances have occurred of FDNY members arresting or attempting to arrest NYPD members for interfering with FDNY operations at an emergency.

FDNY firefighters travel to the scene of an incident with their direct supervisor. The FDNY company officer's (the supervisor's) primary responsibility at the scene of any emergency is to ensure the safety of the members of their unit. This supervisor performs this task by monitoring the members' location and actions, which translates into accountability for a member's actions at the scene of an emergency. One survey respondent indicated that one of the problems with the NYPD response is that patrol officers arrive on the scene without supervisors to account for or control the officer's actions. This notion is further supported by other respondent feedback, "[the] NYPD does not send a ranking officer to the scene quickly enough to establish operational control of its members" (survey comment # 62).

Another common theme of the responses was that the document, as written, does not reflect "the actual operating procedures of any agency involved" (survey comment #42). There are several possible causes of this problem. The first is that CIMS was intended to change significantly the manner in which agencies operated, or at least at inter-agency incidents. Considering that CIMS changed the command structure of hazardous materials incidents, moved the tactical mitigation operations from the FDNY to DEP, mandated the use of a single command post, permitted a unified operations section, and designated the FDNY the sole agency command element for all technical rescue incidents except water rescue, evidence exists to support this contention. Yet, since CIMS is not generally implemented, agencies continue to operate the way they did prior to CIMS promulgation, and therefore, CIMS does not reflect reality.

The most surprising comments in the survey concerned the NYPD and the incidents to which it responds. Some comments indicated that the NYPD appeared to "pick and choose" the incidents it would respond to or when the NYPD would demand operations be conducted in accordance with CIMS protocols. Additional responses

⁸ Members of the Bureau of Fire Investigation are certified as police officers under New York State law.

indicated that the NYPD was more likely to respond to “high profile” operations or operations with a large media presence (survey comment #36). Similarly, other comments suggested that the NYPD demanded operations in strict accordance to CIMS when the NYPD was the command element, yet these same protocols were “ignored” when the FDNY has single agency command (survey comment #5).

Another theme in the survey comments concerned agencies not reporting to the command post or incident commander, making it difficult for the incident commander to make the correct tactical and strategic decisions necessary for a safe resolution of the incident. Several respondents commented on the inability to identify which of the NYPD members on the scene was the incident commander. One comment included the statement, “there is no way to determine if ESU, the bomb squad or a patrol supervisor is the [incident commander]” (survey comment #53). This comment suggests that even within the NYPD, no unity of command or chain of command occurs as the perception is that the highest-ranking member of the NYPD is not necessarily the incident commander. Either way, CIMS and NIMS require an incident commander from the agency in command that actually has authority over its agency’s resources.

F. DISCUSSION OF VAGUENESS OF CIMS

An explanation for different interpretations of the CIMS document is the vagueness of some of its portions. This lack of clarity may actually encourage competition between agencies and produce counterproductive results. According to CIMS, the agency that will have sole of command of “auto extrication” and “boat in distress” incidents is the agency “first to arrive.” No explanation exists as to whether this means that the agency with properly trained and equipped personnel that arrives first assumes incident command, or if it means the first agency with a supervisor on the scene is able to assume command, or if it simply means the agency with a representative that arrives first. In the post-9/11 world, it is shocking that the official NIMS compliant policy of who the incident commander of a routine emergency will be depends on which agency wins the race to the scene. Confusion is not limited to these “first to arrive” incidents.

Additional incident command confusion caused by CIMS stems from the document's single command matrix. According to CIMS protocols, several similar incidents can have different primary agencies depending on the sequence of arrival and interpretation of the type of incident. For example, in the case of "auto extrication," the first agency to arrive (either FDNY or NYPD) is designated as the primary agency, but if the incident is an entrapment/impalement, the FDNY has sole agency command regardless of order of arrival.

To illustrate the confusion this vague protocol could create, consider the following scenario. A pedestrian is struck and pinned under an automobile. The NYPD arrives on the scene followed shortly thereafter by FDNY units. Knowing they arrived first and believing the incident to be an automobile extrication, the NYPD says it is the single agency command. The FDNY, believing the incident to be an entrapment/impalement, says it is the single agency command. The decision to designate the first arriving agency at an automobile extrication leads to additional confusion. While the FDNY core competency for "life safety" appears to be limited to "CBRN / hazmat" incidents, the CIMS document does not assign the "life safety" competency for any other type of incident to any other agency. CIMS does not specify if this tactical responsibility passes to the command agency or if the FDNY retains this competency under the "pre-hospital medical care" competency regardless of the type of incident. According to CIMS, both agencies could both reasonably be designated as the primary agency, and any time used to debate the issues of command and tactical operations, is distracting from the effort to protect and save lives. The determination of who is in command may seem trivial to some, but in fact, it is quite important. Someone needs to be in charge, provide direction and make decisions when lives are at risk. It is counterproductive to have personnel operating under a confused command structure during a high stress situation.

Additionally, as pointed out in the City Council hearings debating CIMS, debate also occurs over who has the final say when a difference of opinion arises at the scene of a hazardous materials incident when the NYPD has sole command. According to CIMS, and despite the opinion of the commissioners who testified that day, if a disagreement happens between the FDNY operations section leader conducting life safety operations

and the NYPD incident commander, the NYPD incident commander wins. If CIMS truly incorporates the components of the Incident Command System, then the operations section leader cannot conduct an operation not approved by the incident commander. If the NYPD incident commander is required to rubber stamp the requests of the FDNY personnel conducting life safety operations then no need exists for the NYPD incident commander since exerting “command” is not occurring.

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III. UNIFIED, COORDINATED EFFORT

Among the criticisms of the response to the World Trade Center on September 11, 2001 was the lack of a coordinated effort between the FDNY and the NYPD. The operations have been described as two agencies operating independently of each other (Pfeifer, 2007, p. 211). CIMS was created in part to ensure that, in the future, any incident, large or small, that required a multi-agency response, would have a coordinated effort.

One of the goals of an incident command system with a unified command is to have all resources dedicated to an incident perform and act in one unified effort. Although CIMS requires the “integration of tactical operations” (Citywide Incident Management System, 2005, p. 11), the survey results indicate that 59% of the respondents felt that less than 25% of interagency operations were unified coordinated efforts. Twenty-four percent felt that only half of their interagency operations were unified coordinated efforts. The need for agencies to coordinate their operations at the scene of an emergency cannot be overstated. The importance of knowing what each agency is trying to accomplish is necessary for the safety of all involved. The NIMS requirement, stated in HSPD-5, that local agencies “work effectively and efficiently together to ...respond to” emergency incidents does not seem to occur in New York City according to the survey responses.

Although this survey result may appear surprising, when one considers the fact that the FDNY and NYPD rarely conduct joint tactical training, that they do not exchange standard operating procedures or capabilities, and that they do not exchange personnel qualifications and training requirements, it is not surprising that their operations are not frequently unified and coordinated. Basically, these two agencies arrive on a scene and conduct simultaneous, and sometimes competing, operations, which was identified as a problem in both the *9/11 Commission Report* and the McKinsey report on the FDNY.

A. COMMAND POST AND INCIDENT COMMANDER

For command of an interagency operation to flow smoothly, the command element must share information and status reports with the ranking member of all other agencies involved. CIMS requires the incident commanders of the responding agencies to be assembled at a single incident command post at which the sharing of information and forming of incident strategies occurs (CIMS, 2005, p. 16). However, the survey results indicate that only 22% of the fire chiefs believe that the incident commander and the command post were easily identifiable for incidents at which NYPD was the single agency command. When asked if they had difficulty identifying the NYPD incident commander on more than one occasion, 83% of the New York fire chiefs said they had experienced such difficulty.

When FDNY Chief Officers have difficulty identifying the incident commander and the command post at these type of incidents, this complication can lead to problems and delays when trying to share information and coordinate operations, especially at hazardous material incidents where the NYPD is the command agency and the FDNY is performing life safety and other core competency tasks. One survey respondent referred to the NYPD incident commanders as “stealth and unrecognizable” (survey comment #54), while another chief noted that the NYPD “command structure actually makes identifying who is in control very difficult” (survey comment # 42). The ability of a FDNY chief to locate the NYPD command post and identify the incident commander directly affects the ability for tactical operations to be integrated, as required by CIMS (p. 11). The higher-ranking NYPD supervisors may not be in uniform and various bureau and unit heads respond to some of the large-scale interagency incidents.

When an improvised explosive device detonated in Times Square at the military recruiting center in 2008, both NYPD and FDNY units responded to the scene. After an initial assessment performed by both FDNY and NYPD personnel, it was determined that no life was in danger, there was no fire, there was no major structural damage, and the building was not in danger of collapsing. Since life safety was no longer a factor, the area was isolated and the NYPD retained command as the investigative function continued. The FDNY incident commander, a battalion chief, wanted to coordinate operations with

the NYPD incident commander and inquired from various NYPD members on the scene as to the location of the incident commander. After asking several ranking NYPD members on the scene as to the identity of the incident commander, one supervisor responded, “alright, I’ll be the incident commander” (FDNY Battalion Chief, personal communication, 1 February 2009). The NYPD incident commander then directed the battalion chief to the “field headquarters” several blocks away. “Field headquarters” is not a term used in the FDNY and is not included in the CIMS glossary of key terms; this practice violates the NIMS requirement of common terminology.

The goal of “integrated tactical operations” stated in CIMS is severely hampered if the incident commander of an agency is not readily identifiable, especially when that agency is in sole command of an incident. Regardless if the incident is a single agency command or unified command, information must be exchanged among agencies and this is not possible if an agency’s incident commander is not recognizable. Remembering that the impetus for CIMS was the interagency response to the World Trade Center on September 11, 2001 that was described as “uncoordinated” (McGeary, 2007, p. 68), a primary goal of CIMS is to bring the agencies together for the management of an incident. During his City Council testimony, OEM Commissioner Bruno referred to “face to face” communication as the “ultimate in interoperable communications over the course of the entire incident” (City Council, 2005, p. 30).

