

SECURITY PRESENTATION TO JUDGES

June 5, 2013

BACKGROUND

- Security has long been a priority concern of the Judicial Branch.
- Since the beginning of my term as Chief Justice, the Judicial Branch's budget submissions have included requests for funding to enhance court security measures, and we have worked closely with the U.S. Marshal in Delaware, the other branches of government, and others, on an on-going basis, to review and improve security in all of the Delaware courthouses.
- A court security initiative, supported by all three branches of government in 2007, established the Court Security Assessment Fund, which is funded by a supplemental court security assessment on court filings. The Court Security Assessment Fund has proven an invaluable resource to support court security initiatives implemented since FY 2009. Monies from that Fund have enabled the Courts to address a myriad of court security needs, including on-going access to court security officers providing expanded court coverage in the Justice of the Peace Court (although not full-time positions), training and equipment for court security officers, surveillance equipment, panic alarms, and other physical security measures, including security improvements to the New Castle County Courthouse (NCCCH) loading dock.
- As a result of the Delaware Judiciary's long-standing focus on court security, progress has been made with court security over the years. Despite those efforts, however, continued resource constraints have impacted the courts' ability to fully implement security improvements, forcing us to make intractable choices among critical needs.

RECENT SECURITY INITIATIVES

- The recent tragic events in the New Castle County Courthouse of February 11, 2013 have affected all of us. Following those events, I called for a thorough review of security measures in place at the NCCCH, as well as all Delaware courthouses statewide, and asked employees to submit their concerns and recommendations about the NCCCH security, so that their input could be considered as a part of the evaluation process.
 - In response to the survey we distributed requesting security suggestions specifically targeted at the NCCCH, we received over 110 employee responses.
- In the two months since the February 11th incident, the Judicial Branch has worked with security experts, including the U.S. Marshal Service, the Department of Safety and Homeland Security, and others, in reviewing security structures, resources, and processes at all Delaware courthouses.
 - The Chief Justice and the Presiding Judges met with Secretary Schiliro and U.S. Marshal Papili concerning further security enhancements for all Judicial Branch facilities.
 - The US Marshal has completed the security review for the NCCCH and the Family Court Sussex County courthouse. Reviews of the Family Court in Kent County and the Superior Court in Sussex County are underway.
- We relied upon security experts, employee suggestions and security best practices to develop the court security priority recommendations that we submitted to OMB and the legislature in April 2013. We looked at all possible funding sources and developed a funding plan to fully fund all of the security priority recommendations which was submitted to OMB and the legislature in May.

SECURITY FUNDING PLAN GENERALLY (as approved by JFC)

- \$3.2 million total, including
 - \$1.1 million in the FY 2014 operating budget (GF)
 - \$600,000 from Judicial Branch security assessment funds
 - \$280,000 from other court funds
 - \$517,000 from existing Minor Capital Improvements funding
 - \$705,000 in FY 2014 MCI funds

COURT SECURITY PRIORITY RECOMMENDATIONS

1. Additional security staffing was the first priority, given long-standing inadequacies in court security staffing.
 - 16 new Capitol Police court security positions and 1 court security position for the Supreme Court were requested in our security funding plan and approved by JFC in FY 2014 budget.
 - 8 new JP Court security officer positions were requested in our security funding plan and approved by JFC in FY 2014 budget.
2. Improvements to the configuration of the NCCCH lobby geared towards controlling the traffic flow and enhancing security surveillance capacities. That plan does not include the movement of the security screening stations closer to the building entrance doors. None of the security experts who evaluated the NCCCH have recommended that change now or ever.
 - Our security funding plan allocated full funding for the lobby changes recommended by security experts, which was approved.
 - A reconfiguration design plan for the NCCCH lobby has been developed by Facilities Management/OMB and is currently under review by security experts and the COPC.
3. Review and enhancement of security-related court policies and procedures, and organizational structures, to address each courthouse's security needs and to promote statewide consistency.

- Emergency (BLAST) notification systems for notifying all judicial branch employees of emergency situations at the same time (through a variety of communication means -- cell, home and work phones, email, and text) have been identified, reviewed and a decision on which system we should use is in process.
 - The Council of Court Administrators has recommended a policy establishing a security committee in each courthouse or county or court to address court security concerns within that facility. The draft policy is under development and will be submitted to the Chief Justice, Supreme Court and the Presiding Judges for consideration and approval.
 - Following up on the goal I established of promoting statewide consistency in security policies, where appropriate, there are currently two state-wide security policies (related to court employee and judicial threat protocols) under review by the Chief Justice and the Presiding Judges for implementation, with another draft policy on weapons in the courthouses under consideration.
 - Safety and emergency procedures for the NCCCH have been reviewed and updated by the Operations Security Committee and the Courthouse Operations Policy Committee.
4. Installation of additional cameras, intrusion devices, and ballistic security barriers statewide to expand surveillance capacity and augment the ability to access forensic records of security threats.
- Installation of additional ballistic security barriers for public counters is underway, with installation of Kevlar materials in the Capitol Police the first floor command center and lobby desk, the Information Desk and the Family Court first floor reception desk, at the NCCCH, completed.
 - This priority has been fully funded through the approval of our security funding plan.
5. Structural improvements to further enhance security related to courthouses statewide.

