

# Status of Court Security in State Courts

*- A National Perspective -*



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**June 2013**

**Funded by:**



**Prepared by:**



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**Photo: Ralph L. Carr Justice Center, Denver - by Jason A. Knowles © Fentress Architects**

## **EXECUTIVE SUMMARY**

According to incident data gathered by the Center for Judicial and Executive Security (CJES), the number of security threats and violent incidents in court buildings has increased dramatically in recent years. While security threats and violent incidents are on the rise, available funding from state and local governments for security staffing and equipment to protect courts is becoming increasingly limited. The National Center for State Courts (NCSC) received a grant from the Bureau of Justice Assistance (BJA)<sup>1</sup> to produce a comprehensive report on the status of court building security in this country. The report is organized to assist state and local, as well as tribal, native,<sup>2</sup> and territorial courts to improve court security by assessing the current state of affairs regarding court building and courtroom security, identifying critical needs to improve security, and matching available resources to identified gaps and needs.<sup>3</sup>

In the development of this report, significant information that NCSC compiled with respect to court building and courtroom security assessments was reviewed and analyzed. The review included an analysis of NCSC's security assessment reports of over 225 court buildings, which contain a wealth of information regarding what courts do and do not have in place in the way of policies, procedures, staffing, equipment, and training. Further, the review included a comprehensive analysis of the information and data gathered by CJES, which examined court building shootings, bombings, arson attacks, and other court-targeted acts of violence.

In addition to the review and analysis component of the study, a comprehensive web survey of a number of state, local, tribal, native, and territorial courts was conducted. A telephone survey was also conducted of all state court security directors. The responses to both of the surveys were used to identify: (1) what various courts have in place in the way of security; (2) the most critical needs that courts have in relation to security; and (3) the sources of funding courts have utilized to address critical needs.

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<sup>1</sup> The Bureau of Justice Assistance (BJA), a component of the Department of Justice's Office of Justice Programs (OJP), disseminates state-of-the-art knowledge and practices across America's justice systems and provides grants at the national, state, local, and tribal level to fund the implementation of these crime-fighting strategies. BJA provides proven leadership and services in grant administration and criminal justice policy development to make our nation's communities safer.

<sup>2</sup> Native refers to Alaska's native courts.

<sup>3</sup> Throughout this report, the terms courthouse and court building are used interchangeably. However, in standard practice, a courthouse is a building that is primarily dedicated to court usage, which houses judges and court staff, while a court building typically refers to a multi-use structure that houses court functions and other city or county agencies and tenants.

Additional information on court security is also contained in the report. Subsequent chapters discuss tribal, native, and territorial court security as well as available funding sources, recent court security publications, and recommended future directions that will improve the safety of judges, court staff, law enforcement officers, and county officials alike.

### **Targeted Acts of Violence in Courts**

On May 31, 2010, CJES released its study on Court-Targeted Acts of Violence (CTAV). The CTAV study was an extensive research analysis, documenting 185 incidents of courthouse and judicial shootings, bombings, and arson attacks that occurred in the United States during the 40-year period from 1970 to 2009. Since that publication, through its continued research, CJES has documented an additional number of CTAV incidents during a study period from January 2010 through December 2012. In 2009 CJES began to track and document incidents other than shootings, bombings and arson attacks (e.g., knifings, murder-for-hire and bomb plots, violent assaults, etc.). In this report CJES has also documented, analyzed, and depicted—by states and regions—406 CTAV and other incidents that have occurred in a study from 2005 through 2012.

### **Web Survey**

With guidance from its advisory committee,<sup>4</sup> the author and contributors developed, finalized, and distributed a web-based survey in the summer of 2012. With over 800 respondents from 48 states, the survey constitutes the first and largest comprehensive national survey covering major areas of concern regarding court security. The survey collected data from judges, court administrators, law enforcement officers, and county officials. Significant information was gathered on entryway screening, security and emergency preparedness training, and law enforcement or court security officer staffing.

The survey revealed that while security officer staffing was being addressed, a large margin of respondents said more officers are needed. Although some respondents said that security at their courthouse needed to be improved, some security providers believed that security measures at their courthouse were being addressed. When queried on funding, survey respondents reported that a vast majority of courts were funded primarily by their state, county, or local government. Other sources, such as grants and fees, were identified as an additional source of court security improvement revenue for some courts. Conversely, most respondents

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<sup>4</sup> See Acknowledgements for list of advisory committee members.

stated they did not know of any other sources of funding that may be available to them. Less than three percent (3%) of respondents identified federal sources of funding, indicative of the state courts to access federal government funding to improve court security.

Additional survey results revealed that security training constitutes an immediate and critical need in state courts. More than half of the respondents said that court security or emergency preparedness training was not being provided at their court building. Seventy-five percent (75%) of respondents said security policies and procedures were in place at their court building; however, the survey did not identify if they were being revised annually or if court employees were being trained in understanding their use. These two responses indicated that the majority of people working in courthouses may be unprepared to protect themselves when there is a negative event that occurs at their courthouse.

### **Telephone Survey**

After the web survey was completed, a telephone survey was conducted of directors and coordinators of state court security from all 50 states, the District of Columbia, and the five U.S. territories. The telephone survey provided additional data to supplement the issues and needs identified in the web survey. State security directors and coordinators willingly participated in the telephone survey interviews and were forthcoming in discussing these vital issues.

The survey gathered information on security measures already in place and critical needs to improve court security nationwide. The following areas were included: (a) court building security operations; (b) courtroom security; (c) sources of funding; (d) judicial threat and emergency management; (e) tests, training, and exercises; (f) court security planning and research; and (g) current state of court security within each jurisdiction.

Most significantly, the telephone survey revealed that critical issues facing states and their primary concerns regarding court security are very similar in every region of the nation. The security directors who participated in the survey identified funding, staffing, training, and the provision of effective entryway screening at courts as some of the primary concerns impacting court security in each of their states. Seventy-four percent (74%) of the respondents stated that the lack of available funding was the single main issue adversely affecting courthouse security.

The lack of basic and advanced training closely followed funding as a primary concern, with 62% of those surveyed expressing a need for training, specifically for judges, court

administrators, law enforcement officers, and court staff. While respondents stated that more training is vital, they were largely unaware of court security training programs available, as there are few colleges, academies, and universities offering court security based curricula. This revealed a dire need for the support and development of training programs and curricula.

Moreover, phone survey respondents stated that they believed that each courthouse should have a security assessment conducted (annually) which would incorporate security and risk management principles that are specifically designed to identify site and facility deficiencies, limitations, and vulnerabilities. They also stated there was a need to develop a contemporary judicial threat management program and judicial security plans which included protocols for response to incidents, threats, and other emergencies. However, in order to accomplish this, respondents indicated they needed more financial support.

Another concern, especially in light of recent court incidents, was many smaller courthouses lack the funds to implement basic security measures like entryway screening. While security directors reported that the majority of the required security measures are sufficiently in place in large and medium court buildings, smaller court buildings had security measures that were only partially implemented or not in place at all. Respondents believed that this situation exposed smaller courthouses to serious security risks. Unfortunately, in the current economic environment, there is a serious lack of funding available to address these risks.

### **Court Building Assessments**

The analysis of the NCSC's court building assessments reveals that in a majority of areas, court security for state courts needs improvement. This analysis was based on data taken from a sample (77) of over 225 assessments conducted by the NCSC since 2006. The following are examples of the findings from the assessment reports: 86% of courts did not have a security committee, or at least one that was deemed to be fully functioning; 84% of courts did not have an incident reporting system, or had one that was rudimentary at best; 79% of the courts provided some training for their security officers, but the training did not include court-specific courses; 92% of courts assessed had less than adequate or no exterior CCTV cameras at all; 74% of courts had entryway screening, although some needed more equipment such as magnetometers and x-ray machines; 26% or a quarter of respondents had no screening station at all; 96% of courtrooms had some type of duress alarm; 55% of courts had no security officers in courtrooms during proceedings; and 62% had duress alarms in judges' chambers.

An overview of the data from the sample of court buildings assessed clearly identifies the many needs of state courts to improve their court security programs. Although many of these program improvements do not require much funding, such as establishing an effective court security committee and providing training, some improvements can be costly. However, over the last several years, the majority of courts and sheriff offices have faced budget cuts in personnel and operations. As a likely result of this, personal safety and security in our nation's courts is compromised.

### **Tribal, Native, and Territorial Court Security**

The study of tribal, native, and territorial courts revealed similar security and funding issues as state courts. In threat assessment and incident reporting these courts have similar concerns. Like their state court counterparts, judges, court staff, and their judicial partners who work in these courts are also faced with threats to do bodily harm, witness intimidation, nonverbal threatening communications in courtrooms, and random acts of violence outside of the courthouse. An example of the same limitations negatively affecting tribal, native, and territorial courts is the difficulty that they face collecting and regularly reporting crime, sentencing data, tracking offender's threats, and reporting incidents of court-targeted acts of violence. This "under-reporting" of threats and incidents in these courts has not provided an accurate picture of attacks on the rule of law.

### **Current Available Funding Resources**

State courts throughout the nation typically receive funding for court security programs, staff, and equipment from state, county, or local government sources. As identified in the web-based survey, 89% of respondents reported that they receive their funding from these sources, while 3% reported obtaining federal grants, and 8% reported receiving some money from private or other sources. Judges and court administrators working in state courts, as well as county officials concerned with the well being of the public, are aware that more dollars need to be made available to state courts, whether courts have their own court security force or rely on law enforcement officers for protection.

### **Recommended Future Directions**

The report demonstrates that there is a critical need to improve security in state and local courthouses throughout the country. However, meeting this need will not be easy. There is not

one simple answer or solution. Recommended future directions to improve court security in this country include: (1) accepting the challenge that doing nothing is not an option; (2) understanding that local, state, regional, and national communication and collaboration are key for success; (3) providing additional funding to improve staffing and equipment is essential; and (4) coordinating and supporting state court security programs is a definite need that must be answered.

***Accepting the Challenge: Doing Nothing is not an Option***

Fundamental to our ability to maintain our democratic form of government in this country is our capacity to preserve and promote the rule of law. A fundamental component to preserving and promoting the rule of law is providing the public with safe access to secure courthouses. This is clearly acknowledged in the Trial Court Performance Standards, a project initiated by BJA and the NCSC in 1987. Performance Standard 1.2 requires each trial court to make its facilities, safe, accessible, and convenient to use.

It is often difficult to ascertain who has ultimate responsibility for security in and around a courthouse. Sometimes state statutes are specific in assigning responsibility for courthouse security to the county sheriff. But as a practical matter, it is often unclear as to who has ultimate responsibility. And sometimes it may seem that no one is really in charge of security. But the fact of the matter is that courthouse security is the responsibility of everyone who has any official connection to a courthouse – judges, court administrators, law enforcement officers, county officials – everyone!

Faced with inadequate funding for courthouse security, officials can become frustrated and stymied. However, as noted below in the section on Communication and Collaboration, much can be done to improve security with little or no cost. Many courts have done well in this regard. As the data in Chapter 5 (Web Survey) and Chapter 7 (Court Building Assessments) of this report reveal, leaders in many courthouses have done relatively well in accepting the challenge of providing a secure environment that allows the public to gain access to justice. For example, Figure 5-2 indicates that just over 44% of the respondents to the web survey say that security services in their courthouse are good to excellent.

Leadership in every courthouse needs to accept the challenge of improving security – a challenge that leaders in many courthouses have already accepted. Doing nothing is not an option!

### ***Communication and Collaboration are Key***

While additional funding will be required to meet the need to improve courthouse security, much in the way of security improvements can be achieved with relatively little additional costs. Two main ingredients are key to these sorts of improvements: better communication and enhanced collaboration. As a first step toward improved communication and collaboration, it is imperative for every court to establish a security committee consisting of stakeholders with an interest in or responsibility for court building security. As Table 7-1 in Chapter 7 of this report indicates, 52% of the courthouses in the sampled assessments had made some effort to establish a security committee. In the final analysis courts have a responsibility for providing courthouse security. However, it is a responsibility that cannot be successfully discharged by courts alone. Cooperation and coordination with a host of other organizations such as the sheriff and county officials are imperative. Other judicial stakeholders have a shared interest in courthouse security and the capacity to provide resources to help make courts more secure. Their full participation in communication and collaboration on a court's security committee is vital.

### ***Additional Funding is Essential***

While communication and collaboration will help courts improve courthouse security, ultimately additional funding will be required to afford a reasonable level of protection for those who work in and visit courthouses. The staffing levels and equipment required to provide a reasonably safe courthouse environment can be costly. More likely than not, the costs for establishing and maintaining a reasonably sufficient level of courthouse security will exceed the amount of funding available.

In 2010 the NCSC produced a publication funded by the State Justice Institute (SJI) entitled [\*Guidelines for Implementing Best Practices in Court Building Security\*](#). These guidelines include recommended strategies for obtaining the additional funds necessary to improve courthouse security. First, court leadership must consider priorities very carefully when making spending decisions with respect to court building security. Again, collaboration comes into play. Stakeholders may also have the capacity to help courts obtain the resources needed to

make court buildings more secure. A comprehensive effort must be made to identify all possible sources of funding from various levels of government and other entities. Along with this must come a thorough understanding of the processes entailed in seeking funding from these sources. Also, there should be a clear understanding of who the decision makers are in terms of making funds available for security purposes. Included in this category are legislators, county commissioners, members of the town council, state and local court administrators, and other government officials at various levels. The challenge is to effectively convey to these decision makers why court building security is so important, as well as what additional resources are needed in order to achieve a reasonable level of security.