The reason the command post is not easily identified in the early stages of an incident is that a physical command post usually does not exist. This fact only increases the importance of an easily identifiable incident commander. The command post problem also exists at incidents where the FDNY is part of the command element. In the early stages of an incident, as the responders acquire their situational awareness, define the incident, and initiate life safety operations, time and manpower limitations make it difficult to establish a physical command post. In the FDNY, until the deputy chief arrives on the scene with the “command board,” no physical command post exists unless a vehicle or an existing building is utilized. FDNY procedures require the incident commander establish a position near the front of the building. Although the incident

commander is permitted to enter the building to perform a rapid reconnaissance of the fire or emergency, the commander must return quickly to a position in proximity to the front of the building.

CIMS does not discuss further the differences in command posts between FDNY and NYPD standard operations, nor does it address how to integrate the two, but instead, merely states that a “single incident command post” shall be utilized. NIMS also requires that the command element be “co-located” at the command post for unified command (Department of Homeland Security, 2004, p. 50). The ability of other agencies to identify the FDNY incident commander should be straightforward; chiefs are required to wear white helmets at the scene of all fires and emergencies, and are, therefore, easily differentiated from the other FDNY members on the scene.⁹ As an incident expands and additional units arrive, a physical command post is established. The “command board,” carried in the deputy chief’s vehicle is erected and becomes an identifiable physical command post where the incident commander or a deputy incident commander will be located. FDNY procedures require responding officers to don vests with placards inserted that identify, in NIMS ICS compliant terminology, the position or task assigned to that officer. The FDNY incident commander will be wearing a white helmet and a vest with “Incident Commander” written on the back. The result of these policies is that at a constantly changing fire scene, FDNY units are aware of who is in charge and other responding agencies may quickly identify the FDNY incident commander.

CIMS and FDNY procedures do not include any provisions for identifying the incident commander from the NYPD. The survey comments received indicated it was commonly perceived that individual NYPD supervisors are responsible for various parts of an incident with no one person in overall control. This perception raises doubt as to whether the incident command system is used by the NYPD for organizing intra-NYPD operations. This practice is counter to the chain of command doctrine espoused in NIMS.

⁹ In the FDNY, the only members issued white helmets are chief officers; all members below the rank of battalion chief wear black helmets.

B. AFTER ACTION REPORTS

During the City Council testimony on the implementation of CIMS, Joseph Bruno, Commissioner of the Office of Emergency Management, stated that if deemed necessary, the city would make “whatever changes need to be made in the CIMS document. That's what after action review is all about” (City Council, 2005, p. 59). Commissioner Bruno later referred to CIMS as an “evolving document” and also, in his prepared statement, called CIMS “a living program” that “will be updated in the future” (City Council, 2005, pp. 62, 30).

By June 2011, more than five years later, CIMS has not been changed or amended in any way. Although FDNY officers have the option to file an AAR regarding interagency operations, the survey shows only 31% say they have filed such a report. The 50 respondents who said they filed an AAR were then asked if they received any response concerning the report and only eight indicated they received a response. Those eight were then asked if the feedback they received was satisfactory and resolved the issue, but only two chiefs indicated they were satisfied with the feedback. When the entire sample was asked if they have refrained from completing an AAR because they feel it is a “waste of time,” 48% replied in the affirmative.

The lack of AARs should not be viewed as evidence that problems do not exist. Thomas Poulin, an instructor at the National Fire Academy states, “if employees believe their views are rarely, if ever, considered, they often will stop providing feedback, which may be incorrectly perceived as buy-in” by the department’s leadership (Poulin, 2008, p. 35). Although he was speaking about general leadership in the fire service, it is easy to see how his statement applies to the FDNY CIMS AARs.

It should also be noted that the intention of the researcher was to limit the responses to the question about the feedback being satisfactory (#17 in Appendix A) to only those respondents who answered yes to the question about receiving feedback (#16 in Appendix A) because of the researcher’s editing error, the questions were numbered incorrectly. A similar mistake occurred with the question asking any feedback should have been limited to only those respondents who indicated they had filed an after action

report. The result was that one additional respondent answered the question that asked if feedback was received and four additional respondents answered the question that asked if the feedback was satisfactory. The results are still valid because the reason for restricting the questions was to eliminate obvious “no” answers, if a respondent did not file an after action report, they would not have received feedback and if they did not receive feedback, it could not be satisfactory. The question’s intent was to determine if feedback was received and if such feedback was satisfactory. Additional respondents answering the question would presumably reply in the negative and distort the percentage results, but the percentage results were not used; only the total number in the affirmative was used.

The survey results show the after action report process to be of little use to NYC fire chiefs. Based on their experience with the AARs, FDNY officers have stopped submitting them and almost half feel they are a waste of time.

C. DELAYED NOTIFICATION

When a telephone call to 911 is made to report an emergency in New York City, an NYPD operator in an NYPD facility answers the call. The call taker inquires about the nature of the incident, enters the data into a computer and NYPD units are notified to respond shortly thereafter. If the nature of the call involves a fire, medical emergency or other type incident to which the FDNY responds, the information is then transmitted, electronically to an FDNY dispatcher, who assigns the appropriate units. Given this process, it is obvious that NYPD units will be notified and presumably start responding to emergencies prior to FDNY units.

In fiscal year 2009, the average citywide response time to all incidents for FDNY firefighters was four minutes thirty-one seconds (http://www.nyc.gov/html/fdny/pdf/vital_stats_2009.pdf). The average response time citywide for the NYPD to all crimes in progress was seven minutes eighteen seconds (<http://www.nyc.gov/html/ops/downloads/pdf/mmr/nypd.pdf>). The only response times reported by the NYPD are for “crimes in progress.” Response times to vehicle accidents, medical emergencies and hazardous materials incidents are not publicly reported. Even when adding the time necessary to

transfer the information from the NYPD dispatcher to the FDNY dispatcher, the FDNY would arrive prior to the NYPD most of the time. “Delayed notification” is a term that refers to when FDNY units arrive at an incident in which it is obvious that personnel from another agency have been operating for more than a couple of minutes. The survey responses indicate that 85% of chiefs believe they received a delayed notification to an incident that CIMS classifies as a FDNY core competency. The frequency varies, but slightly more than half replied they received delayed notifications once a month or more. In the respondent comment section of the survey, several comments concerned the topic of delayed notification. One comment described delayed notifications as “systematic and habitual” (survey comment #52).

Anecdotal evidence prior to the survey and interview results indicated delayed notification to the FDNY was a frequent occurrence, and possibly, the result of intentional delays from the NYPD. Although the majority of the respondents indicated they experienced delayed notifications, the frequency with which it occurred was relatively low. The survey respondent’s comments indicated two specific types of incidents that were common “delayed notification” incidents, namely, vehicle collisions and subway emergencies.

While researching possible reasons for delayed notification of the FDNY about people struck by or trapped under subway cars, the notification process from the New York Transit Authority (NYCTA) was found to be the reason for the delay. The NYCTA subway control center protocols require notification to the NYPD and FDNY Emergency Medical Services (EMS) when a report is received of a person injured in the subway system. This procedure complies with NYC policy that existed prior to CIMS at which time the NYPD was the lead agency for people trapped under the train.

The policy does not require direct notification to the FDNY fire operations units despite a direct line existing from the NYCTA control desk to each borough’s FDNY communications office. The result is that FDNY fire operations units, the ones responsible for rescuing entrapped/entangled victims, are delayed because the call must be transferred from the EMS dispatcher to the FDNY borough communications office. Depending on the number of on-going incidents, this process may take a minute or two.

The process in which 911 emergency calls are answered in New York City may explain the issue of vehicle collisions that result in delayed notifications. An NYPD “call taker” answers the emergency call to 911 and then classifies the call based on what the caller reports. Different emergency units are dispatched depending on the type of incident reported. If a caller reports a vehicle accident with a person trapped in the vehicle, NYPD, FDNY EMS and FDNY fire operations units are dispatched. If the caller reports no injuries occurred, the only agency dispatched is the NYPD, which responds to perform traffic control and accident reporting tasks. If the caller was incorrect and a person was in fact trapped, the first arriving NYPD units would notify their dispatcher and FDNY fire operations units would then be dispatched and arrive with an obvious delay.

A similar situation occurs when an NYPD officer, while on patrol, discovers an incident that requires FDNY notification. This incident may not have been reported to 911; therefore, the notification process to the FDNY would begin subsequent to NYPD personnel being on the scene. Under these circumstances, responding FDNY units would typically arrive and observe NYPD resources completing or well into performing an operation and may conclude the FDNY was not notified properly, yet the procedure may have been properly followed.

While it is not possible to determine if all the required notifications to the FDNY are consistently being made in a timely manner, the previously stated evidence leans to the conclusion that many of the perceived delayed notifications can be explained by other than intentional omissions.

D. HAZARDOUS MATERIALS INCIDENTS

As noted earlier, CIMS mandates the NYPD be the sole agency in command of all hazardous materials and chemical, biological, radiological and nuclear incidents in New York City until an assessment has been made and it has been determined that the incident is not crime or terrorism related. CIMS also moved the core competency for mitigating chemical incidents from the FDNY to the NYC DEP, although “no one expects them to be first responders” and “no one expects them to respond like the fire department or

police department” (City Council, 2005, p. 36). Fifty-one percent of the chiefs surveyed indicated the NYPD had personnel on the scene at only one quarter of the hazardous materials incidents.

Natural gas leaks are a common response in the FDNY, accounting for over 13,000 responses in 2008. Minor gas leaks are treated as a matter of routine in the FDNY and not a specialized hazardous materials incident; other types of chemical leaks require certified hazardous materials technician level personnel to mitigate. The NYPD treats routine natural gas leaks as hazardous materials incidents and assigns its ESU to respond by radio utilizing code 10-44 while announcing, “hazmat” gas odor. Despite this, 91% of the survey respondents indicated NYPD personnel perform an assessment of hazardous materials incidents less than one-quarter of the time, which includes incidents the NYPD considers hazardous materials incidents in which it is the sole agency command according to CIMS. If such an assessment is performed, the FDNY chief on the scene does not always know it and the results are not shared with the FDNY incident commander.

