

Assessing safety and security challenges in state courts

As the number of reported incidents of courthouse violence has increased,¹ awareness of the need to improve security in state courts has also grown. At the same time, courts have expended significant resources to make courthouses safer, and organizations such as the Conference of Chief Justices (CCJ), the Conference of State Court Administrators (COSCA), and the National Center for State Courts (NCSC) have developed guidance to assist efforts to improve courthouse security.²

Significant attention has been devoted to security issues inside state courthouse facilities; however, perhaps not enough attention has been paid to the personal safety of judges and court staff outside those facilities. Recent tragic events have highlighted the vulnerability of judges, not only at work but also at home. The discussion about the personal security of judges and court personnel therefore must extend beyond the relative safety of the courthouse and courthouse property.

Today's challenges facing state courts regarding the security of judges and court staff are different from those of the past. Widespread use of social media and online privacy issues pose significant new potential threats. For example, the presence (or absence) of safeguards and protections of sensitive personal information, such as judges' home addresses, can have a significant safety impact.

Moreover, wide variation in structure and funding across state courts means there is no one-size-fits-all approach to address these security and personal safety challenges. These structural and funding differences play a role in determining how state courts may improve the personal security of judges and staff. These differences also complicate efforts to assess security in the state courts.

The NCSC has tracked several laws passed by state legislatures to protect judicial officers' privacy and personal safety:

- » **Illinois:** The Judicial Privacy Act (705 ILCS 90/) (2012) prohibits posting personal information about a judicial officer if the judicial officer requests in writing that the information be removed from the public eye. It applies to individuals, businesses, and government agencies. If an official requests the removal of information, government agencies have five business days to comply, while individuals, associations, and businesses have 72 hours.
- » **Texas:** The Judge Julie Kocurek Judicial and Courthouse Security Act of 2017 established a Court Security Division at the Office of Court Administration; required municipal judges and local administrative judges to establish a court security committee; established requirements relating to the certification of court security personnel; and changed statutes impacting judges' and their spouses' personal security and privacy. The Act also authorizes any commissioned police officer in the state to provide personal security to a judge.
- » **Arizona:** The Aggravated Assault Statute (A.R.S. § 13-1204) (2015) criminalized assault on a judicial officer.
- » **New York:** Assembly Bill A409D (2011) established the crimes of menacing and assault on a judge.
- » **Virginia:** The Assault and Battery Statute (Va. Code § 18.2-57(A), (C)) (2006) provides that assault generally is a Class 1 misdemeanor. However, if the person attacked is a judicial officer, the offense becomes a Class 6 felony.
- » **Washington:** SB 5484 - 2013-14 (2013) — concerning assault in the third degree occurring in areas used in connection with court proceedings — makes it a third-degree assault when a person “[a]ssaults a person located in a courtroom, jury room, judge’s chamber, or any waiting area or corridor immediately adjacent to a courtroom, jury room, or judge’s chamber.”

The CCJ/COSCA Joint Court Security and Emergency Preparedness Committee is conducting a survey of the two organizations' members to help develop a source for comprehensive data regarding laws, policies, procedures, and resources relating to judicial security across the states and to try to create a broader understanding of the state of security in the state courts. The survey aims to gather information about measures already in place to protect state court judges and court personnel; identify particular areas of need; and document the steps courts are taking to improve the safety and security of their judicial officers. Based on the information collected in the survey, the committee further hopes

to identify best practices and promising strategies that can be shared with courts around the country.

Survey questions include:

- » Does your state have statutes in place that prohibit or limit releasing of addresses or other contact information of judicial officers, court employees, and/or their families?
- » Does your state have statutes in place that provide for enhanced penalties for crimes against judges or court employees?
- » Does your state have statutes in place that provide for enhanced penalties for crimes at, in, or near a courthouse?
- » Does your state have policies and procedures in place regarding reporting of threats and incidents? What reporting structures are in place and how are threats and incidents reported and assessed?
- » Does your state have policies and procedures in place regarding the use of social media and the internet by judges and/or staff related to personal safety and security? What are these policies?
- » Does your state provide personal safety resources or measures for judges and/or court staff? What are these resources (e.g., personal

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security, home security audits and enhancements, training, online personal information security, and/or information removal services)?

- » What additional resources or measures would you like to have made available regarding personal safety and security for judges and staff?

The survey also will compile information on existing legislation, threat assessment and incident reporting, social media/online safety, resources, and other safety measures in place for the provision of personal safety.

Although much has been done in the state courts to improve the security and safety of those working in and visiting courthouses, much work remains to be done. The forthcoming results of the survey will serve as an important tool for assessing the

national landscape and may identify possible strategies for how courts may better address personal security and safety challenges. Ultimately, we hope to develop a comprehensive resource that can assist state courts across the nation in developing strategies and identifying opportunities to better protect their judges and staff.



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- ¹ The 2014 National Center for State Courts (NCSC) publication, *Status of Court Security in State Courts: A National Perspective*, reported that incidents of court targeted acts of violence such as shootings, bombings, arson-attacks, knifings, assaults, murder-for-hire, and bomb plots increased dramatically between 2005 and 2012. This report can be accessed at: <https://ncsc.contentdm.oclc.org/digital/collection/facilities/id/184>.
- ² See, e.g., CONF. OF CHIEF JUSTICES & CONF. OF STATE CT. ADMIN., CCJ/COSCA COURT SECURITY HANDBOOK: TEN ESSENTIAL ELEMENTS FOR COURT SECURITY AND EMERGENCY PREPAREDNESS (2012), https://cosca.ncsc.org/_data/assets/pdf_file/0024/23559/ccj-cosca-2012-court-security-handbook-revised-september-2012.pdf; NAT'L CTR. FOR STATE CTS., STEPS TO BEST PRACTICES FOR COURT BUILDING SECURITY (2016), <https://cdm16501.contentdm.oclc.org/digital/collection/facilities/id/170>.