### ***Need for National Coordination and Support***

Fairly, objectively, and consistently applying the rule of law in state courts is a challenge that judges in this nation face every day. This processing of justice is unique. Just by the intrinsic nature of its business, courts are one of the few industries that present new risks to people and property every day. Courts are providing a unique service to defendants who may or may not be guilty, and who face significant consequences and changes to their lives and possibly to their freedom. As caseloads in state courts increase, as the number of violent offenders processed in courts increase, and as fiscal resources become scarcer, there is a tremendous need for courts to find assistance through coordination and support. This needed assistance must be found economically and quickly.

Most courts in this country, due to the lack of resources, will have limited success in gaining the resources needed to improve courthouse security in meaningful ways. Courts need additional help and guidance, if not from state and local government, then from federal agencies such as BJA and the Department of Homeland Security (DHS). To this end, the creation of a national center or clearinghouse entitled the Center for the Study of Court Security would be an essential step as part of any future direction. Such a center could interface with the United States Marshals Service and the National Sheriffs Association and provide invaluable assistance to: (1) improve courthouse security, (2) maximize agency coordination, and (3) provide the necessary support courts need to solve security problems and defend themselves from attack. Under the auspices of this center, judicial stakeholders involved in court security and in the preservation of the rule of law would have a new forum from which to exchange ideas, share resources, provide assistance, as well as work together for a common goal of improving safety and security in state

and local courts. Once funded and established, the center would not only provide a clearinghouse of information on incidents and threats, but it would gather and disseminate personal safety knowledge to judges, court administrators, court staff, law enforcement officers, and county officials as well. With the establishment of such a center, information exchange, training, and technical assistance to state and local courts would for the first time be based on *best practices* and on *lessons learned* from courts that have experienced tragedies and loss of lives. Without this type of forum, courts will continue to be relegated to assuming a reactive posture by responding to court targeted acts of violence after the fact and after there has been injury to people and damage to property.

For many, this need for national coordination and support may seem difficult or impossible to achieve under current funding conditions. However, for others, including the author and contributors to this report, it is believed that the funding and development of such a center is possible.

## **CHAPTER ONE PROJECT OVERVIEW**

According to incident data gathered by the Center for Judicial and Executive Security (CJES), the number of threats and violent incidents in court buildings has increased dramatically in recent years. While security threats and incidents are on the rise, available funding for security staffing and equipment to protect courts is becoming increasingly limited. The National Center for State Courts (NCSC) applied for a grant from the Bureau of Justice Assistance (BJA) to conduct a comprehensive study of the status of court building security in this country. The BJA awarded the grant in the fall of 2011, resulting in the publication of this report.

The NCSC is an independent non-profit corporation with the mission to improve the administration of justice through leadership and service to state courts and to justice systems around the world. Founded by the Conference of Chief Justices (CCJ) in 1971, the NCSC is the preeminent judicial reform organization in the United States and a national and global leader in helping courts improve the administration of justice and delivery of services.

The court security staff of the NCSC provide court building assessments and personal safety training nationwide. The NCSC is a nationally recognized leader in court building security and has produced significant national publications on court security, including: *Steps to Best Practices for Court Building Security*; *Guidelines for Implementing Best Practices in Court Building Security – Costs, Priorities, Funding Strategies, and Accountability*; and *CCJ/COSCA Court Security Handbook – Ten Essential Elements for Court Security and Emergency Preparedness*. Also, by the publication date of this report, the NCSC court security teams will have conducted security assessments in over 250 court buildings throughout the United States.

The Center for Judicial and Executive Security (CJES), based out of Saint Paul, Minnesota, and a contributor to this report, specializes in providing high-quality, comprehensive, and innovative court security services and products. CJES is recognized at both the federal and state levels for its subject-matter-expertise on court security program development, security assessments, threat and risk assessments, policies and procedures, training programs, and research studies on court-targeted acts of violence. CJES has compiled a thorough and definitive listing of security incidents in court buildings throughout the country. CJES publications include *Judicial Counter-Violence Initiative/Court-Targeted Acts of Violence (JCVI/CTAV)* and *Incidents of Disorder in the Court*.

The goal of this report is to assist state, local, and tribal courts to improve court building and courtroom security by assessing the current state of affairs regarding court building and courtroom security, identifying critical needs to improve security, and matching available resources to identified gaps and needs. The experience and expertise of the NCSC and CJES, as well as the data on court building security that both organizations have gathered over the past several years, have helped to meet this goal.

## **CHAPTER TWO ORGANIZATION AND UTILITY OF THE REPORT**

This project was designed to produce a report that would provide helpful and useful information to all those with interest in or responsibility for court building security. The first chapters of the report provide an overview and methodology of the project, as well as the organization and utility of the report. The remaining chapters of the report contain a wealth of substantive information that will be useful to persons responsible for courthouse security:

- Targeted acts of violence in courts. This chapter provides an overview of the incidents of court-targeted violence across the nation. The comprehensive data presented highlights that courthouse security is a serious and growing challenge in this country.
- Web survey. This chapter presents data from a comprehensive web survey, providing “micro results” of what others, such as judges, court administrators, security providers, and county officials think about court security in their own court building. It presents information on what security measures are already in place and also on what these survey responders perceive to be critical needs to improve court security throughout the country.
- Telephone survey. On a “macro level,” this chapter presents data from a telephone survey which gave court officials, specifically state directors or coordinators of court security, the opportunity to express how court security works on a statewide level. From this macro perspective, additional information was gleaned as to measures already in place as well as critical needs to improve court security nationwide.
- Court building assessments. This chapter takes a representative sample of courts in which the NCSC has conducted an in depth systemic assessment over the past several years. These assessments provide objective data about security measures already in place as well as critical needs for additional measures.
- Tribal, native, and territorial courts. This chapter provides a brief overview of security in tribal, native, and territorial courts.
- Current available funding resources. This chapter provides the reader with information on possible sources for funding court security.

- Court security publications. In order to provide additional resources to the reader, the publications chapter annotates what may be considered the most important publications on court security released in recent years.
- Recommended future directions. The final chapter discusses future recommendations that include better communication and collaboration, the requirement for additional funding, and the need for national coordination and support.

As a result of all of the data that were collected and analyzed, this report contains information that will be useful to those with interest in or responsibility for security for courts. More specifically, this report addresses the following:

- What is the current state of affairs in terms of:
  - State and national planning and research on court security?
  - Physical and staff security approaches and policy and procedures?
- What are the most critical needs for courthouse and courtroom security?
- What are currently available resources to address the most critical needs in security?
- What are the strategic gaps in available assistance for security that may be later addressed through other funding sources?

## **CHAPTER THREE METHODOLOGY**

This chapter describes the methodology used to design the project, identify sources, and extract and analyze relevant data from the sources identified.

### **A. Project Design**

At the outset of the project, there was a preliminary assessment on potential sources of data that would be needed to meet the objectives of the report. Documents previously generated by the NCSC (e.g., security assessment reports, guidelines for best practices in court building security) and by CJES (e.g., studies of security incidents) provided unique and excellent sources of information. Recognizing that these sources would need to be supplemented, the potential need was identified to conduct both a web-based and telephone survey, and to undertake a literature review.

### **B. Project Advisory Committee**

A Project Advisory Committee (PAC) was convened and composed of representatives of major court and law enforcement organizations with significant interest in, or responsibility for, court building security. A list of PAC members is included in Appendix A - Project Advisory Committee. The PAC met in Denver, Colorado, for a day and a half in March 2012. At the start of the meeting, there was a discussion of the vision and nature of the project and the role of the PAC. Members of the PAC shared their views on courthouse security matters in general, as well as the views of the organizations they represent. PAC members also offered advice on organizations that could be sought out for additional information or assistance. The PAC members offered helpful comments and advice on specific data gathering aspects of the project. The members emphasized that the final project report should stress the importance of communication, collaboration, and education to promote court building security. Jurisdictions, particularly smaller ones, are hard-pressed to improve security without relying heavily on these three elements. They suggested training, both web-based and general training, may be the easiest “available resource” to provide to courts. Training can be made available even in the smallest courthouse. Funding for additional security staffing, on the other hand, may be the least readily available.

There was considerable discussion throughout the PAC meeting on the topic of surveys. It was noted that survey data would be used to supplement other sources of information for the

report. One of these surveys would be web-based, the other would be via telephone. The web-based survey would be sent to a wide range of “stakeholders” with an interest in courthouse security. The telephone survey would include only security directors of each state. The PAC members offered a great number of specific suggestions to improve the surveys. The PAC also strongly recommended that the final project report be made available to as many judges, court administrators, county officials, and law enforcement officers as possible.

### **C. Targeted Acts of Court Violence**

CJES incorporated into this report the results of years of its unique research chronicling incidents of court violence in state and local courts throughout the country from 1970 through 2012. This information and CJES’s hands-on experience provided a review of the various types of incidents that have occurred across the nation.

### **D. Web Survey**

A comprehensive online survey was conducted of judicial officers, court administrators, law enforcement officers, county officials, and other judicial stakeholders that represented a large number of courts. The survey instrument was carefully designed to identify what security measures are already in place in terms of current security staffing, equipment, and policies and procedures. It was also designed to capture the most critical needs that courts have in relation to security, as well as to identify sources of funding courts have utilized to address critical needs. Drafts of the survey instrument were subjected to continuous review and comments by members of the PAC and others. Appendix B contains the Web Survey Instrument.

In the summer of 2012, the survey was distributed to members of organizations, including the Conference of State Court Administrators (COSCA), the National Association of Court Managers (NACM), American Judges Association (AJA), National Association of Women Judges (NAWJ), National American Indian Court Judges Association (NAICJA), National Sheriffs Association (NSA), and the United States Marshals Service (USMS). The heads of these organizations assisted the NCSC in distributing the survey to its members, and as a result, over 800 survey responses were received. The survey responses were compiled and analyzed to provide an understanding of what courts have in place, what their critical needs are, and what available resources there may be to meet the critical needs.

### **E. Telephone Survey**

In order to provide additional data for this report, a telephone survey was conducted of state directors of court security throughout the country. While seeking to solicit much of the same kinds of information sought by the web-based survey, the telephone survey was specifically designed to foster more comprehensive and analytical responses from the survey participants. As with the web-based survey, drafts of the telephone survey instrument were subjected to continuous review and comments by members of the PAC.

The telephone survey included conversations, each approximately one hour in length, with state and territory directors of court security. All information garnered from these conversations was compiled and analyzed to further the understanding of what courts have in place, what their critical needs are, and what available resources there may be to meet the critical needs. A copy of the Telephone Survey Instrument is attached as Appendix C.

### **F. Court Building Assessments**

In preparation of this report, there was a review and analysis of significant information contained in a sample of the more than 225 security assessment reports that the NCSC has produced in recent years for court buildings in all regions of the country. These assessments include all levels of courts: supreme and appellate courts, state and county trial courts, as well as municipal courts. The NCSC's assessments contain a wealth of information in terms of what courts do and do not have in place in the way of security staffing, equipment, and policies and procedures. Data was extracted from a representative sample of these assessment reports. How the sample was derived is explained in detail in this report. From each NCSC assessment report in the sample, the NCSC extracted data related to different elements of court building security.

The elements of court building security selected for the data extraction are based on a comprehensive document entitled *Steps to Best Practices for Court Building Security*, which the NCSC has developed, published, and disseminated through its website. The *Steps* document identifies what best practices should be in place with respect to all aspects of court security, including staffing, equipment, and policies and procedures. The best practices developed by the NCSC are consistent with various practices from the USMS, NSA, International Association of Chiefs of Police, (IACP) the Transportation Safety Administration (TSA), and the Department of Homeland Security (DHS). Recognizing that full-scale implementation of best practices can be

expensive, the NCSC has provided steps in phases, so that a court can adopt incremental improvements over time.

In order to determine the most critical needs for court building security, the analysis of the sample of NCSC security assessment reports allowed a comparison of what is in place in the way of security staffing, equipment, and policies and procedures with what should be in place based on best practices.

### **G. Publications**

Significant publications on court building security were identified and annotated in this report so that they might prove most useful to readers of this report.

## **CHAPTER FOUR TARGETED ACTS OF VIOLENCE IN COURTS**

This chapter is based on data collected and compiled by the Center for Judicial and Executive Security (CJES). As presented in this chapter, CJES data demonstrates that:

- Threats and violent incidents against courthouse operations present a serious challenge to the safety and well-being of those who work in or visit courthouses throughout this country.
- The number of threats and violent incidents has continued to grow in recent years.