The survey respondents were asked to distinguish between situations in which the NYPD had personnel on the scene and those in which NYPD personnel performed an assessment. About half of the respondents replied that NYPD personnel were on the scene for half or more of hazardous materials incidents, but only 13% said NYPD personnel were on scene at 90% or more of hazardous materials responses. Over 90% of the survey respondents noted that NYPD assessments were performed at 25% or less of hazardous materials incidents. Although it is possible the NYPD did perform assessments of which the FDNY incident commander was not aware, this practice would also be problematic because this information was not shared with the FDNY. Further, 90% of respondents noted that DEP was on scene at less than 25% of incidents although DEP has the core competency to mitigate chemical incidents.

The survey results clearly indicate an overwhelming perception that, although the NYPD is the single command agency for hazardous materials, on numerous occasions, it did not arrive, nor did it perform an assessment of the incident. Similarly, although the

NYC DEP has the core competency for mitigating chemical incidents, it rarely responds in a timely manner (neither is it expected to), resulting in the FDNY routinely performing DEP core competencies.

Although the change in designations at hazardous materials incidents, namely NYPD as sole command and DEP (NYC DEP) assigned chemical mitigation core competency, were unfavorable to the FDNY, the survey results, several recent incidents, and the Citywide Hazardous Materials Response Plan created by the OEM suggest the FDNY remains the primary agency for hazardous materials incidents in New York City.

The National Incident Management System states that a single incident commander is appropriate for an incident that “occurs within a single jurisdiction and there is no jurisdictional or functional agency overlap.” It then clarifies by stating, “in some cases where incident management crosses jurisdictional and/or functional agency boundaries, a single IC may be designated if agreed upon” (Department of Homeland Security, 2004, p. 49). Although the NIMS framework is not binding, the CIMS policy of designating a single incident commander for a hazardous materials incident when at least three agencies are assigned functional tasks is counter to NIMS.

After a US Airways flight landed in the Hudson River on January 12, 2009, the plane was eventually lifted from the water and placed on a barge that remained stationary. Prior to transporting the plane across the river to a location in New Jersey, the fuel in the jet had to be removed from the tanks on the wings. This was not an emergency situation. A written Incident Action Plan (IAP) existed and was in place while a private contractor was on scene to off load the excess fuel. When the private contractor required assistance with the fuel off-loading, the FDNY Hazardous Materials Company #1 was requested (internal FDNY report). Although the NYC DEP is assigned the core competency for chemical mitigation in New York City, that agency was not on the scene. Not being on the scene is a common occurrence in New York City as carbon monoxide emergencies, natural gas leaks, gasoline leaks and other similar incidents involving chemicals are routinely mitigated by FDNY resources without assistance from NYC DEP, just as occurred prior to CIMS.

In August 2008, when the NYC Office of Emergency Management published the *Citywide Hazardous Materials Response Plan*, a chart entitled “City Agency Reference Documents” was included. The chart lists the hazardous materials related documents from NYC agencies. Only one NYPD document is listed while 18 FDNY documents are listed, including the tactical procedures performed at different hazardous materials scenarios. The contrast of CIMS and the *Citywide Hazardous Materials Response Plan* is striking when considering the changes to hazardous materials response that occurred in CIMS. While CIMS strips the responsibility for hazardous materials command and mitigation from the FDNY and does not mention the FDNY’s capabilities, the *Citywide Hazardous Materials Response Plan* seems to tout these same FDNY capabilities. Without mention of the FDNY capabilities, it would seem that New York City does not have any procedures for hazardous materials incidents.

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IV. CONCLUSION

The goal of this research was to determine if a problem existed with the CIMS policy for inter-agency response in New York City. If the survey results are taken as an accurate reflection of inter-agency operations, the research shows that in fact a problem does occur with the functionality of CIMS.

The research questions are the following.

- What, if any, specific aspects of CIMS are consistently not being adhered to during inter-agency emergency response incidents?
- What, if any, specific aspects of CIMS are consistently identified as problematic from a policy point of view?

It is clear that several CIMS protocols often are not consistently adhered to and that a coordinated response does not occur as often as should be expected. The ability to identify both the incident commander and command post at incidents where the NYPD has command and the willingness to share information has been identified as problematic.

The finding that although chemical hazmat incidents are technically an NYPD and DEP operation, the FDNY commonly mitigates these incidents because rarely do either of the agencies have trained technicians on the scene prior to the FDNY. The technical change in command of a hazmat incident does not seem to have impacted the reality of emergency response in New York City; the FDNY continues to unilaterally mitigate the majority of hazmat incidents.

The objective of this thesis was to show that a problem exists with the Citywide Incident Management System; the totality of the evidence presented clearly shows that problems exist with interpretation and implementation of CIMS.

A. POTENTIAL CRITICISM

Potential issues that may be raised to challenge this study and its findings are some large-scale incidents where it was declared that members from multiple agencies worked well together, such as the US Airways flight that landed in the Hudson River in

2009 and the Cory Lidle plane crash in 2006. The lack of a confrontation alone should not qualify as successful collaboration. CIMS was not created to ensure inter-agency operations are “confrontation” free; it was created to engender coordinated interagency operations. While many of the incidents discussed in this study are the routine small-scale events that occur almost daily, the evidence shows that the different agencies are not operating in an integrated manner. If the agencies do not operate in a coordinated manner on a routine basis at the small incidents, they cannot be expected to operate in such a manner during a large-scale incident.

Another potential point of criticism is that only FDNY members were included in the survey. While the researcher has acknowledged that the study would have benefited from the addition of the NYPD perspective, the researcher expected difficulty gaining access to large numbers of NYPD supervisors to complete the survey, and therefore, limited the research to determining if FDNY chief officers perceived that a problem existed. A similar study of NYPD supervisors would be a valuable addition to the issue of CIMS.

B. RECOMMENDATIONS

Additional research could suggest avenues to rectify the problem. Possible solutions include issuing a completely rewritten inter-agency emergency response protocol that will actually be enforced and will acknowledge the capabilities and limits of all agencies involved.

Many of the same conditions that contributed to the large loss of life among emergency responders on September 11 continue to exist. The lessons of 9/11 were learned at a terrible price. This researcher hopes that corrective action, to overcome the incident command challenges experienced that day, will be taken before another incident occurs.

APPENDIX A.

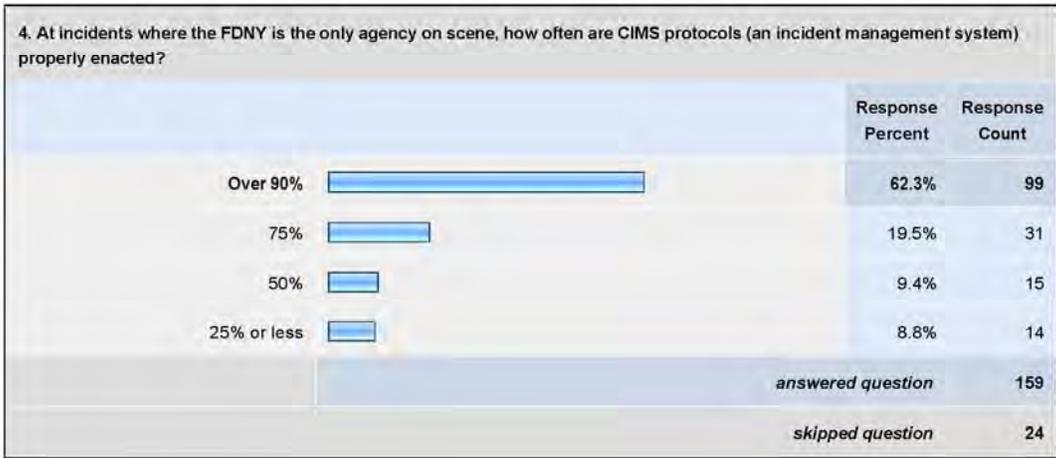
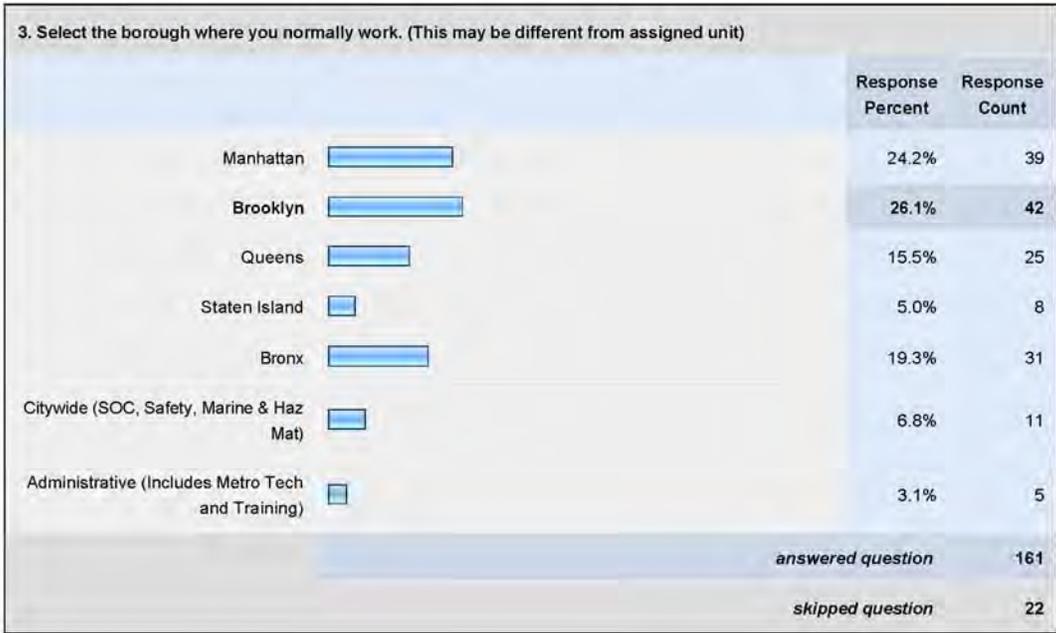
FDNY Chief Officer CIMS Survey