- Structural improvements include other courthouse lobby reconfigurations, and changes in the Family Court Kent and Sussex facilities and parking lots.
 - This priority has been fully funded through the approval of our security funding plan.
6. Additional security equipment at the Justice of the Peace Court facilities.
- This priority has been fully funded through the approval of our security funding plan.
7. Enhancements to security training for courthouse employees and for security officers.
- Computer based training for the NCCCH Safety and Emergency Procedures pamphlet was completed for all employees. Statewide training will be received once the pamphlets are completed for the other courthouses/counties/courts.
 - A security training exercise is scheduled in June at the NCCCH focusing on emergency communications, lockdown procedures and active shooter incident coordination.

SUMMARY

The New Castle County Courthouse currently has good security systems in place. The camera system is a high quality system with more than adequate number of cameras which show all critical areas of the building. The duress alarm system is thorough and includes all courtrooms, chambers, cash handling offices and other areas where other state agencies are housed.

One area of significant concern that was observed during this survey audit was the apparent lack of manpower available to the Capital Police Department to cover all the security and law enforcement requirements in and around the complex. In addition to manning all security checkpoint locations, Sally-Port operations, loading dock, mail screening responsibilities and perimeter security patrols, there is an increased number of law enforcement functions required of the Capital Police daily.

In addition to the information provided in the beginning of this report concerning the number of people screened daily, the number of items x-rayed through the checkpoint, the number of prisoners monitored and controlled through the Sally-Port area and the number of deliveries accepted and screened through the loading dock and mail screening process, the Capital Police also responded to over 2,100 "calls for service" within or around the immediate complex of the Courthouse in 2010. Also during that same calendar year, Capital Police Officers processed over 1,500 individuals for having either outstanding warrants through the courts or other police agencies, or for *capias*' issued by the various courts or for on-view arrests for violations of the law occurring within the property defined as the Courthouse. Along with these arrests are the follow on investigations, dealing with family members, personal property, report writing, evidence collection and processing and follow on responsibilities with DELJIS information submissions and withdrawal from the statewide reporting systems. In 2010 these arrests alone cleared over 2,200 *capiases* and/or warrants from the system.

The northern operation of the Capital Police Department only has a total of 13 sworn police officer positions assigned to the Courthouse. In addition there are another 11 Security Officer (not armed Constable) positions assigned to the New Castle County Courthouse. The operation in the Courthouse currently has only one dispatcher to provide coverage for the Command and Control Communications Center. As the needed coverage exceeds the hours provided by this one full-time dispatcher, the remainder of the coverage (including breaks, lunch, training, personal and sick leave etc.) is provided by both sworn police and security personnel. This takes away from other areas of responsibility that have to go unattended as a result of this staffing level. At times, the Capital Police are operating at minimum staffing levels of seven (7) sworn personnel and seven (7) security officers due to other department assignments, vacations, training or sickness.

By contrast, the security operations of the Boggs Federal Courthouse requires a mandatory minimum of 15 armed security personnel daily, with a courthouse that only has six floors and a total of six Judges with secure underground parking.

It is recommended that Capital Police should have a certain number of fixed post assignments (front screening location, Sally-Port operations, loading dock and command center), with other posts assigned on a rotation basis. It is important for all personnel to be proficient in all areas of courthouse security operations, and be able to know the building layout in order to be able to respond to any situation on any floor or location throughout the building. Having the opportunity to staff more personnel to roving patrols both inside and outside the facility would enhance the overall security and provide more of a visible presence throughout the building. It would also provide the opportunity for Capital Police to randomly check in on the Judges during courtroom hearings, the chambers staff and other employees that have daily interaction with the visiting public. Additionally at times the Capital Police are asked to assist with courtroom security due to a high profile trial/hearing or due to a special request of one of the Judges. With current staffing levels this presents a challenge to be able to meet all the requirements currently expected of the Capital Police Department.

It is a credit to the Capital Police leadership at the Courthouse and their dedicated employees that they meet the daily challenges presented to them and continue to provide a high level of service under the current staffing levels. It is recommended that a review of current staffing levels and security requirements be conducted with the focus on coming to a reasonable solution as to how the staffing levels of the Capital Police Department can be increased to meet the daily demands placed on them. Recognizing the demands placed on state and local governments for resources and budgets, these recommendations should be considered along with all other operational decisions by the Committee and prioritized for consideration by management.

Please remember that security is the responsibility of everyone who works in the building. It is important that all employees should be familiar with the security procedures in place and that refresher training should be provided on a regular and recurring basis. Fire drills, duress alarm response and other emergency situations should be practiced regularly. This type of training and familiarization can help employees deal with emergencies and potentially save lives.