On May 31, 2010, CJES released its study on Court-Targeted Acts of Violence (CTAV). The CTAV study documented 185 incidents of court-targeted shootings, bombings, and arson attacks occurring in the United States during the almost 40-year period from 1970 to 2009. Note: As of June 2013 additional incidents were reported by CJES that increased that total to from 185 to 199 CTAV incidents for the 1970-2009 reporting period. These incidents broke down by decade as follows:

- 20 incidents during 1970-79
- 37 incidents during 1980-89
- 64 incidents during 1990-99
- 78 incidents during 2000-09

In a second research effort, CJES in 2009 began tracking and recording those violent courthouse incidents other than shootings, bombings, and arson attacks. These incidents included knifings and other assaults, murder-for-hire and bomb plots, suicides, and other incidents of violence (e.g., prisoner escapes and courtroom or courthouse disruptions) that stopped just short of a shooting, bombing, or arson-attack incident. With its 2012 publication “Disorder in the Court—Incidents of Courthouse Violence,” CJES documented 209 of these types of incidents involving state, tribal, and local courts from 2005 to 2011. The following is the breakdown by year: 10 incidents in 2005; 10 incidents in 2006; 16 incidents in 2007; 24 incidents in 2008; 32 incidents in 2009; 50 incidents in 2010; and 67 incidents in 2011. CJES research confirmed that a clear majority of all these types of incidents were “case-related.” Meaning the person(s) committing, attempting, or plotting a violent act was involved in a past, present, or future matter before the court.

In the NCSC 2012 “Future Trends in State Courts” article, *Courthouse Security Incidents Trending Upward – The Challenges Facing States Courts Today*, the author and contributors to this report further discussed incidents of court-targeted acts of violence. It was noted in the “Trends” article that since publication of their CTAV study, CJES continued to research and document courthouse shootings, bombings, and arson attacks uncovering multiple incidents that had been previously unrecorded during the stated study period. All of the incidents of court-targeted acts of violence (i.e., shootings, bombings, arson-attacks and incidents of knifings, assaults, murder-for-hire and bomb plots, suicides, and other violence) were combined in order to determine the current state of courthouse security.

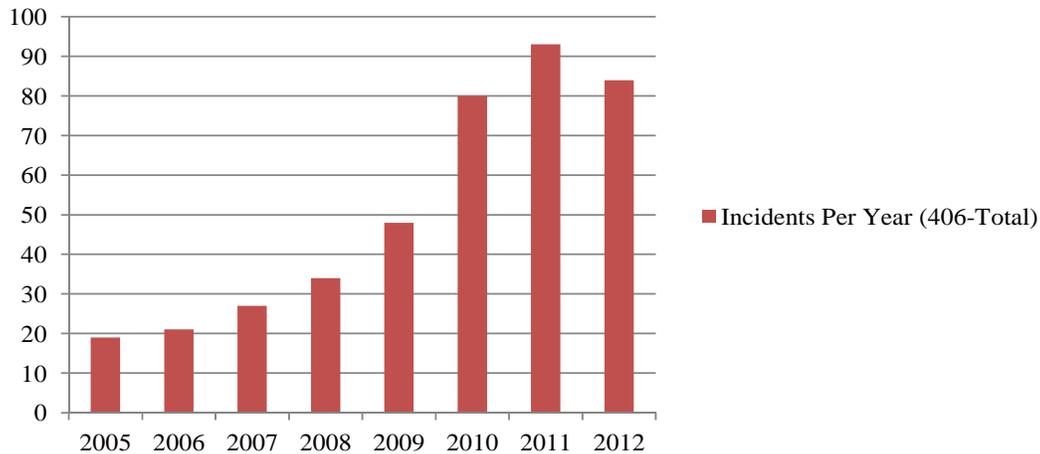
Incidents included in this “Trends” review occurred during the time frame of 2005 to 2012, which was specifically chosen due to the resounding impact of incidents occurring across the country. A sampling of these incidents is detailed below:

- On March 14, 2012, a man opened fire outside the Jefferson County courthouse in Beaumont, Texas, leaving his 20-year-old daughter in critical condition and wounding her mother. The gunman also killed a 79-year-old woman and shot another bystander.
- On March 7, 2012, a sheriff’s deputy and a man exchanged gunfire outside a Tulsa, Oklahoma, courthouse. The deputy, a bystander, and the gunman were shot and hospitalized.
- On December 16, 2011, a man shot a county prosecutor and two bystanders in the Cook County courthouse in Grand Marais, Minnesota.
- On September 13, 2011, a gunman, wearing tactical gear and armed with three semi-automatic weapons, opened fire in a Van Buren, Arkansas, judge’s office unopposed.

There were a total of 406 court-targeted acts of violence incidents included in the 2005-2012 study. The breakdown by year was:

- 19 in 2005
- 21 in 2006
- 27 in 2007
- 34 in 2008
- 48 in 2009
- 80 in 2010
- 93 in 2011
- 84 in 2012

**Figure 4-1  
Incidents Per Year (406-Total)**



The data reflected in Figure 4-1 validate previous study findings in that incidents of violence are for the most part on the rise, with the exception of a decrease in the number of incidents from 2011 to 2012. While these numbers reflect the most current data available, it is likely that a relatively high number of other incidents have occurred, but have not yet been documented. This probably results from the inconsistency with respect to the official reporting and the recording of incidents of this type that still exists today.

In terms of who commits incidents of courthouse violence (threat sources), the CTAV study revealed a relatively diverse composition. The top six threat sources made up 87% or 161 out of the total 185 incidents of courthouse and judicial violent attacks. The following is the breakdown of the 185 incidents in terms of all categories of threat sources: 41-domestic assailants (22%); 27-unknown assailants (15%); 26-dangerous individuals (14%); 23-on-bond defendants (12%); 22-criminal assailants (12%); 22-prisoner assailants (12%); 9-domestic terrorist incidents (5%); 5-accomplices (3%); 5-case litigant assailants (3%); and 5-other assailants (3%).

As the top category (domestic assailants) suggests, violence against women is a major concern of court security. In this top category, a significantly disproportionate number of women are being targeted; and the main threat source is a male domestic assailant. The “dangerous individuals” category included those having either severe mental health issues (7),

suspected but no documented or confirmed mental health issue (7), or without direct affiliation to any other category of assailant (e.g., stalker).

The CTAV data revealed a relatively low number of victim family members attacking criminal defendants which was to some degree unexpected. Considering the level of emotional response generated during murder, assault, abuse, and other related proceedings/trials, an assumption-based hypothesis would have had this number substantially higher. It was apparent that both standard and heightened security measures implemented in courthouses such as security screening, high-threat/profile trial designation, and additional personnel, may have kept those numbers to a minimum. Another example of an effect of heightened security measures is the fact that, according to CTAV data, arson attacks, through the use of improvised incendiary devices, have increased in number and frequency. This was predominately a result of “Incident Displacement Effect,” in which because of heightened courthouse security measures (e.g., security screening, controlled access, law-enforcement staffing, etc.) individuals may choose alternative locations to commit violent actions. In effect when courtrooms are secure – more incidents occur on court floors when court floors are secure – more incidents occur in courthouse lobby areas, and when courthouses are secure – more incidents occur in “incident-displaced” area locations such as security-screening stations and courthouse plazas, parking, and perimeter areas.

The CTAV study also looked at the motives behind court-targeted acts of violence. Threat source motive was simply defined as the reason why the threat source committed a violent act. A large portion of threat source motive is case-related (76 occurrences or 41% out of 185 total incidents). This carries even greater impact when one withholds the 43 cases of “unknown” motive. Case-related motive occurs 54% of the time when factoring in 142 total incidents of motive. Even when an unknown motive is determined, the study data indicated a high percentage would be case-related. A reasonable position was taken that all prisoner escapes and certain numbers of other motive categories could also be reclassified as case-related.

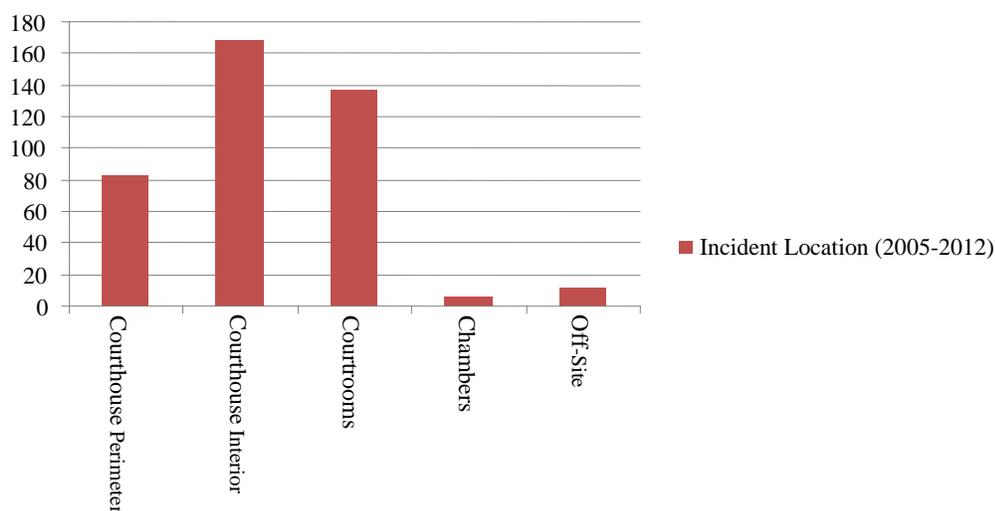
The 76 occurrences of case-related motive were broken down by the following categories: divorce/alimony matters (19); court rulings (12) involving court orders and decisions; child custody matters (8); arrest/charges (8) when the threat source is taken into custody or new charges are brought forward; sentencing/convictions (8); child abuse (5); child support (5) issues; restraining orders (4); other (4); and evidence destruction (3).

Both the CTAV study and the 2005-2012 assessments examined where incidents took place. Incident locations were classified by: (1) courthouse perimeter – i.e., building facade, parking plaza, and sidewalk areas; (2) courthouse interior – i.e., lobby, office, floor, stair, and prisoner circulation areas; (3) courtrooms; (4) chambers; and (5) off-site considerations such as murders-for-hire and bomb plots.

In the CTAV study, out of 185 incidents, 79 incidents (43%) occurred around the courthouse perimeter (i.e., court facilities parking/ramps, outside steps, plaza, and sidewalks); 56 incidents (30%) occurred in the courthouse interior (i.e., court facilities corridors, stairwells, elevators, offices/rooms, and lobbies); 30 incidents (16%) occurred in a courtroom (i.e., a designated area/room holding court hearings and proceedings); 15 incidents (8%) occurred at judicial residences (i.e., the personal residence of a judicial or court officer); four incidents (2%) occurred in chambers; and one incident (0.5%) occurred off-site (i.e., a non-courthouse location with no previous designation).

In the 2005-2012 analysis, out of 406 incidents that were identified: 83 (21%) incidents occurred around the courthouse perimeter; 168 (41%) incidents occurred in the courthouse interior; 137 (34%) incidents occurred in courtrooms; six (1%) incidents occurred in chambers; and 12 (2%) incidents occurred off-site. These numbers are consistent with previous study findings of “incident displacement” and a threat source(s) being influenced by incident venue, attempts to circumvent or bypass security measures, and/or taking advantage (via opportunity) of either a lack of security or a recognized vulnerability that can be exploited. The higher number of incidents occurring in courtrooms and the courthouse interior indicate that assessed levels of court security must both be sustained (to minimize and mitigate future incidents) and either implemented or increased (to deter, limit, and eliminate future opportunities for incidents).

**Figure 4-2  
Incident Location (2005-2012)**



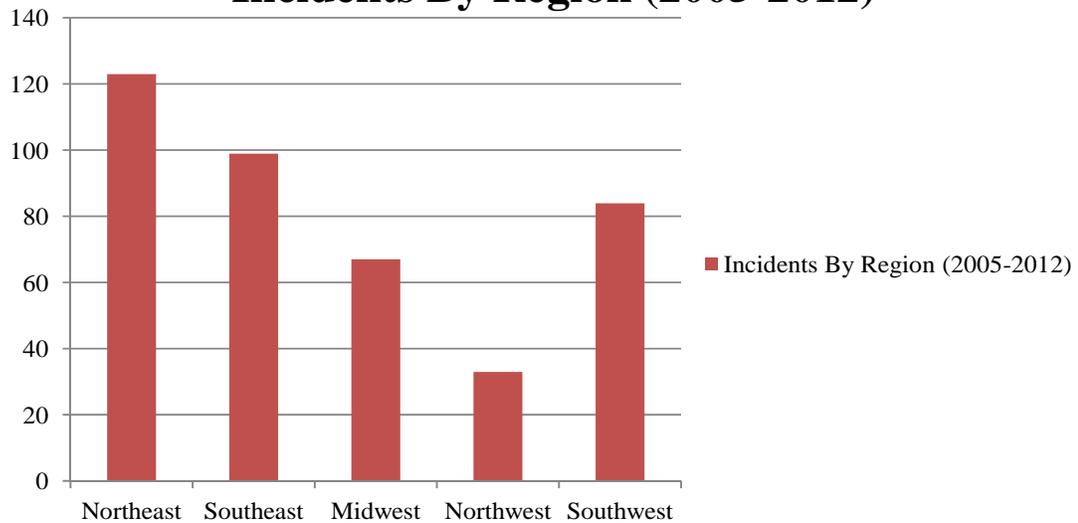
#### Summary of Targeted Acts of Violence in Courts

With the advent of courthouse security awareness, heightened security measures, refined policies and procedures, specialized training, and site-specific security measures, one might expect that the number of incidents in recent years would have decreased rather than increased. However, when delving further, it becomes evident that because of the environment surrounding court proceedings, normally “good persons” may occasionally resort to doing “bad things.” Those predisposed to violence may also act out on their impulses. This can be attributed to self-perceptions (actual or perceived) of what constitutes a “highly charged emotional event.” High-threat and high-profile proceedings may be considered highly charged emotional events but so might civil, family, traffic, or conciliation court. It depends entirely on what the involved party believes – not what others do. An understanding of why incidents occur and what provokes the perpetrator to action is vital for courts to know to prepare and defend themselves from such attacks.