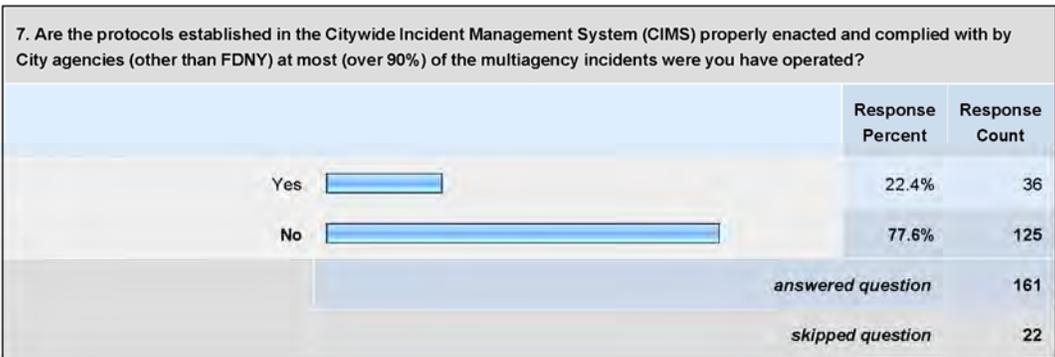
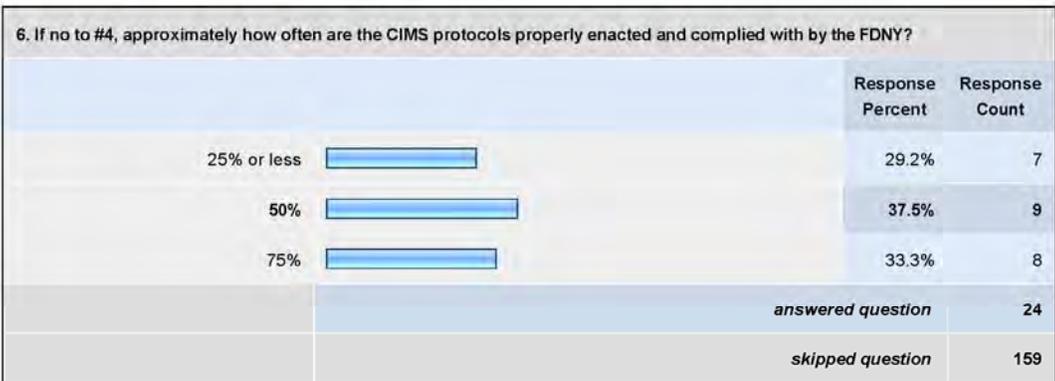
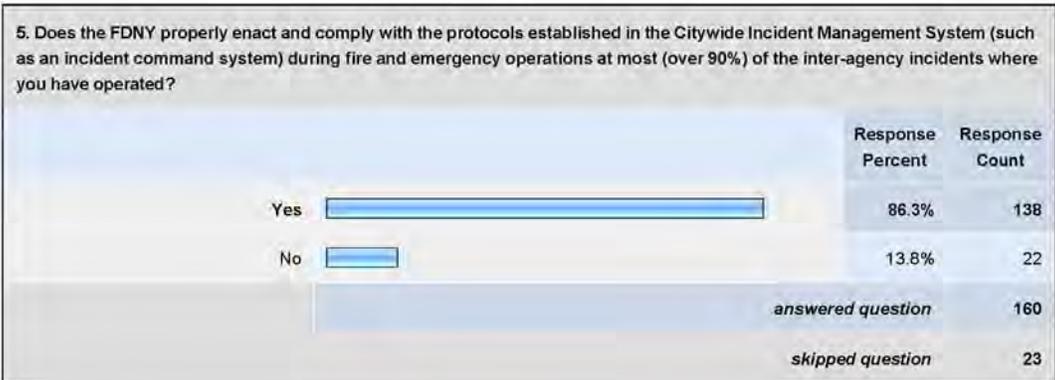
1. Naval Postgraduate School Center for Homeland Security and Defense Evidence Collection Informed Consent Battalion Chief John M. Esposito, New York City Fire Department, is currently enrolled in the Naval Postgraduate School, Center for Homeland Security and Defense, for the Degree of Master of Arts in Security Studies under the direct supervision of Nadav Morag, Ph.D. You have been asked to participate in the research project which will involve a survey to be completed on-line at your convenience. The survey is expected to last approximately 30 minutes. Your responses will be kept confidential. Your name and unit will not be mentioned or associated with the findings. This project does not involve greater than minimal risk and involves no known reasonably foreseeable risks or hazards greater than those encountered in everyday life. This research is being conducted for education reasons. In addition, all related research materials will be kept in a secure file and destroyed within one year after the completion of the study. There is no financial remuneration for participating in this survey. Participation in this study is strictly voluntary, and if agreement to participation is given, it can be withdrawn at any time without prejudice. If you have any questions or comments regarding this project at any time, you may contact the Researcher, John Esposito, (516) 456-2138, jmesposi@nps.edu or esposijm@fdny.nyc.gov, or the Principal Investigator, Dr. Lauren F. Wollman, (831) 236 4636, lwollman@nps.edu, or the NPS IRB Chair LT Paul E. O'Connor, (831) 656-3864, peoconno@nps.edu. In addition to discussing the preliminary results with the Researcher (John M. Esposito) by phone, you also may request a copy of the summary of the final results. "I have read the information provided above. I have been given the opportunity to ask questions and all the questions have been answered to my satisfaction. I have been provided a copy of this form for my records and I agree to participate in this study. I understand that by agreeing to participate in this research, I do not waive any of my legal rights."

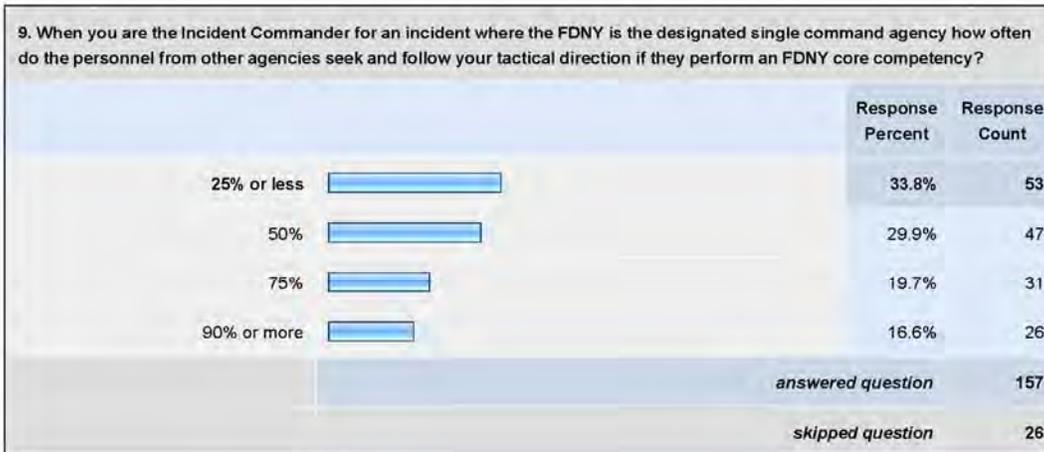
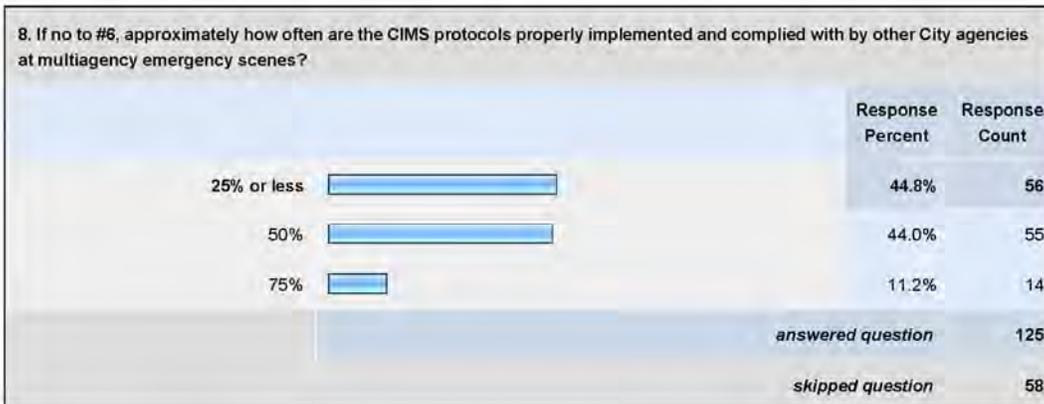
	Response Percent	Response Count
I have read and understand the informed consent.	100.0%	183
<i>answered question</i>		183
<i>skipped question</i>		0

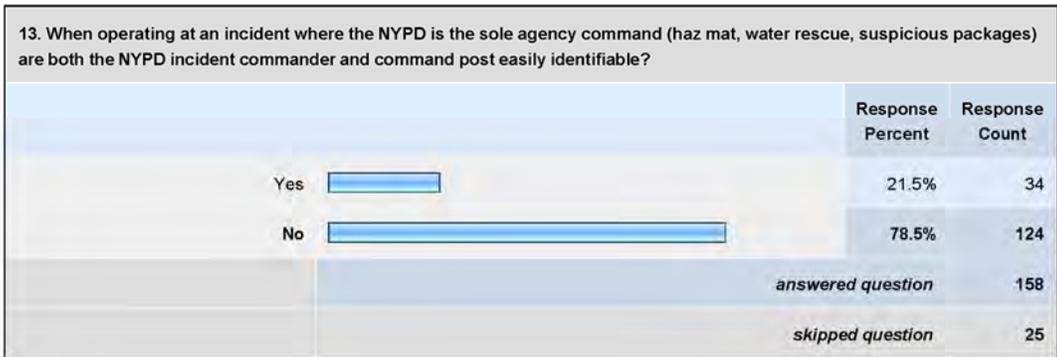
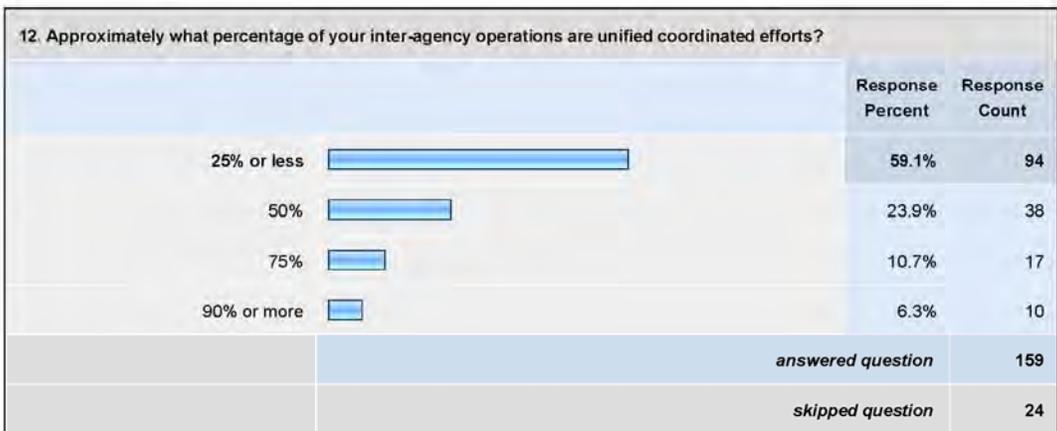
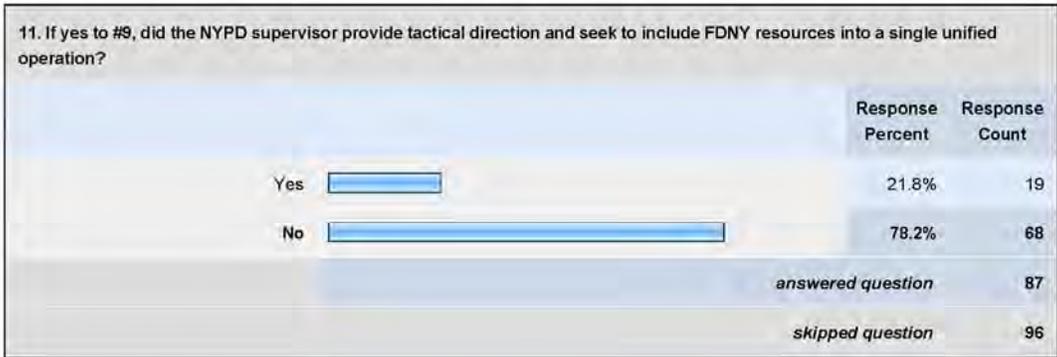
2. What is your current rank?

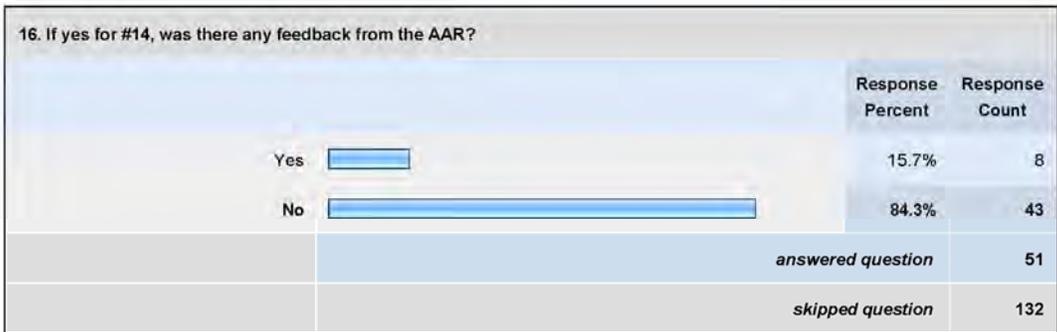
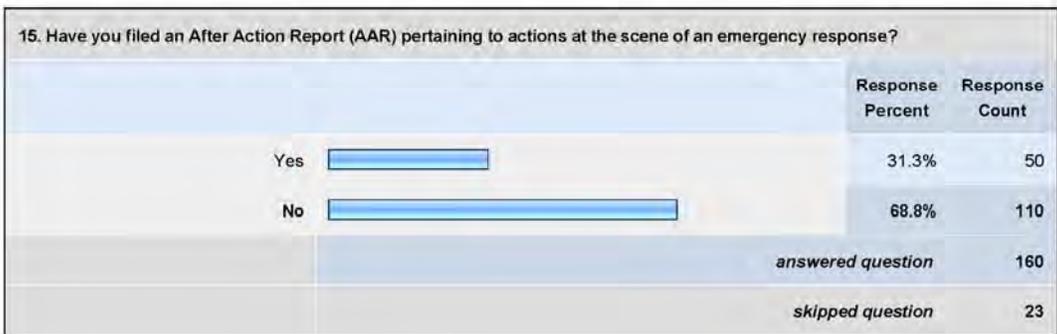
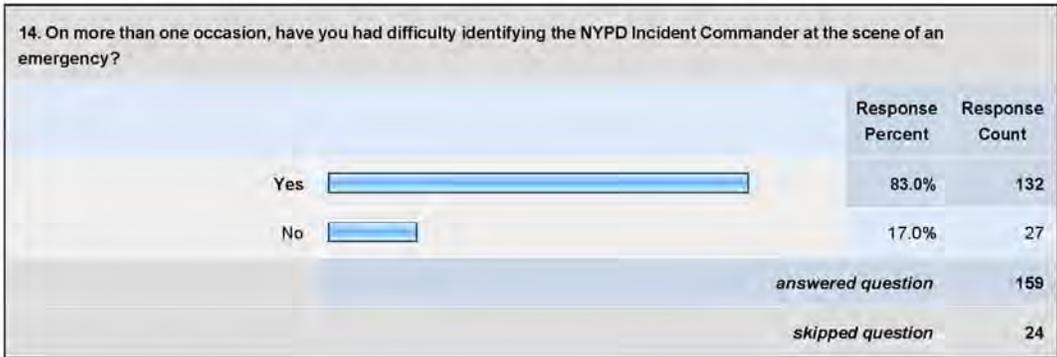
	Response Percent	Response Count
Battalion Chief	78.9%	127
Deputy Chief	16.1%	26
Deputy Assistant Chief	2.5%	4
Assistant Chief	2.5%	4
<i>answered question</i>		161
<i>skipped question</i>		22











17. If yes for #15, was the feedback satisfactory to you, did it resolve the issue?

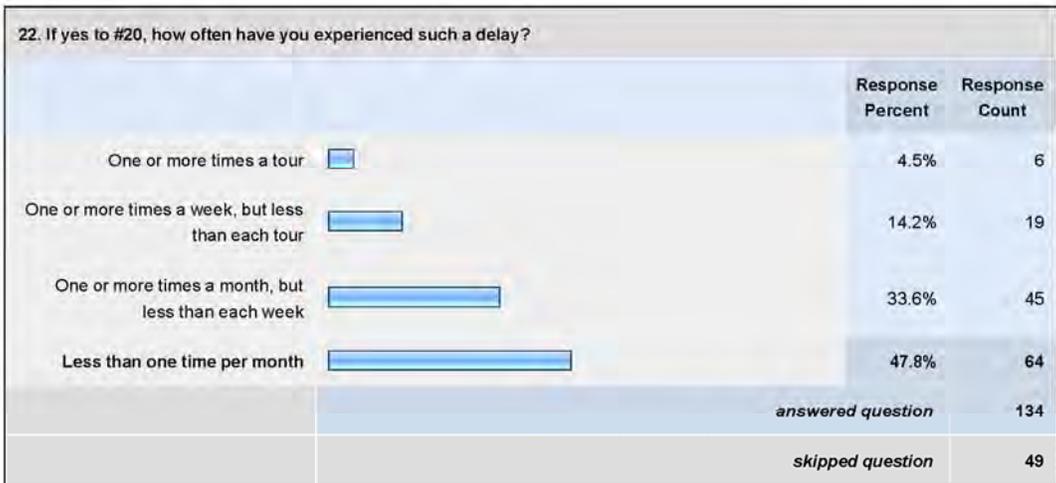
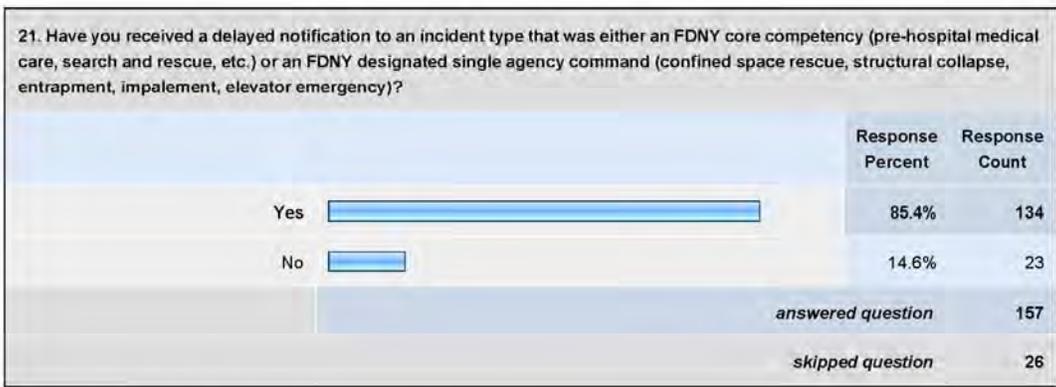
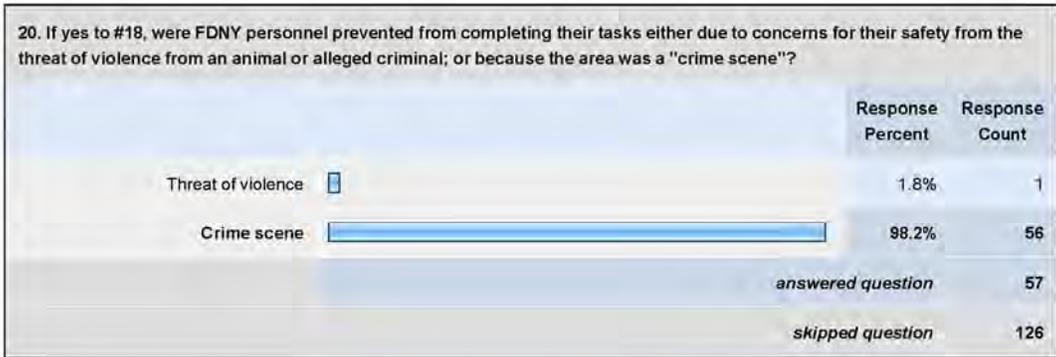
	Response Percent	Response Count
Yes 	16.7%	2
No 	83.3%	10
<i>answered question</i>		12
<i>skipped question</i>		171