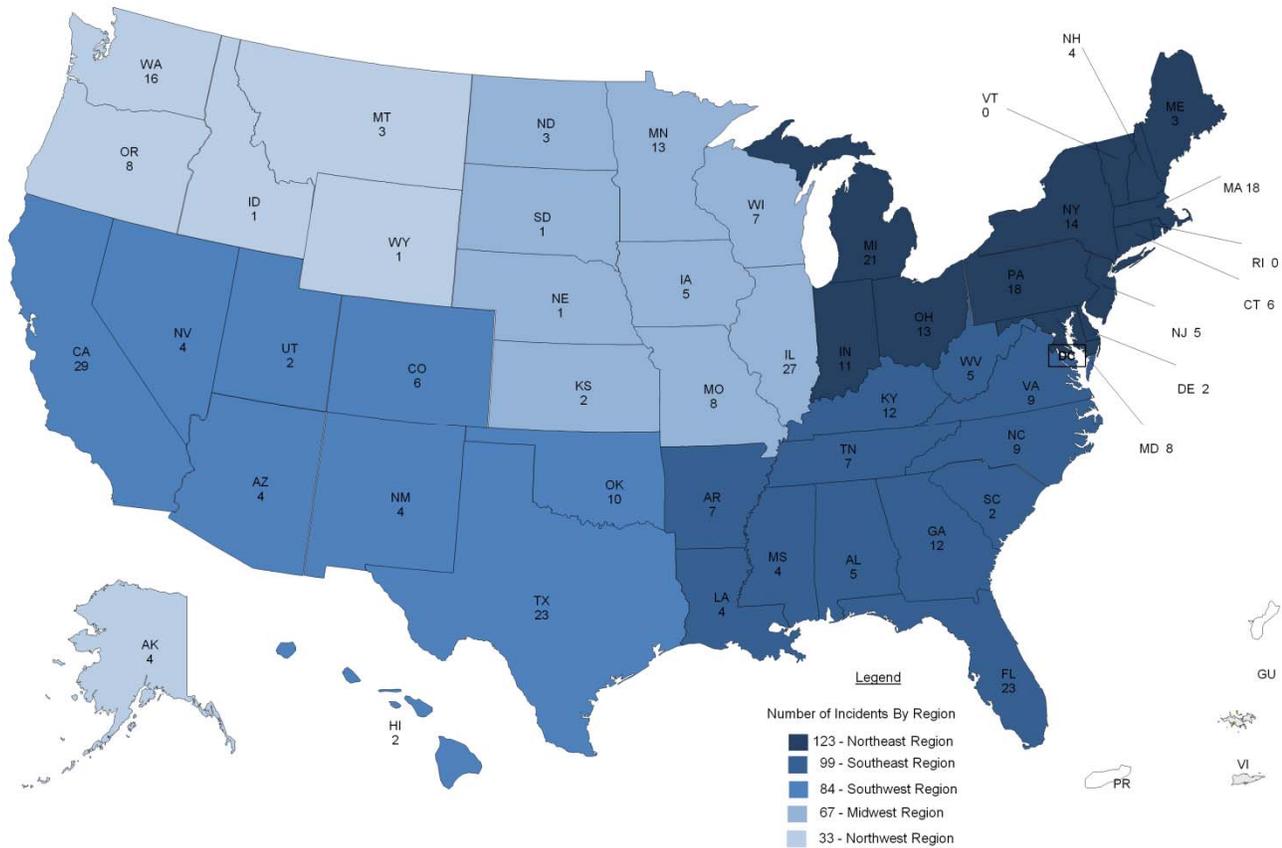
It is evident that further and more complex research and studies must be conducted on court-targeted acts of violence. Further research and studies should not only focus on threat source intent, motive, and ability but also on identifying: (a) the times and exact locations of incidents; (b) the stage of the incident-involved proceeding; (c) mental health issues; (d) subject interviews; (e) weapons accessibility; (f) inappropriate communications as potential pre-indicators of violent behaviors; (g) type and extent of established court security program

measures; (h) implemented security measures that “worked” and/or “failed” as designed; and (i) traditional and non-traditional threat sources. The following sets of figures and tables display the number of incidents between 2005 and 2012 across the country both by region and state and are self explanatory.

**Figure 4-3  
Incidents By Region (2005-2012)**

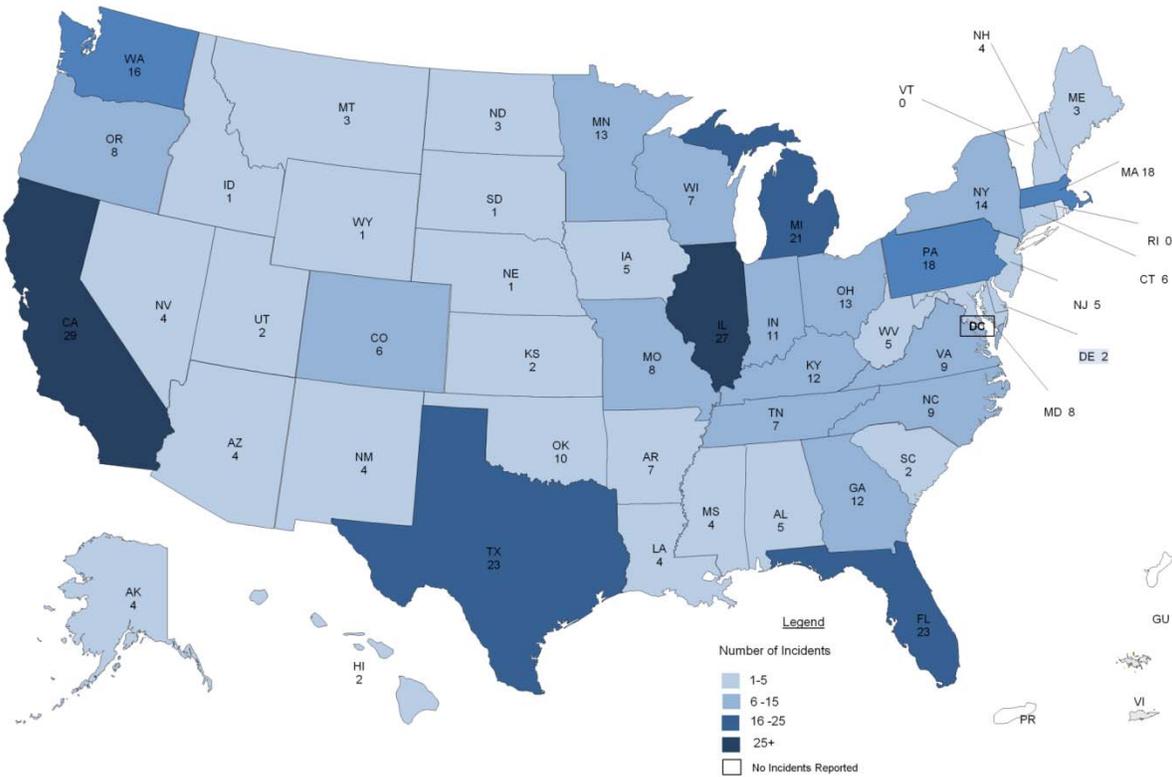


**Figure 4-4**  
**Total Number of Documented Incidents by Region**  
**(2005-2012): 406**



Northeast	Southeast	Midwest	Northwest	Southwest
CT, DE, IN, MA, MD, ME, MI, NH, NJ, NY, OH, PA, RI, VT	AL, AR, FL, GA, KT, LA, MS, NC, SC, TN, VI, WV	IA, IL, KS, MN, MO, ND, NE, SD, WI	AK, ID, MT, OR, WA, WY	AZ, CA, CO, HI, NM, NV, OK, TX, UT

**Figure 4-5**  
**Total Number of Documented Incidents by State**  
**(2005-2012): 406**



**TOTAL NUMBER OF DOCUMENTED INCIDENTS BY STATE (2005-2012): 406**

Alabama	5	Hawaii	2	Massachusetts	18	New Mexico	4	South Dakota	1
Alaska	4	Idaho	1	Michigan	21	New York	14	Tennessee	7
Arkansas	7	Illinois	27	Minnesota	13	North Carolina	9	Texas	23
Arizona	4	Indiana	11	Mississippi	4	North Dakota	3	Utah	2
California	29	Iowa	5	Missouri	8	Ohio	13	Vermont	0
Colorado	6	Kansas	2	Montana	3	Oklahoma	10	Virginia	9
Connecticut	6	Kentucky	12	Nebraska	1	Oregon	8	Washington	16
Delaware	2	Louisiana	4	Nevada	4	Pennsylvania	18	West Virginia	5
Florida	23	Maine	3	New Hampshire	4	Rhode Island	0	Wisconsin	7
Georgia	12	Maryland	8	New Jersey	5	South Carolina	2	Wyoming	1

## **CHAPTER FIVE WEB SURVEY**

### **A. Introduction**

To capture a nationwide perspective on court building security, an online survey was developed that was disseminated to interest groups representing judges and judicial officers, court administrators and supervisors, court security providers, and county officials. The survey gathered significant information on court security critical needs in six major areas of concern, including (1) court building security, (2) entryway screening, (3) security and emergency preparedness training, (4) law enforcement or court security officer staffing, (5) policies and procedures on court security, and (6) funding.

### **B. Respondent Demographics**

The NCSC received 805 responses to its survey. Judicial officers (appellate and trial judges, magistrates, etc.) accounted for 318 (39%) of the respondents. Court administrators and supervisors accounted for 277 (34%) of the respondents. There were 167 (21%) responses from security providers (e.g., sheriff deputies, court security officers, etc.). Finally, there were 34 (4%) responses from county officials. The NCSC received at least one response from 48 states (all except Mississippi and South Dakota) as well as responses from three territories (Puerto Rico, U.S. Virgin Islands, and Guam).

The breakdown of our respondents by types of courts is as follows: 5% were from appellate courts; 74% were from state trial courts; 9% were from municipal courts; 4% were from tribal courts; and 8% were from other types of courts (e.g., federal, administrative). Also, 35% of all respondents reported that they work in single-use courthouses, while 65% say that they work in multiple-use buildings.

### **C. What the Survey Data Tell Us**

#### **1. Critical Needs**

In order to ascertain respondents' views about critical needs for court building security, the survey asked two related questions. The first question asked respondents' views about the critical need for improvement for specified security measures. Table 5-1 includes data on responses to this first question. The second question asked respondents about how well such security measures are currently being addressed in their court buildings. Table 5-2 includes data on responses to this second question.

**Table 5-1**

With respect to the need for improved security in your **Court Building**, please rank-order the following topic areas from most critical (7) to least critical (1).

Answer Options	1 (Least Critical)	2	3	4	5	6	7 (Most Critical)	Rating Average
Point of Entry Screening	109	77	52	38	63	97	187	<b>4.46</b>
Security and Emergency Preparedness Training	84	92	113	99	109	113	149	<b>4.31</b>
Law Enforcement Officer and/or Court Security Staffing	65	98	78	70	103	129	92	<b>4.26</b>
Physical Security Systems	37	80	112	146	133	87	53	<b>4.13</b>
Judge/Judicial Officer Circulation	90	117	117	116	97	82	78	<b>3.82</b>
Mail and Package Delivery Screening	115	95	95	113	91	73	57	<b>3.65</b>
In-custody Defendant Circulation Including Holding Cells	134	93	98	95	81	81	60	<b>3.59</b>

**Table 5-2**

How well do you think the following security measures work in your **Court Building**?

Answer Options	Excellent (4)	Good (3)	Fair (2)	Poor (1)	N/A	Rating Average
Law Enforcement Officer and/or County Security Staffing Presence	238	290	145	76	46	<b>2.92</b>
Point of Entry Screening (Magnetometer, x-ray machines, wands)	195	288	106	100	109	<b>2.84</b>
Physical Security Systems (Duress alarms, CCTV cameras, etc.)	147	308	185	112	40	<b>2.65</b>
In-custody Defendant Circulation Including Holding Cells	155	237	115	141	127	<b>2.63</b>
Judge/Judicial Officer Circulation (Chambers, back corridors)	147	264	163	186	29	<b>2.49</b>
Security and Emergency Preparedness Training	56	242	269	190	34	<b>2.22</b>
Mail and Package Delivery Screening	70	175	154	201	163	<b>2.19</b>

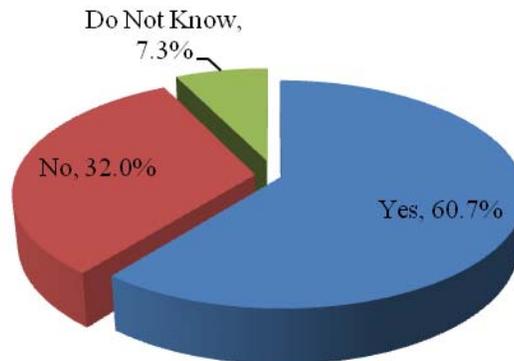
The data in Tables 5-1 and 5-2 tell us, that in the view of respondents, the following is the correlation between relative criticality and how well the measure is being addressed. Entry screening is the most critically in need of improvement, and yet it comes in second in terms of how well it is currently being addressed. Law enforcement officer staffing is the third most critically in need of improvement, and it comes in first in terms of how well it is currently being addressed. Physical security systems are the fourth most critically in need of improvement, and it comes in third in terms of how well it is currently being addressed. Judge circulation is the fifth most critically in need of improvement, and it comes in fifth in terms of how well it is currently being addressed. Mail screening is the sixth most critically in need of improvement, and it comes in seventh in terms of how well it is currently being addressed. In-custody defendants is the seventh most critically in need of improvement (i.e., the least critical), and it comes in fourth in terms of how well it is currently being addressed.

What is most striking about the responses to the questions in the above tables is what they tell us about security and emergency preparedness training. Respondents rated training as the second most critical need for improvement, while rating it second to last in terms of how well it

is currently being addressed. In other words, training is a very critical need that is currently not being very well met.

It is interesting to note that while respondents ranked security officer presence first with regard to how well it is currently being addressed, respondents also said by a large margin that more security officers are needed. As Figure 5-1 indicates, over 60% of respondents said that more officers were required to provide security in their court buildings.

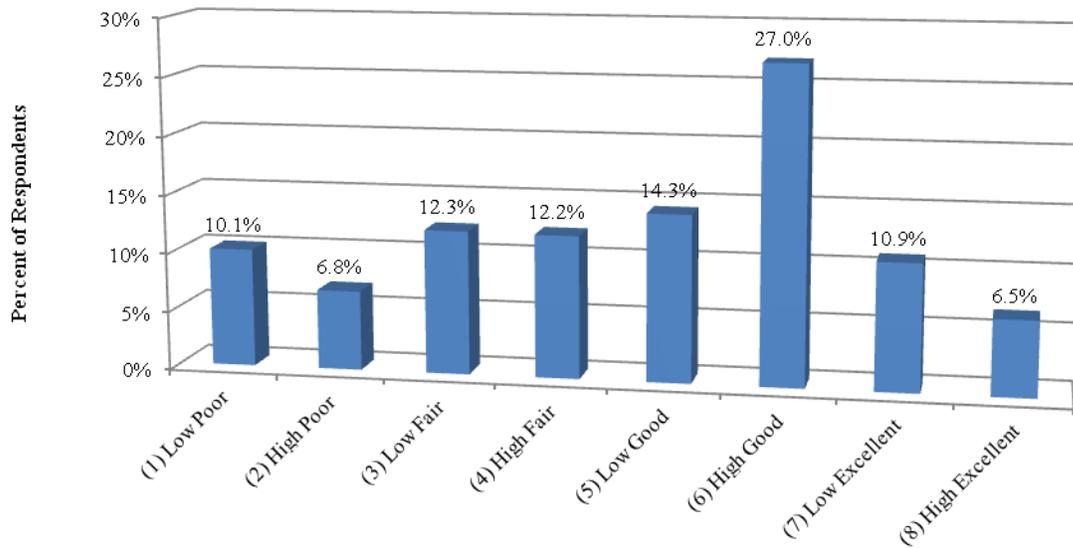
**Figure 5-1**  
In your experience, do you need more court security officers to provide court security at your court building?



It is also clear with respect to how well security measures are working, that in all categories a large percentage of respondents believe that their courts are addressing these measures poorly or only fairly. The percentage of respondents who believe that their court measures either poor or fair ranges from 30% in the case of law enforcement officer (LEO) staffing to 60% in the case of mail/package delivery.

Also, the survey asked respondents to rate the quality of overall security in their court buildings. As figure 5-2 indicates, 41.40% of respondents rated overall security as poor or only fair.

**Figure 5-2**  
Overall, how would you rate the quality of court security services for your court building?



As seen in the following two figures (5-3 and 5-4) on the next page, there are some interesting points to note when the data is broken out into the following four respondent categories: judges, administrators, security providers, and county officials.

**Figure 5-3**

With respect to the need for improved security in your **Court Building**, please rank-order the following topic areas from most critical (7) to least critical (1).

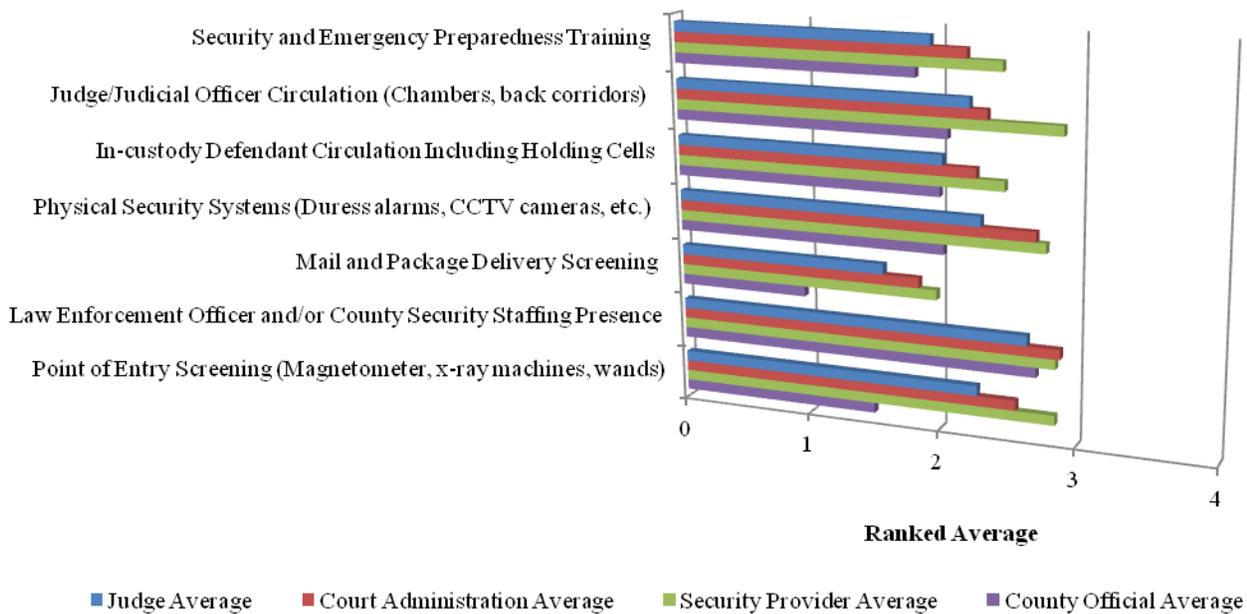
**Critical Areas Needing Improvement**



**Figure 5-4**

How well do you think the following security measures work in your **Court Building**? (Scale of 1-poor to 4-excellent)

**Average Ranking by Position Title**



As Figure 5-3 indicates, there is a general level of conformity between what judges and court administrators believe to be as the most critical needs for improvement. On the other hand, the data reveal the following distinctions among the four groups: security providers rate entry screening as a higher critical need than do judge/court administrators (2.84 vs. 2.27/2.56); security providers rate judicial circulation as a much higher critical need than do judge/court administrators (2.88 vs. 2.22/2.34); and county officials rate the critical need lower, than do the other three types of respondents, in all seven categories.

Figure 5-4 reveals differences among the four groups in their views of how well security measures are being addressed. For example, security providers think that security measures are currently being addressed better, than do the other three types of providers, in every category other than LEO staffing. Judges are more critical than are court administrators in all categories. Administrators think that things are going better than do judges. County officials are the most critical of the four types of responders in all categories. They think things are going the least well.

## 2. Funding

Additionally, the survey asked about sources of funding for court security. As the survey results in Table 5-3 indicate, the vast majority of respondents (89.2%) identified their own governmental entities – city, county, and state – as sources of funding. A few respondents, under “other,” listed such sources as grants and fees.

**Table 5-3**  
What are the sources for funding security at your court building?

<b>Answer Options</b>	<b>Response Percent</b>
The City	7.0%
The County	51.3%
The State	30.9%
Federal	2.9%
Private	0.1%
Other	7.8%

The survey also asked about reliance on filing fees as a source of revenue for security. As Table 5-4 indicates below, only 12.2% of the respondents indicated that filing fees were used in support of security.

**Table 5-4**

Does the court, at the court building where you work, assess any filing fees to financially support court security?

<b>Answer Options</b>	<b>Response Percent</b>
Yes	12.2%
No	65.0%
Do Not Know	22.8%

Next, the survey asked if respondents were aware of any potentially new sources of revenue to fund security. As Table 5-5 indicates, only a very small percentage of respondents (3.3%) reported any awareness of possible new sources of revenue. Potential new revenue sources most frequently cited by this small group included grants from state court administrator offices and the (Federal) Local Courthouse Safety Act of 2012.

**Table 5-5**

Are you aware of any new sources of funding that could potentially support court security in your court building?

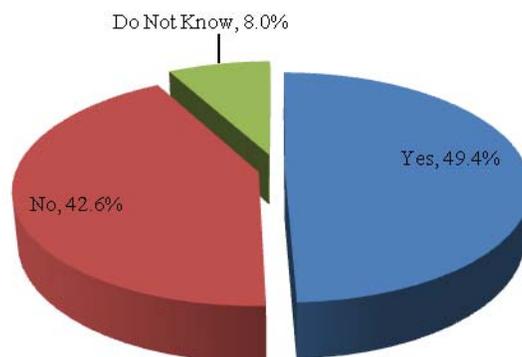
<b>Answer Options</b>	<b>Response Percent</b>
Yes	3.3%
No	68.5%
Do Not Know	28.1%

The survey asked about three intangible, yet extremely crucial, elements of court building security: (1) security committees; (2) policies and procedures; and (3) training.

### 3. Security Committee

A formalized court security committee provides a means for court administration, county officials, and security officers to take a more comprehensive and structured approach in addressing matters of court security in the court building. Without such a committee, it is difficult, if not impossible, to properly assess and address the myriad of security challenges facing court leadership. As the chart in Figure 5-5 indicates, only slightly less than half of the respondents to our survey reported that they had a security committee in their court buildings. The creation of an effective court security committee appears to be a critical need for over half of the respondents to the survey – a need that can be filled without a significant degree of additional resources.

**Figure 5-5**  
Do you have an active court security committee at your court?



#### 4. Policies and Procedures

There are two crucial factors to consider with respect to court building policies and procedures for security and emergency preparedness. The first factor is that such policies and procedures exist. This means that those in authority have given these matters proper thought, that the concepts of best practices have been taken into account, and that an effort has been made for consistency in security and emergency preparedness matters throughout the system. The second factor is how such policies and procedures become a living reality and are practiced inside the court buildings. Without a comprehensive set of policies and procedures, there is no way to assure a thorough and consistent application of security measures aimed at making a court building reasonably safe. As Table 5-6 indicates, less than three-quarters of the respondents reported that there were policies and procedures on security in their court buildings.

**Table 5-6**  
Do you have policies and procedures for court security and emergency preparedness at your court building?

Answer Options	Response Percent
Yes	73.2%
No	14.0%
Do Not know	12.8%

#### 5. Training

An extensive, formal court security training program is essential for court building security. Court staff need training in handling angry customers, diffusing volatile situations, reacting to a shooting or hostage-taking situation, and self-defense, among other things.

Additional court security training is needed for judicial officers and court staff. People working in a court building may want to know “what should I do” or “how should I react” to a myriad of situations. Important training offerings might include such titles as “Solving Court Security Problems as a Team,” “Courtroom Debriefing Sessions,” and “Personal Safety to and from Work.”

According to the survey, crucial training on court security is only being provided for less than half of the respondents (see Table 5-7). Similarly, much less than half (39.6%) of respondents reported that emergency preparedness is provided at their court buildings (see Table 5-8).

**Table 5-7**  
Is training provided on court security at your court building?

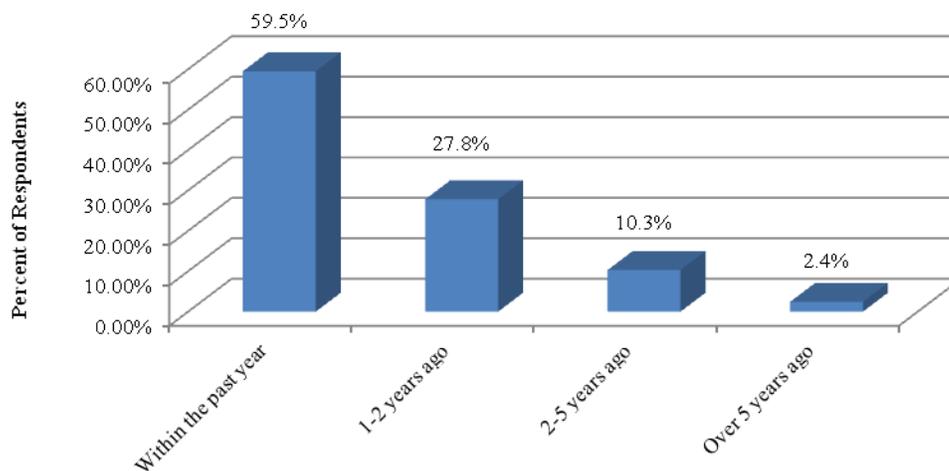
<b>Answer Options</b>	<b>Response Percent</b>
Yes	44.0%
No	44.5%
Do Not Know	11.5%

**Table 5-8**  
Is training provided on emergency preparedness at your court building?

<b>Answer Options</b>	<b>Response Percent</b>
Yes	39.6%
No	43.6%
Do Not Know	16.8%

Somewhat more encouraging data on training is revealed in Figure 5-6, which indicates that almost 60% of those respondents who have received security training report that they received some training within the past year. Overall however, given how important security training is, the survey results show that providing this training constitutes a critical need in court buildings throughout the country.