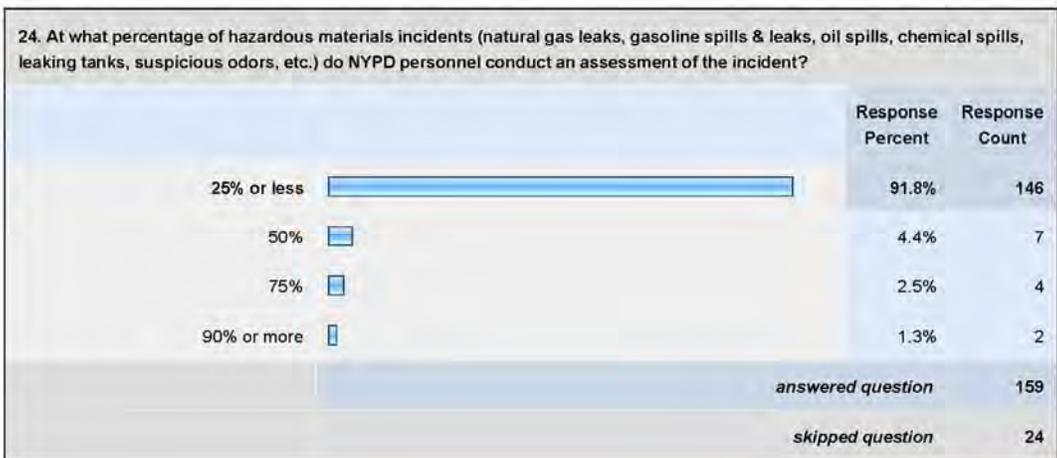
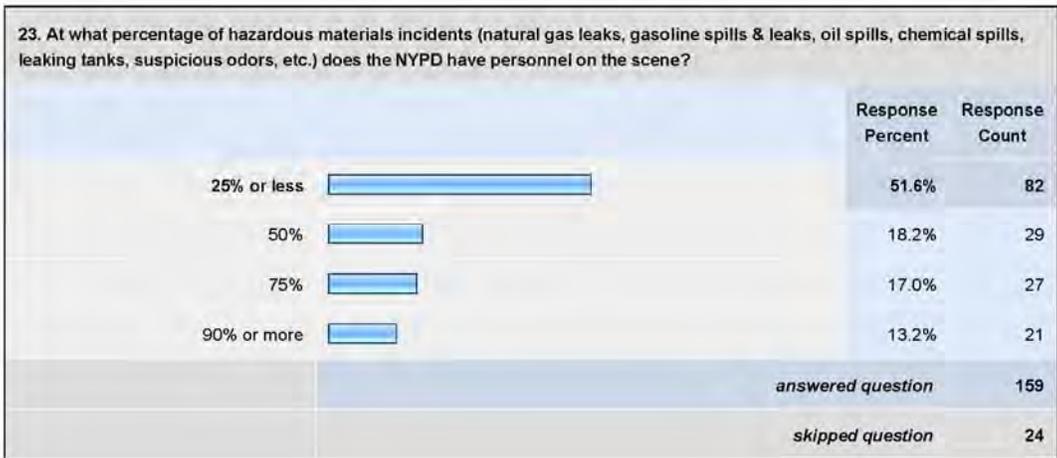
18. Considering your experience with the AAR, have you refrained from completing additional AARs because you felt it was a "waste of time?"

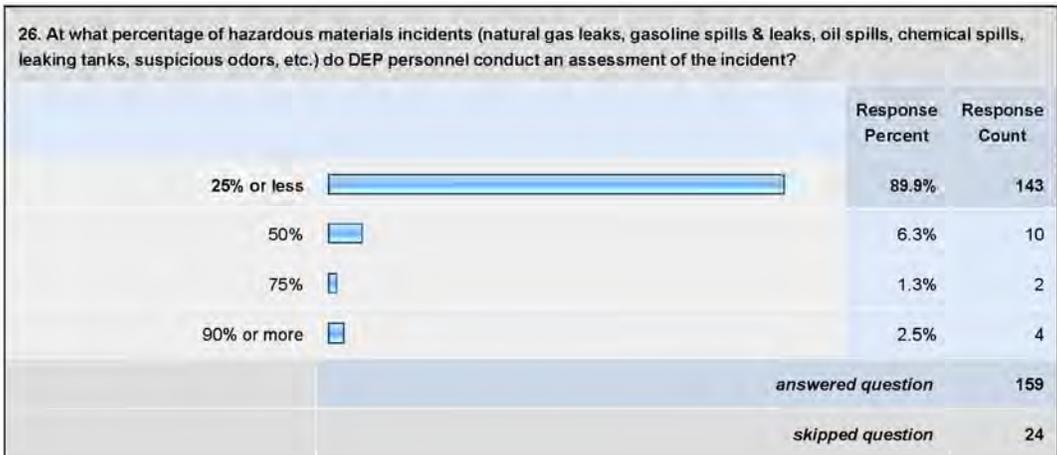
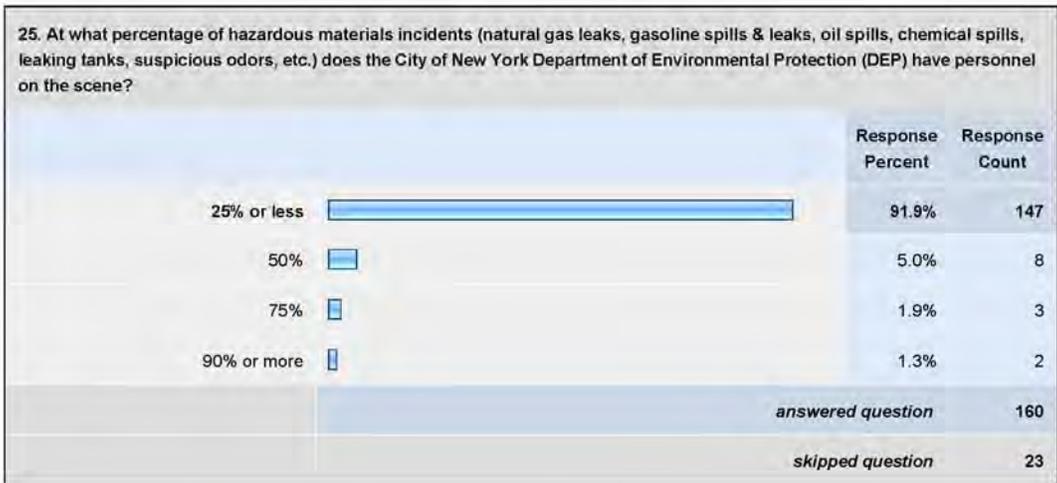
	Response Percent	Response Count
Yes 	47.9%	57
No 	52.1%	62
<i>answered question</i>		119
<i>skipped question</i>		64

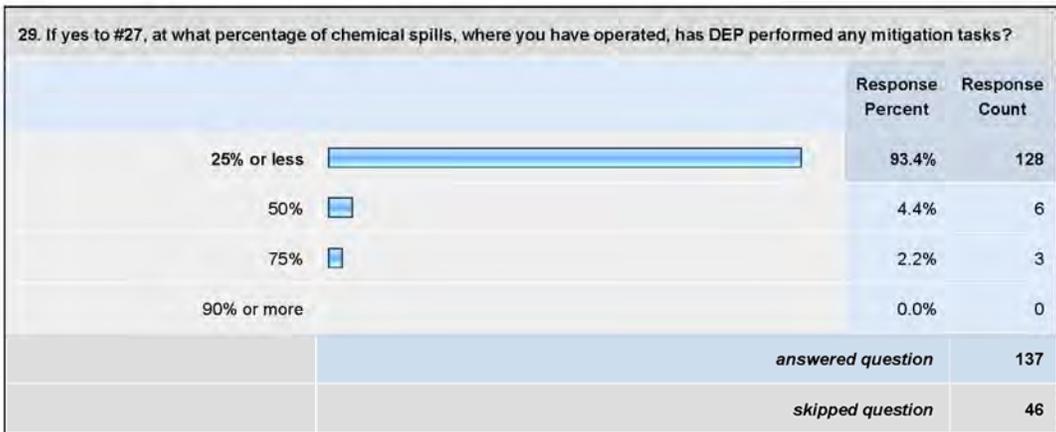
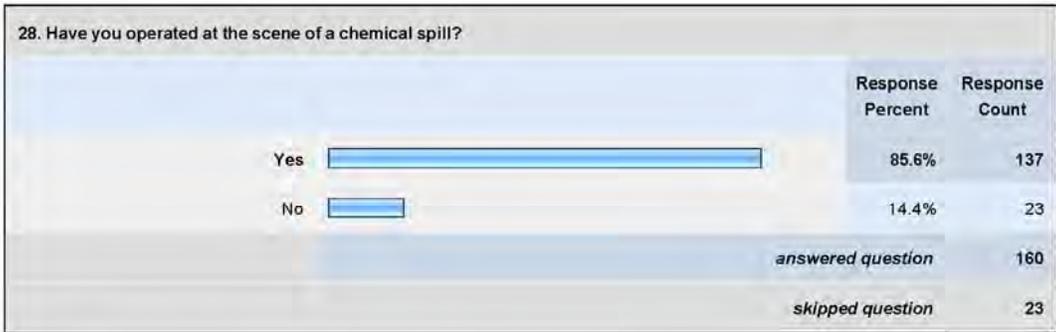
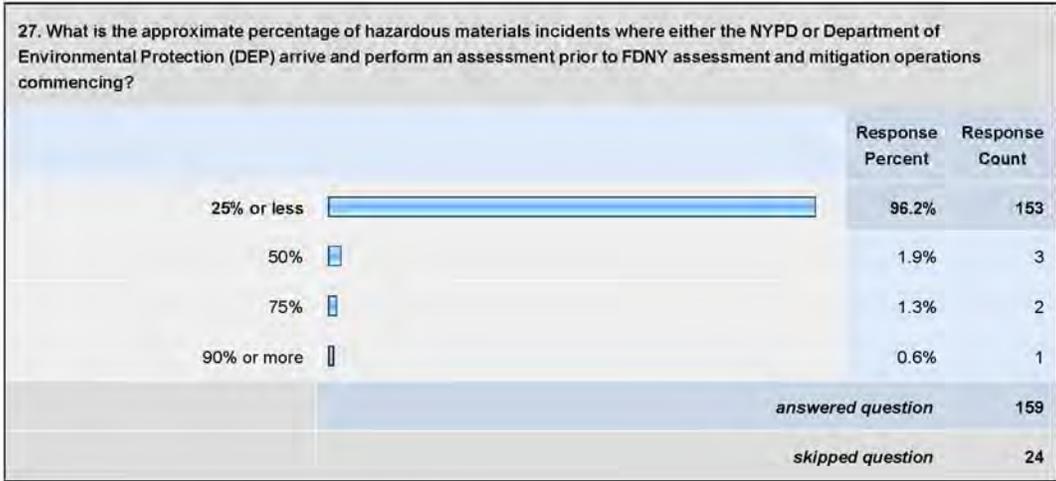
19. Has another city agency prevented or attempted to prevent FDNY personnel from completing tasks related to an FDNY core competency while you were on the scene?