**Figure 5-6**  
If security training is provided, when was the last time court security training was provided at your court building?



#### **D. Summary of the Web Survey**

With 48 of the 50 states responding, as well as three territories, the web survey conducted by the NCSC was the first comprehensive survey covering major areas of concern regarding court security. The survey data was collected from four major classifications of employees working in courts. The employee classifications included judicial officers, court administrators, officers providing court security, and county officials. Additional web survey responses are contained in Appendix E. Significant information on court security critical needs resulted in three major areas of concern regarding (1) entryway screening, (2) security and emergency preparedness training, and (3) law enforcement or court security officer staffing. Although items 1 and 2 were predominantly rated as working excellent to good, the most significant differences identified in the study were regarding a critical need for training and how it was working at respondents' court buildings. In summary, overall training is a critical need that is being met for almost half of the 802 respondents.

##### **1. Presence of Security**

On the topic of court security officer presence at entryway screening and at court buildings, respondents said that even though security officer presence is being addressed, a large margin said that more officers are needed.

##### **2. Security Measures**

In a topic that may be resolved through better communication and participation on court

security committees, it was discovered that respondents working in court buildings had varying perceptions of how security measures were being addressed. Although security providers responded that security measures are being addressed, county officials stated that security measures are being addressed least well with judges and court administrators.

### 3. Funding

As expected, in the topic of funding, a vast majority of government entities are self funded from counties, states, and cities. Telling was the fact that while other funding sources such as grants and fees, a popular source of court security improvement revenue, were less than 8%, only 2.9% of court respondents received federal money. Additionally, when respondents were asked if they knew of any new sources of money available for court security, a combined 96.6% said, “No” or “I Don’t Know,” with a slim margin of 3.3% of respondents saying “Yes.” This finding clearly indicates the limited involvement of the federal government in state efforts to improve court security.

### 4. Policies and Procedures

Having security policies and procedures in place is an essential element related to best practices in court security. It was positive to note that nearly 75% of respondents recognized that they had policies and procedures in place at their court building. This is a positive sign that one of the three fundamentals to good court security is in place in so many courts. Upon further examination, courts must determine if policies and procedures are being revised at least annually and people working in court buildings are being trained in their use. For this latter concern, the answer may be perhaps not.

### 5. Training

Surprisingly, slightly more than half of respondents said that court security training was not being provided at their court building. 11.5 % did not know. Again, over half of respondents answered “No” when asked if emergency preparedness training was being provided at their court building, 16.8% responded they didn’t know. These two responses indicated that the majority of people working in courthouses are neither unprepared to protect themselves when there is an incident such as a shooting nor are they able to make determinations on what to do or how to respond to an emergency such as a tornado or hurricane. As responses were analyzed, those who received training did so in the last year. However, overall training constitutes an immediate and critical need in state courts nationally.

## **CHAPTER SIX TELEPHONE SURVEY**

### **A. Introduction**

This chapter is based on data collected and compiled by the Center for Judicial and Executive Security (CJES). In order to provide additional data to supplement the issues and needs identified in the web survey, a telephone survey was conducted of directors and coordinators of state court security. While the web survey sought to provide “micro results” of what others, such as judges, court administrators, security providers, and county officials perceive about court security in their own court building, the telephone survey was designed to provide “macro results” of how court security works on a statewide level. State directors of court security provided vital information, including security measures already in place and critical needs to improve court security nationwide. Initial “pilot interviews” were conducted with state directors of security in four states: Arkansas, California, Hawaii, and New York. Based on these preliminary interviews, the instrument was improved and revised. The telephone survey instrument is attached as Appendix C.

The survey instrument was designed to gather in-depth information in the following areas:

- Court building security operations
- Courtroom security
- Sources of funding
- Judicial threat and emergency management
- Tests, training, and exercises
- Court security planning and research
- Current state of court security within each jurisdiction

### **B. Methodology and Respondents**

The telephone surveys were conducted from September 2012 through January 2013 with state court security directors or coordinators representing all 50 states; the five U.S. territories, including American Samoa, Guam, Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands; and the District of Columbia. The duration of each interview was between one hour and one hour and fifteen minutes.

The survey obtained general information from respondents regarding their position/title, state court organization (Unified or Non-Unified), and primary area of jurisdiction (i.e., State

Courts, Appellate Courts, General Jurisdiction Courts, Limited Jurisdiction Courts, and Municipal Courts). The distribution of respondents was as follows:

General Information					
<b>Position/Title:</b>	Security Director (or equivalent)	27	Other (e.g., Court Administrator, Judicial Officer, Facilities Manager)	23	
<b>State Court Organization:</b>	Unified	34	Non-Unified	17	
<b>Primary Area of Jurisdiction:</b>	State Courts	36	Appellate Courts	19	
General Jurisdiction	13	Limited Jurisdiction	15	Municipal Courts	10

The primary goal and objective for determining the respondents position/title was to ascertain the actual number of security director or equivalent positions within the respective court’s organization. A total of 54% of respondents indicated that they held a security director or related position. The remaining 46% of respondents were assigned security-based duties and responsibilities in addition to their primary assignment in court administration or as a judicial officer or facilities manager. The near equal findings confirm the ongoing debate on the necessity of dedicating a position solely for court security. In light of the documented increase in court-targeted acts of violence and the complexities involved with sustaining contemporary court security, threat, risk, and emergency management programs, the creation of a court security director (or equivalent) position within every court’s organization would be a very positive development. It is important to note that a majority of respondents (68%) indicated they were in a unified court system while the primary areas of jurisdiction were representative across the board.

### **C. Primary Telephone Survey Findings: 50 States**

#### **1. Court Building Security Operations**

In the first section of the survey, three questions were presented to obtain an overview of court building security operations currently in place and the need for improved security. As stated previously, in this report, the terms “courthouse” and “court building” are used interchangeably. However, in standard practice, a “courthouse” is a building that is primarily dedicated to court usage, which houses judges and court staff, while a “court building” typically refers to a multi-use structure that houses court functions and other city or county agencies and tenants.

### 1.1 Courthouse Security Measures Currently in Place

The first question in this section asked respondents to rate the importance of security measures already in place in their states. The list of security measures included in the survey was based on NCSC nationally recognized best practices in court security. Respondents were instructed to rate the security measures in order of importance. The scale was based on a 1 to 5 scale, 1 being unnecessary and 5 being critical.

<b>Table 6-1 Court Building Security Operations Courthouse Security Measures Currently in Place</b>	
<b>Rate the following courthouse security measures that are in place in your state, using this 1 to 5 scale.</b>	
<b>Average Rating</b>	<b>Scale: 1-Unnecessary / 2-Low Importance / 3-Important / 4-High Importance / 5-Critical</b>
4.92	Point-of-Entry Screening (magnetometer and fluoroscope) <sup>5</sup>
4.86	Controlled-Access (single-point of public access)
4.72	Secured Prisoner Circulation (i.e., holding cells, corridors, stairs/elevators, and doors)
4.72	Secured Judicial Officer Circulation (i.e., chambers, corridors, and entrances/exits)
4.66	Law Enforcement and/or Security Staffing
4.59	Physical Security Systems (e.g., duress alarms, CCTVs, IDS, etc.)
4.32	Security Command and Control Operations Center
3.86	Mail and Delivery Screening

As seen in the table above, survey respondents consider all eight (8) courthouse security measures currently in place in their respective jurisdictions to be of high importance (3.86) to critical (4.92). Respondents identified “Point of Entry Screening,” the use of a magnetometer and fluoroscope, and “Controlled Access,” which is the use of a single point of entry for public access, as the two most important measures.

The only security measure that was not ranked above 4.0 was “Mail and Delivery Screening.” However, with an average rating of 3.86, it is still well within the range of being valued as a high importance item. This somewhat lower rating level may have been the result of the relative decrease in number of court-targeted mail bombings over the past few decades. (See

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<sup>5</sup> A magnetometer is an instrument for detecting the presence of ferrous or magnetic materials, especially one used to detect concealed weapons at airports, courthouses, and other public buildings. A fluoroscope is an imaging technique that uses x-rays to obtain real-time moving images of the internal structures of objects. (i.e., x-ray machines used by TSA and courthouses to screen objects brought into a secure area that may contain contraband such as guns, knives, and other weaponry).

Chapter Four.) This decrease can be attributed to court’s implementation of best practices in mail handling and processing. However, mail delivery and screening is still an essential measure for courthouse security programs, as evidenced by continuing incidents of “anthrax letters” and similarly-related “hoax letters” over the past decade.

### 1.2 Current State of Court Building Security

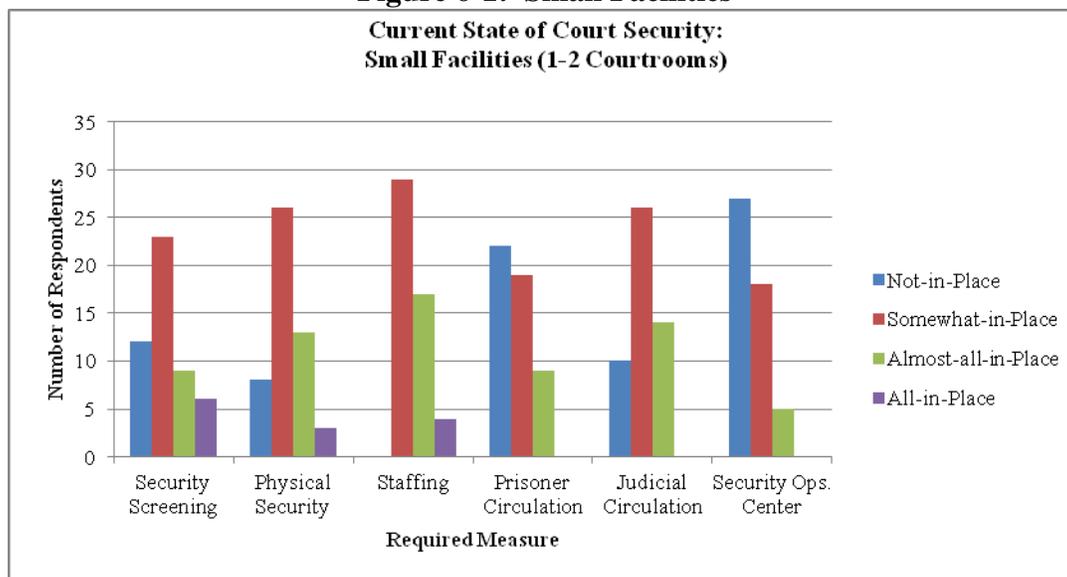
Next, the survey asked respondents how they would describe the current state of security in their court buildings within their state. The responses to this question are organized based on the size of the court building: small (1-2 courtrooms), medium (3-5 courtrooms), and large (more than 6 courtrooms).

Respondents assessed whether they believed that certain required security measures were implemented or were not yet established. During the interview process, “required measures” was defined as the minimum program measures and/or equipment hardware required in order to achieve an optimally recognized level (per best practices and essential elements) of courthouse security. Respondents were asked the following question:

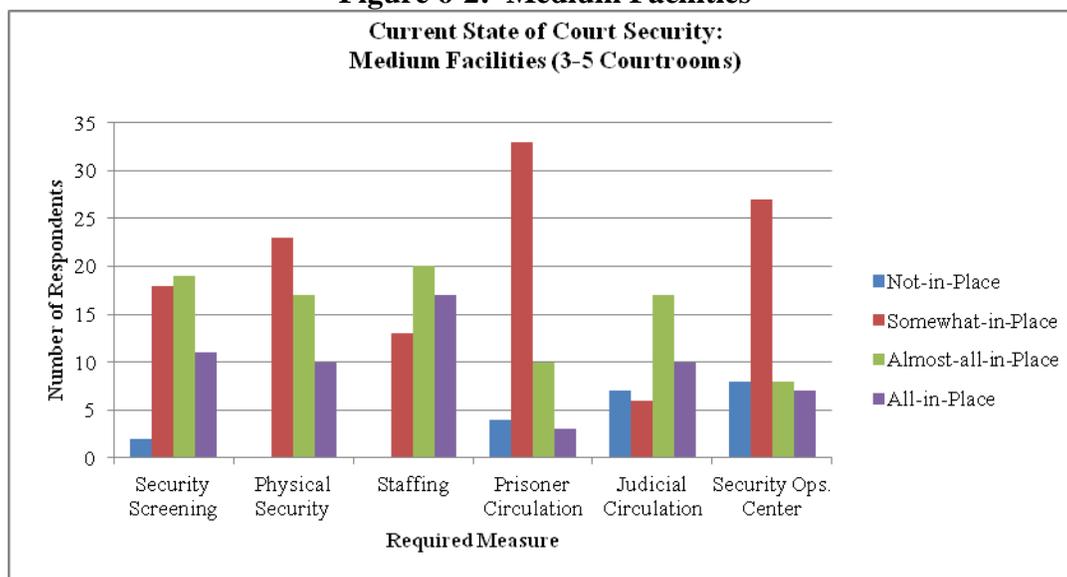
**How would you describe the current state of security under the following topic areas for your small, medium, and large court facilities?**

- a. **Required measures are not in place**
- b. **Required measures are somewhat in place**
- c. **Required measures are almost in place**
- d. **Required measures are all in place**

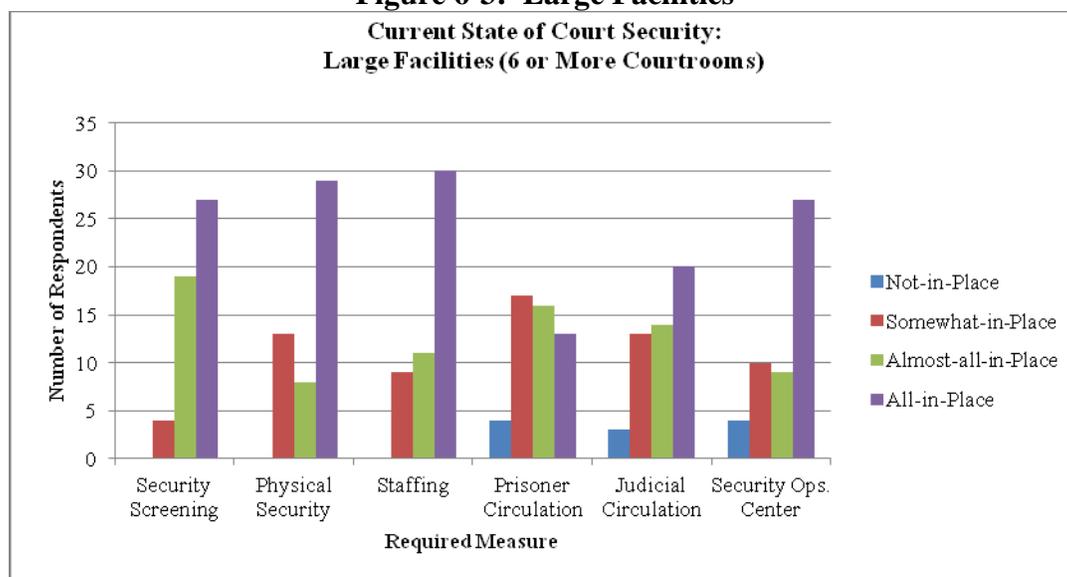
**Figure 6-1: Small Facilities**



**Figure 6-2: Medium Facilities**



**Figure 6-3: Large Facilities**



For large courthouses, respondents reported that the required measures were either almost-all-in-place or all-in-place. Conversely, for small courthouses the majority of respondents reported that the required measures were either not-in-place or somewhat-in-place. This can be explained, in part, by the fact that larger metropolitan areas, where large courthouses are typically located, are likely to have renovated existing courthouses or constructed new courthouses, resulting in required measures being incorporated within the new designs. Areas where small courthouses are located often have older or historically-significant facilities with limited space designs and layouts which hinder effective court security, i.e., sufficient space for

entryway screening, secure prisoner transport areas and private hallways for judges to enter courtrooms.

### 1.3 Critical-Needs Ranking

In order to determine the most critical needs, the survey asked respondents to rank order a list of measures needing improvement on a scale of 1-8, with 1 being the least critical and 8 being the most critical. The eight topic areas were the same as those asked in the first question, which rated courthouse security regarding measures currently-in-place.

<b>Table 6-2 Court Security Critical-Needs Ranking</b>	
<b>With respect to the need for improved security in your courthouses please rank-order the following topic areas from least critical (1) to most critical (8).</b>	
<b>Average Score</b>	<b>Scale of one (1) being least critical to eight (8) being most critical</b>
6.32	Law Enforcement and/or Security Staffing
5.86	Point-of-Entry Screening
5.86	Secured Prisoner Circulation
5.52	Secured Judicial Circulation
5.46	Controlled-Access Systems
4.59	Physical Security Systems
3.52	Security Operations Center
2.86	Facility Mail and Delivery Screening

As shown in the table above, respondents believe that law enforcement and/or security staffing is the area that most critically needs improvement. This is consistent with a majority of NCSC security assessments in which staffing is typically identified as being deficient to perform minimum court security functions. For further information see Chapter Seven. Supporting this rating is point-of-entry screening which had the next highest need rating at 5.86. There is a distinct association between these two program measures related to one time capital expenses and annual reoccurring expenses, which primarily includes personnel salary expenses. Both of these measures require continued staffing.

Facility Mail and Delivery Screening is again the lowest ranked need at 2.86. The same rationale, as previously described, exists in that it has become standard practice with the perceived need being impacted as a result. It is somewhat surprising to see the Security Operations Center (command center) being ranked for need at 3.52. An operations or command

center with the proper camera intrusion, and panic/duress alarm reporting systems is essential to monitoring physical security operations, building access control, surveillance, and intrusion systems. Having these systems in place is essential to effective security.

2. Maximizing Current Resources: Directives, Committees, and Collaborations

In order to ascertain whether courts are maximizing current resources available to them, the survey asked three related questions. First, the survey asked whether any state supreme court orders, directives, and/or guidelines on court security have been issued in their state. Second, respondents were asked whether court security committees have been established at each of their courthouses in their state. Third, the survey asked whether respondents have collaborated on court security with other agencies, either on the federal, state, or local levels. When respondents answered affirmatively to any of these questions, they were asked to provide examples.

<b>Table 6-3</b>	
<b>State Supreme Court Orders, Directives, or Guidelines on Court Security</b>	
<b>Do you have state supreme court orders, directives, and guidelines on court security?</b>	
<b>If yes, what are they?</b>	
Percentage of states <u>with</u> orders, directives, or guidelines regarding court security	54%
Percentage of states <u>without</u> orders, directives, or guidelines regarding court security	46%
<b>Examples:</b> <ul style="list-style-type: none"> <li>• Rules of Superintendence</li> <li>• Administrative Directives</li> <li>• Court Security Plan (including facilities, equipment and operations requirements for state court facilities)</li> <li>• Guidelines for Developing Local Policies and Procedures</li> <li>• Information Sharing</li> <li>• Incident Reporting</li> <li>• Court Security Manuals</li> </ul>	

<b>Table 6-4</b>			
<b>Courthouse Security Committees</b>			
<b>To what extent are court security committees established at your courthouses?</b>			
All Courthouses	Most Courthouses	Some Courthouses	No Courthouses
8	16	19	7

<b>Table 6-5 Court Security Collaborations</b>		
<b>Have you been involved with any collaboration(s) on court security with other agencies? If yes, please provide examples.</b>		
Total number of state court entities having/not having established collaborations	Yes/42	No/8
<p><u>Agency Examples:</u></p> <ul style="list-style-type: none"> <li>• United States Marshals Service (USMS)</li> <li>• State Police</li> <li>• State Highway Patrol</li> <li>• Local Police Departments</li> <li>• County Sheriff’s Offices</li> <li>• State Sheriff’s Associations</li> <li>• FEMA and State Emergency Management Divisions</li> <li>• Chief of Police Associations</li> <li>• State Fire Marshal</li> <li>• Department of Home Security (DHS) and State Homeland Security</li> <li>• U.S. Air Force</li> <li>• Energetic and Materials Research Testing Center “EMRTC” at Sandia Labs</li> <li>• Executive Branch – Police</li> <li>• State Corrections</li> </ul>		

As indicated in the three tables above, states are not maximizing the resources, outside of their budgets, that may be available to them. While 54% of respondents reported that their state has existing state supreme court orders, directives, or guidelines on court security, nearly the same number of states (46%) do not have any in place.

Only eight (8) respondents replied that all of the courthouses in their states had court security committees, which is an essential and fundamental element to operating court security programs. A primary goal as recommended by the NCSC for all courts and security providers should be to establish and regularly convene a court security committee in every courthouse in their state.

Eighty-four percent (84%) of survey respondents indicated they have established collaborations with another agency in order to enhance their overall court security program. Engaging in inter-agency collaboration increases the ability of accessing available resources.

### 3. Courtroom Security

In order to determine respondents’ views regarding the level of importance of existing security measures inside courtrooms, the survey asked respondents to rate five measures that are currently in place in their states. A scale of 1 to 5 was used, 1 being of low importance and 5 being of critical importance.

**Table 6-6  
Courtroom Security**

<b>Rate the following courtroom security measures that are currently in place in your state.</b>	
<b>Average Rating</b>	<b>Scale: 1-Unnecessary / 2-Low Importance / 3-Important / 4-High Importance / 5-Critical</b>
4.19	Law Enforcement and/or Court Security Officer Staffing
3.66	Physical Security Systems (e.g., duress/panic alarms, CCTVs, PACs, intercoms etc.)
3.52	Video Conferencing (in-custody defendants)
3.46	Prisoner Restraints and related Policies and Procedures
3.33	Ballistic Protection for Judicial Benches

What is important to note about the responses listed above is respondents rated all five categories as “important” (3.33) or higher which demonstrates those surveyed perceive all of the current security measures in place inside the courtroom as necessary and important to sustain. Respondents ranked “Law Enforcement and/or Court Security Officer Staffing” and “Physical Security Systems” as the top two categories; staffing being the number of law enforcement or contract security officers assigned to provide court security in a court building and physical security systems such as hardware supporting court security operations.

Respondents rated “Ballistic Protection for Judicial Benches”<sup>6</sup> lower than the four other areas, yet still gave it a rank of “Important.” The likely reason for the relative lower ranking is that there has been an increase in operations and efficiencies in courthouse entryway security screening systems, where a single point-of-entry or controlled access has resulted in a decrease of firearms used for violent action in court. However, this has led to incident displacement, where once the courtroom has been secured, there has been an increase of violence in other areas such as courthouse parking lots and foyer areas before entryway screening. Recent incidents in 2012 have demonstrated that once the court building is secured, violent incidents occur outside on the courthouse plazas and parking areas. (See Chapter Four.)

#### 4. Sources of Funding

Next, the survey asked respondents about sources of funding for court security in their states or jurisdictions. This section sought to identify: (1) existing funding sources; (2) potential new funding sources; (3) whether court security is primarily funded by the courts, law

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<sup>6</sup> The use of bullet-proof material for benches as well as other courtroom workstations should be considered in the building of new courtrooms or remodeling of existing courtrooms. Opaque ballistic-resistant material that meets UL Standard 752 Level III should be installed behind the vertical surfaces on the three sides of the bench and stations that are visible to the public.

enforcement or both; (4) whether court security is in the overall budget or a line item; and (5) how court security funding is prioritized.

<b>Table 6-7 Sources of Court Security Funding</b>			
1. How are courthouse security and related programs funded in your state? (Please check all that apply.)			
State/County Budgets	Assessments/Filing Fees	Other (e.g., grants)	Homeland Security
43	21	20	14
2. Are you aware of any potential new sources of funding?			
Yes/0		No/50	
3. Is court security funded out of the courts, law enforcement, or both budgets?			
<i>Primarily funded by:</i>	Courts/11	Law Enforcement/8	Both/31
4. Is court security funding part of the overall budget, or is it a designated line item?			
<i>Primarily allocated by:</i>	Designated-Line-Item/24	Overall budget/16	Both/10
5. How is the court security funding prioritized (e.g., by committee, courts, law enforcement, etc.)?			
<i>Primarily prioritized by:</i>	Courts/27	Committee/20	Law Enforcement/3

A majority of states (86%) either receive all, most, or some of their funding directly from their state and/or county. A smaller, but what appears to be an increasing percentage of states (43%), obtain all or some of their funding for court security from assessments, fines, and/or filing fees. (See Chapter Nine.)

Sixty-two percent (62%) of the respondents reported that court security funding is equally funded by both the courts and law enforcement. Additionally, nearly half (48%) of the respondents reported that their state designates court security funding by line item. Thirty-two percent (32%) of states designate the funding within the overall budget. The remaining twenty percent (20%) of states have a combination of both.

With regard to how funding is prioritized, in fifty-four percent (54%) of states across the country, the courts have control over prioritization. State and local committees, which are made up of court officials, law enforcement, and other stakeholders, have control over funding prioritization in forty percent (40%) of the states. Law enforcement makes up only six percent (6%) of how court security funding is prioritized by state.

#### 5. Judicial Threat and Emergency Management

In the next survey question, the state directors of court security were asked about the direction of management and planning. Specifically, the survey inquired:

- Whether judicial security plans should be developed for all courthouse facilities.
- Whether security assessments should be conducted on all courthouses.
- Whether contemporary judicial threat management programs should be initiated.

<b>Table 6-8 Judicial Threat and Emergency Management</b>		
Should judicial security plans be developed for all courthouse facilities?	Yes/50	No/0
Should security assessments be conducted on all courthouses?	Yes/50	No/0
Should contemporary judicial threat management programs be initiated?	Yes/50	No/0

<b>Table 6-9 Stated Reasons and Positions Why</b>		
<b>Judicial Security Plans</b>	<b>Security Assessments</b>	<b>Judicial Threat Management</b>
<ul style="list-style-type: none"> <li>• Incident Mitigation</li> <li>• Supplement Building Life Safety Plans</li> <li>• Mission Criticality</li> <li>• Critical Infrastructure</li> <li>• Account for Site Operations</li> <li>• All-Hazards Approach</li> <li>• Prisoner Security Issues</li> <li>• “Flash-Point” Activities</li> <li>• Highly-Charged Emotional Proceedings and Events</li> </ul>	<ul style="list-style-type: none"> <li>• To Identify Limitations</li> <li>• To Identify Deficiencies</li> <li>• To Identify Vulnerabilities</li> <li>• Validate Existing Measures</li> <li>• Cost-Effective Solutions</li> <li>• Continuous Review</li> <li>• Should be conducted on an annual basis with an external assessment every 3-5 years</li> </ul>	<ul style="list-style-type: none"> <li>• Court-Targeted Violence</li> <li>• Inherent Threat Risk</li> <li>• Increase in Threats</li> <li>• High Threat Proceedings</li> <li>• High Profile Proceedings</li> <li>• Unknown Threat Sources</li> <li>• Prisoner Threats</li> <li>• Centralized Process</li> <li>• Deter and Prevent Incidents</li> <li>• Modeled after USMS</li> </ul>

As seen above, respondents answered unanimously (100%) that judicial security plans should be developed and maintained for all courthouse facilities. Judicial security plans include policies and procedures for courthouse incidents, emergencies, and high threat or risk operations. Specifically, these plans should include procedures and practices to respond to incidents such as active-shooter, civil unrest, high threat/profile proceedings, improvised explosives and incendiary devices, and chemical and biological agents.