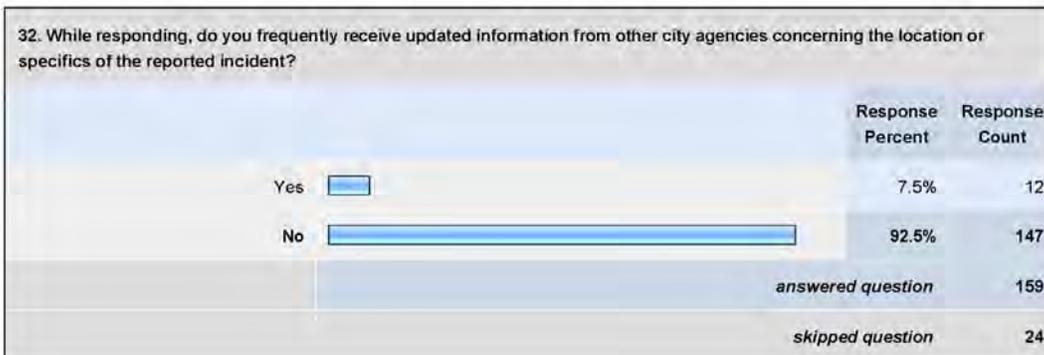
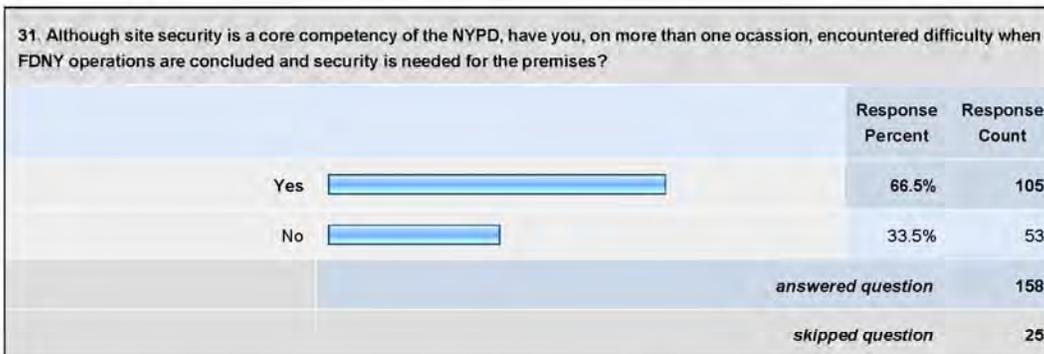
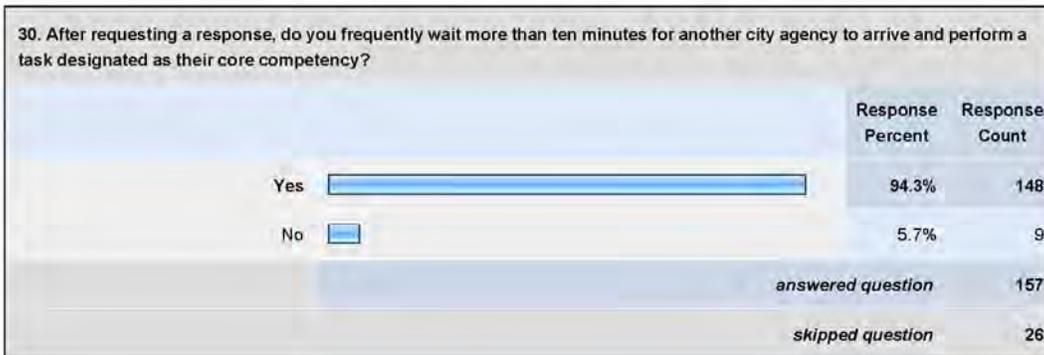
	Response Percent	Response Count
Yes 	40.5%	64
No 	59.5%	94
<i>answered question</i>		158
<i>skipped question</i>		25



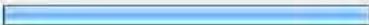








33. Are you aware of any incidents that are designated FDNY single agency command incidents (confined space rescue, structural collapse, entrapment, impalement, elevator emergency) or FDNY core competencies (pre-hospital medical care, search and rescue, etc.) that the FDNY was not aware until the news media (television or radio) reported the incident?

	Response Percent	Response Count
Yes 	27.7%	44
No 	72.3%	115
	<i>answered question</i>	159
	<i>skipped question</i>	24

34. If yes to #32, please briefly describe

	Response Count
	39
	<i>answered question</i>
	39
	<i>skipped question</i>
	144

35. Please add any comments concerning CIMS

	Response Count
	62
	<i>answered question</i>
	62
	<i>skipped question</i>
	121

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APPENDIX B.

Response to survey question 34: *“Please add any comments concerning CIMS”*

1. It seems as though if it is our job, PD will insert themselves or function on their own. If it's their job they are in command and we are to keep back and out of their perimeter.
2. Very difficult to implement the directive as written as the other agency seems to pick and choose when they want to comply with it.
3. This is the city's failed attempt to comply with NIMS/ICS. What's worse is that there are no inter-agency training and joint exercises, specifically to work under NIMS and true unified command.
4. Find it difficult to get information or cooperation from the NYPD. Example: I have been at the scene of bomb scares and no one from PD will let me know who's in charge. Further, when the bomb scare is concluded the NYPD will just drive away and not inform the FDNY units at the scene of what just happened.
5. CIMS is only enacted when it will benefit the NYPD-all other times it is ignored by the other city agencies.
6. All agencies except the NYPD are very cooperative.
7. Although I have witnessed good cooperation between the FDNY and the NYPD at incidents where both agencies responded, I have not had occasion to actually order members of the NYPD to perform a task or to refrain from performing a task. I am not confident that if I were the IC at a single agency command incident, the PD would actually obey any orders I issued to them. At my level, I am dealing with the ESU officers that arrive in their trucks. There is no one of comparable rank in the initial stages of an incident and it is difficult to try and manage the ESU team members because they seem to go right to work without checking in with the IC. When two or more ESU trucks arrive at an incident, it is difficult to determine who is in charge of their units that are on scene.
8. At most routine incidents it seems to work well. High profile events can cause NYPD to infringe on FDNY core competency.
9. All major incidents, like terrorism or natural disasters, must be a Unified Command!
10. Although CIMS works well on a white board in a classroom, the document does not accurately reflect actual response of the previous 3.5 years since its inception. The document states that "Life Safety Operations" are the highest priority at any emergency. FDNY is responsible (Core Competency) for Life Safety Operations. FDNY should always be part of the command element. The CIMS protocols should be revisited and revised independent of politics!

11. NYPD rarely operates under CIMS protocol, especially at incidents dealing with structural collapse. ESU members operate individually and do not report to FDNY I.C. 51st St. crane collapse was a prime example of NYPD disrupting CIMS protocol in what was clearly an FD incident. The morning following the incident, March 16th, I witnessed the Chief of Patrol throw what could be described as a temper tantrum with Chiefs Kilduff and Seelig regarding access to the pile by his personnel.
12. The Haz-Mat response matrix for CIMS is ridiculous. The DEP and the NYPD do not have the expertise to handle these incidents. They rely on FDNY to handle them. However, they are "in charge."
13. I prefer having a single IC rather than Unified Command. The operation would be better coordinated.
14. In my 2 1/2 years as a BC I have had limited responses that required an inter-agency CIMS protocol
15. For question #14, I am assuming an unusual occurrence report will suffice as an AAR. I have never filled out an actual AAR. I have sent in a number of unusual occurrence reports. I never heard feedback about them.
16. Until other agencies commit to this it will not work
17. If the protocols were followed by all city agencies I think it would be effective but some are not on board, especially the PD.
18. Will never work until 911 operators are taken out of NYPD control.
19. FDNY seems to follow protocols of CIMS. Other agencies do rarely are in compliance with the CIMS procedures.
20. CIMS IS IMPROPERLY COMPOSED. IT DEPARTS FROM MOST PLANS NATIONALLY ACCEPTED. AS EVIDENCED BY PREVIOUS ANSWERS, THERE ARE PROBLEMS IN IMPLIMENTATION.
21. NYPD Lt. attempted to interfere with a rescue of a man that had fallen into an elevator shaft by claiming that NYPD had a report of the man being armed with a gun. FD members continued with the removal of the man without further interference by NYPD. No weapon was found.
22. The document is not the problem, though haz mat should return to FDNY, the problem is the lack of discipline and accountability for it by other agencies. The caveat is that the FDNY can be as guilty as another agency overstepping its core competencies-except, with less frequency.
23. NYPD seems to pick and choose the HAM Mat incidents that they respond to. From my observations they are not even close to having the capabilities of FDNY Hazmat personnel.
24. Until ramifications are in place for operating outside CIMS policies, the PD will continue to pick and choose the incidents that they want to respond to and how they will operate once there.

25. It seems to me that the NYPD takes marks for everything. This is why they got Haz Mat. Every time they show up a gas leak they would ask us what was going on and then take a Haz Mat mark. We do everything they take a mark for everything. Hopefully our new NYFIRS evens our numbers out a bit.
26. m [*sic*]
27. FDNY should have Haz Mat, we have trained and certified members. Scaffold should be on CIMS for FDNY also.
28. It seems to me that it is working; most of the newer officers abide by it and tend to pull any members who may be somewhat reluctant along with them. Give it time and it will succeed.
29. FDNY is much better than other agencies with CIMS, especially in regards to establishing a command post and using CIMS terminology.
30. Seems that the document is a "pick and choose" for the Police Dept whenever they feel it is in their best interest (aside from obvious crime scenes and possible terrorism). It also disregards a huge duplication of services within the City. We also have a better grasp of the ICS than any other agency other than OEM It is basically not initiated until we are on scene We also have more decision makers on scene than other agencies. Most agencies use "management by Cell phone" where decision makers are not on scene or some time away.
31. CIMS is usually employed in a formal or informal manner, depending on the agency commitment and the severity of the incident. Every incident does not call for a strict CIMS structure, but every incident does utilize ICS to provide structure.
32. We are the only agency doing it.
33. CIMS is an excellent tool as long as all agencies follow the rules. The command structure is spelled out and each agency can then perform there core competency and answer to the OIC
34. Not complied with by at least 1 large city agency.
35. Although our dispatch was suppose to do away with delayed response it it quite evident it has not. At most incidents involving subways (man under) or auto accidents with pins we usually pull up and ESU has numerous apparatus on scene and are already working on the vehicle or extrication. Lately ESU has even started responding to elevator emergencies. This is a very dangerous situation since they are not concerned with the safety aspects of the operation.
36. PD at major high profile events operate under their own rules not under the CIMS mandate.
37. With the local Pct. things generally go well. When it becomes a larger scenario difficulties tend to arise.

38. On paper, this type of system appears to have the potential to be successful, but if one agency-a very powerful agency- refuses to apply the system to practice then it cannot and will not succeed at a major operation.
39. As Chief Hayden so eloquently put it before the City Council "The document does not make sense".
40. It is more of a political document than a functional document. From an objective stand point, the duplication of services is a travesty, nothing more than a pure waste of taxpayer dollars. It is a perfect example of politics at its worse. The PC enjoys a warm personal relationship with the mayor, this translated into allowing the police department to enter into traditional functions that were always provided by the fire dept. In no other major city in this country does the police dept. perform traditional functions of the fire dept.
41. CIMS comes into effect when convenient for other agencies, namely the NYPD.
42. The CIMS protocol as written is a political document with little concern for the actual operating procedures of any agency involved. The NYPD has never even attempted to operate under CIMS and their command structure actually makes identifying who is in control very difficult.
43. I would like to have OEM get involved to solve disputes at the scene, instead of their being a so-called "planning" agency.
44. FDNY has mitigated every Haz-mat emergency that I have responded to.
45. There is a lack of interagency coordination and communication, especially with interoperability frequencies such as TAC-U.
46. Very common to get receipt of the response, well after operations have started by NYPD. No exact way of determining who is their Incident Commander
47. Although things have improved over time The PD (ESU and PD supervisors) will generally attempt to take control of a scene especially if there is a media presence or a potential for one.
48. Delayed notification to the FDNY of car accidents on major hi-ways are a constant occurrence.
49. CIMS has helped a little bit. It does not help at all when the media is around; we still hear the blanket statement of a crime scene to try to dissuade us from doing our core comps.
50. FDNY is better suited for Haz Mat emergency ops as well as confined space etc due to the avail manpower that can respond to the scene.
51. #25 was answered according to incidents when DEP actually shows up, I had that only once.

52. Unfortunately, the CIMS document is used as a prop by the NYPD. If they are in charge FD resources are excluded from the scene. If we are in charge they either come right in or attempt to declare it a crime scene. NYPD control of the 911 system has become a tool to exclude FD resources from incidents where our core competencies would greatly enhance mitigation. The systemic and habitual late notification by the 911 system endangers civilian lives every day in NYC. Even working fire responses are interfered with by the abundance of NYPD resources assigned prior to relay of call to FD Dispatchers.
53. NYPD never establishes an ICP and does not report into the FDNY ICP. NYPD commanders are stealth and unrecognizable. There is no way to determine if ESU, the Bomb Squad or a Patrol Supervisor is the boss and they do not operate on the same radio frequencies. DEP does not follow ICS nor does the MTA.
54. The biggest fault at this time appears to be the After Action report. There appears to be no follow-up, no accountability for actions taken that are contrary to the protocols.
55. CIMS is a step in the right direction; however, it requires cooperation and communication at multi-agency incidents. That just does not occur at the level necessary to make it efficient.
56. I have received several reports from units within my Battalion that NYPD/Emergency Service does not acknowledge CIMS.
57. CIMS is a well-defined document that is not always followed in practice.
58. We are the only Agency that consistently abides by CIMS. Most NYPD do not even know what CIMS is until it is convenient for them. The every day cop in the street doesn't even know what it is. I deal with Port Authority at LaGuardia Airport and they know the terminology but I don't believe they truly use it unless it is to their benefit.
59. Its nice that the FDNY complies with CIMS but what about the other agency!
60. Seems to have eliminated some of the inter-agency problems of the past.
61. CIMS has been the written policy of New York City for several years. it is not implemented as a general rule, unless commanders who are well versed in CIMS take assertive action to implement the protocols.
62. NYPD does not send a ranking officer to the scene quickly enough to establish operational control of its members, particularly ESU members. NYPD does not take ANY direction from anyone other than the superiors (who are too late arriving to be effective early on in an operation. PD does not come to our command post with any ranking supervisors even when it is unified command. They set up their own post, usually not with FDNY. They do not seem to operate under the same structure as the FDNY with One person in charge. It is also impossible to tell who is who at operations with them because many times, their ranking bosses are in civilian clothing.

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APPENDIX C.

Survey comment from respondents to question 32: *Are you aware of any incidents that are designated FDNY single agency command incidents (confined space rescue, structural collapse, entrapment, impalement, elevator emergency) or FDNY core competencies (pre-hospital medical care, search and rescue, etc.) that the FDNY was not aware until the news media (television or radio) reported the incident? If yes, describe briefly.*

1. It may not be made aware from the media always but it will come to our attention after the fact.
2. Elevator Emergencies (PD Only). Water Rescues. Auto accidents.
3. Watched the Bronx Zoo tram incident on the news. Called dispatcher-he was unaware of the incident
4. One specific incident that comes to mind was an women who had her foot caught in an escalator. My company was the first due unit and never received a call. The PD removed her with the use of car jacks from their trunks. The women did not survive.
5. Bronx Zoo Skyfari breakdown. FDNY personnel saw the incident being reported on the TV news and had themselves self assigned
6. Bronx Zoo Tram incident in the summer of 2008
7. Structural collapse; major extrications
8. Bronx Zoo tram incident
9. African drummer/dancer who returned from Africa with Anthrax contaminated animal skins. Said person was hospitalized with confirmed Anthrax exposure. I learned of this incident unfolding while in quarters. Responde to scene where FDNY resources where refused entry by NYPD. Said bldg was occupied with both people and add'l contaminated skins. Life Safety Operations (FDNY Core Competency) was not allowed to occur.
10. Roosevelt Island Tram
11. The Bronx Zoo tram incident where the NYPD was on the scene and operating at the stalled tram and was reported by the news crews and was seen by a Battalion Chief in his office. He called the FD dispatcher and the FD was dispatched.
12. I was not working but as far as I know, The Bronx Zoo.
13. Bronx Zoo Tram
14. Roosvelt Island Tram

15. Bronx Zoo monorail incident
16. People trapped in Bronx Zoo Sky Cab. Car accidents with extrication. Elevator emergencies
17. Bronx zoo sky ride power loss, civilians stranded in cars
18. Bronx Zoo Cable Car Emergency, Con Ed member trapped in a confined
19. Confined space rescues and life safety
20. This happened far more frequently in Manhattan than in SI (less PD coverage). If I can recall particulars, I'll e-mail you.
21. Man trapped under a train is an event that either never gets reported or the fdny response is so delayed that operations are close to completion prior to our arrival. Evacuation of school, subway etc. occurs but is less frequent....
22. Skyfari ride at Bronx Zoo became disabled
23. Train incident. Civilian trapped under train. Response to an actual fire. Was on t.v. before we were notified. (Many Times).
Plane incidents at LGA.
24. Mostly minor incidents - failure to notify
25. Auto accidents with injuries, you see them on TV with no FDNY presence
26. confined space -esu on scene no call to fd.
27. Bronx Zoo Incident where elevated tram was stuck and individuals were trapped in such cars. Another incident involving a confined space rescue and pre-hospital medical care in a water tunnel that the FDNY was never notified of by DEP and NYPD,
28. Train derailment -subway emergency police operations were ending as FDNY were just notified about a 45 min delay. Also a number of minor derailments in GCT with no FDNY notification. Scaffolds are always a problem with NYPD acting outside the CIMS agreement.
29. numerous subway incidents with injuries to civilians.
30. Many times I read about a car accidents with injuries in the paper and there was no Fd response. Or I passed a accident on a run or while I was out were we where not called.
31. Tram incident at the Bronx Zoo Tue,
32. Not involved in either one, but there was an anthrax in a storage facility in Brooklyn a couple of years ago and the incident at the Bronx Zoo where some type of overhead transportation car was stuck with people inside.
33. Bronx Zoo Tram Incident
34. NYPD removal of persons from stuck elevator without FDNY knowledge of the incident.

35. Rescue units are always going out on verbal alarms while monitoring NYPD frequency because dispatch is delayed.
36. The one that comes immediately to mind was the Bronx Zoo Skyride earlier this year
37. Recent TV coverage of three calls to 911 for help. PD responded and left twice. On third call found two persons dead in the apartment.
38. Tram incident in Manhattan several years ago. (59th St. Bridge)
39. Bronx Zoo "Skyfari" entrapment. BC saw it on TV. PD was on scene already operating. Initially, upon FD arrival, PD prevented FD access to zoo for assessment and operation. Roosevelt Island Tram incident, similar situation.

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