Again, 100% of the respondents answered that security assessments should be conducted at all courthouses. Comprehensive security assessments should incorporate security and risk management principles that are specifically designed to identify site and facility deficiencies, limitations, and vulnerabilities. Further, assessments should offer operations effective solutions, which are unique to and specifically designed for a courthouse environment.

As in the preceding questions, 100% of the respondents replied unanimously that a contemporary judicial threat management program should be developed in each state. Contemporary judicial threat management programs should be modeled after those used by the United States Marshals Service. With the impact of incident displacement and off site security becoming an even greater concern, contemporary threat management is the key to identifying potential threat sources and deterring and preventing court-targeted acts of violence.

6. Tests, Training, and Exercises

Additionally, the survey asked respondents a series of questions regarding the need for training. Specifically, they were asked whether training should be conducted, how often, and who should conduct it. They were also asked to provide examples of organizations who offer security training.

<b>Table 6-10 Tests, Training, and Exercises</b>				
<b>Need</b>				
1. Should court security training be conducted? If yes, why?				
Is there a need and should court security training be conducted?			Yes/50	No/0
<b>Frequency</b>				
a. How often should the training be provided?				
	Semi-Annually	Annually	1-2 Years	2-5 Years
Number Indicated by Respondents Surveyed:	12	31	4	3
A number of respondents (34) also stated the training should be provided per position assignment and responsibility.				
<b>Optimal Target-Audience</b>				
b. Who should the training be provided to?				
Judges/50	Court Officials/50		Court Staff/Employees/50	
Courthouse Stakeholders/50	Law Enforcement/46		Other/23	
<u>Other examples:</u> Contract Security Officers, County Boards, Building Management, and Local/State Police				
<b>Secondary and Private/Public Training Sources</b>				
2. Are you aware of any colleges, universities, academics, or other institutes offering court security programs?				
If yes, please provide the name and type of training program(s) and/or course(s) they offer.				
Familiar with college, academy, or university security training programs?			Yes/15	No/35
<u>Respondent examples:</u> State Police and Peace Officers Training Academies, State Criminal Justice Security Training Centers, Fox Valley Technical College, and Court Officers Training Academies				
<b>Training Providers</b>				
3. Are you aware of any private or public organizations that provide court security training?				
If yes, please provide the organization's name, contact information, and type of training they provide.				
Familiar with any private/public organizations offering court security training?			Yes/39	No/11
<u>Respondent examples:</u>				
<ul style="list-style-type: none"> <li>• National Center for State Courts (NCSC)</li> <li>• Center for Judicial and Executive Security (CJES)</li> <li>• State of California Office of Emergency Response Security (OERS)</li> <li>• State Sheriff's Associations</li> <li>• United States Marshals Service (USMS)</li> <li>• Federal Law Enforcement Training Center (FLETC)</li> <li>• Public Agency Training Council (PATC)</li> <li>• California Highway Patrol</li> <li>• Justice Planning Associates</li> <li>• Advanced Law Enforcement Rapid Response Training (ALERRT)</li> <li>• National Sheriffs' Association (NSA)</li> </ul>				

As demonstrated above, 100% of respondents agree that training should be conducted and that there is a need for court security training. There are some differences regarding how often the training should be conducted with 24% stating that it should be provided on a semi-annual basis and 62% saying it should be done annually. A lower number of respondents (14%) said the training should be conducted over one-to-two and two-to-five years. However, a significant number of respondents (68%) said that in addition to set interval training needs, supplemental training should be provided for position assignment and responsibility. Specifically, the type, level, and extent of training should be tailored to the audience, such as judges, court staff, law enforcement, courthouse stakeholders, and first responders.

Respondents were unanimous in saying that judges (100%), court officials (100%), court staff (100%), and courthouse stakeholders (100%) should receive the prerequisite training. Ninety-two percent (92%) of respondents said that law enforcement security providers require court security training and 23% stated various others (e.g., contract security officers, county board members, building/facility management officials, and local/state police having a defined role in court security) should be provided training.

Only 30% of respondents were aware of a college, academy, or university court security training program. This percentage is indicative of the low number of colleges, academies, and universities having court security based curricula. While the majority of colleges, academies, or universities offer law enforcement or criminal justice related programs, they are typically centered on investigation, enforcement, and patrol duties and responsibilities. Very few offer basic or advanced court security and even fewer still in contemporary threat management. A higher percentage of respondents (78%) were aware or familiar with private and public organizations offering court security services and training. This is undoubtedly due to the increased visibility, focus, and national attention on courthouse security actively promoted by some of these organizations. The best example of this is the NCSC, an organization singled out by a majority of respondents as being their primary source in obtaining information, services, and training on court security.

#### 7. Court Security Planning and Research

This section of the survey examined what research has been conducted over the past five years in relation to court security issues; and also, what specific courthouse security plans have been developed in the respondent's state.

<b>Table 6-11 Court Security Planning and Research</b>		
<b>1. What research, if any, has been conducted in your state with respect to court security issues in the last five years?</b>		
Yes/23	No/27	
<u>Example types:</u> <ul style="list-style-type: none"> <li>• State collects and analyzes incident data</li> <li>• Background research conducted for assessing filing fees</li> <li>• Court violence studies</li> <li>• Incident statistics</li> <li>• General surveys</li> </ul>		
<b>2. What security plans, if any, have been developed in your state?</b>		
Has your state/jurisdiction developed court security plans?	Yes/38	No/12
<u>Types/Models:</u> Security Plan Templates, NCSC-developed Security Plans, General Policies and Procedures, Model Court Security Plans, Continuity of Operations (COOP), Emergency Preparedness, and Rules of Supervision		
<u>Essential elements:</u> Optimal Court Security, Emergency Preparedness, Courthouse Security Committees, Physical Security, Space Design Considerations, and Standards, Guideline, and Directives		
<u>Agencies/Officials responsible for plan implementation:</u> Individual Courts, Judicial Districts, Local Officials, Committees, Law Enforcement Officials, and Emergency Services		
Is your planning part of the courts overall strategic plan?	Yes/32	No/18

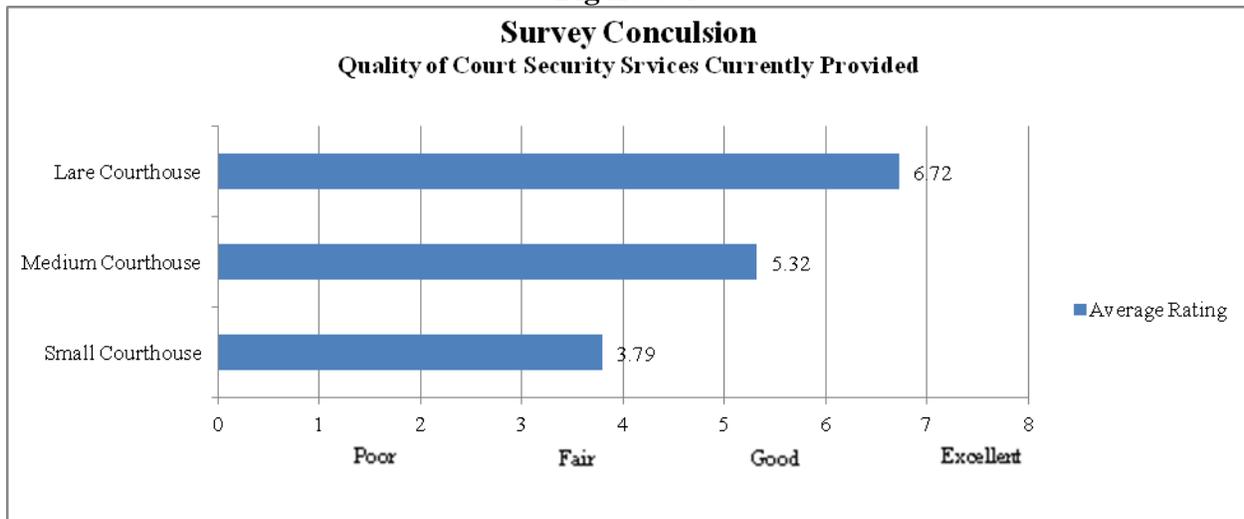
Less than half of the respondents (46%) were aware of court security planning and research. Seventy-six percent (76%) of respondents reported that their states have developed court security plans. These plans include templates, general and detailed policies and procedures, and model guidelines and plans. The individual courts, judicial districts, committees, and law enforcement officials have primary responsibility for implementing the plans. Sixty-four percent (64%) of respondents said court security planning was a component of the courts overall strategic plan.

## 8. Survey Conclusion

### 8.1 Quality of Court Security Services Currently Provided

The survey conclusion provided an opportunity for the respondents to rate the quality of court security services currently being provided in their respective courthouses. This category rated small (one-to-two courtrooms), medium (three-to-five courtrooms), and large (more than six courtrooms) courthouses on a 1-8 scale, with 1 being low-poor and 8 being high-excellent.

**Figure 6-4**



Respondents were consistent in rating the current level or quality of court security services being provided at small, medium, and large courthouses. Services at smaller courthouses were rated at the lower end. While at medium sized courthouses, respondents rated the services as higher quality, with a 5.32 average. Large courthouses were rated as providing the highest services, with an average rating of 6.72.

### 8.2 Critical Issues and Threats to Courthouse Security

Next, the survey asked respondents to state what they believed are the most critical issues and threats to courthouse security. This question brought forth by respondents concerns about funding, mental health issues, crisis intervention, staffing, training, prisoner handling, family/domestic courts, high threat/profile proceedings, judicial threats, and the aging of security systems. The table below lists the critical issues and the frequency with which the respondents cited those issues.

<b>Table 6-12 Critical Issues and/or Threats To Courthouse Security</b>	<b>Total Responses</b>
Funding	37
Training	31
Staffing	27
Family/Domestic Courts	22
Prisoner Handling	20
Judicial Threats	19
Mental Health and Unstable Individuals	19
Highly-Charged Emotional Proceedings	18
Threat Escalation	16
High Threat/High Profile Proceedings	15
Lack of National Standards	14
Crisis Intervention	14
Gang Intimidation and Threats	13
Judicial Circulation in the Courthouse	12
Single Points-of-Entry	12
Unknown Threat Sources	11
Threat Assessment and Protective Intelligence	9
Terrorism	8
Release of Personal Identity Information	8
Antiquated Physical Security Systems	8
Shortage of Subject-Matter-Experts	7
Urban vs. Rural logistics	4

While only four respondents did not provide an opinion, most respondents offered a number of examples of what they believe to be the most pressing critical issues and threats. Seventy-four percent (74%) of the respondents stated that the lack of available funding was the single main issue currently impacting courthouse security. As funding directly impacts nearly every other issue (e.g., staffing at 54%) and/or threat named (e.g., prisoner handling at 40%) it is

compounded all the more. The lack of basic and advanced training closely follows funding concerns, with 62% of those surveyed noting the need for training.

When assessing these responses it may be helpful to combine some of the issues into one concern. For example: respondent concerns for threats of one kind or another were broken down into eleven (11) sub-categories. By totaling the numbers in each of these individual categories you begin to have an overall understanding of what the “threat-level” was that respondents believed threats actually posed. The respondents and percentage ranking (#/%) of most prominently mentioned concerns are as follows: Family and Domestic Courts (22/44%), Judicial Threats (19/38%), Mental Health and Unstable Individuals (19/38%), and Highly-Charged Emotional Hearings (18/36%).

### 8.3 Literature and Manuals & Policies and Procedures

The survey asked respondents if they were aware of any private or public literature, manuals, or other documents on court security. Also, they were asked if they were aware of any other policies and procedures, standards, guidelines or state laws governing court security programs. Respondents provided examples when available.

<b>Table 6-13 Literature and Manuals on Security Training</b>		
Are you aware of public literature, manuals, or other documents on court security?	Yes/38	No/12
<u>Examples:</u> NCSC (multiple publications), CJES, NSA, USMS, FBI/LEO on-line, State Police Academies, Courts Today, MN CCJ Court Security Manual, State Court Security Resource Guides, and Protecting the Court		

<b>Table 6-14 Policies and Procedures, Standards, Guidelines, or State Laws Governing Court Security Programs</b>		
Are you aware of any other policies, guidelines, or laws on court security?	Yes/32	No/18
<u>Examples:</u> State Statutes, Legislation, and Penal Codes		

Seventy-six percent (76%) of respondents stated they were aware of public literature, manuals, or other available documents on court security. Examples included those prepared and distributed by the NCSC, CJES, USMS, NSA, and state court systems. When asked if they were aware of other policies and procedures governing court security programs, 64% of respondents replied affirmatively. The examples they provided included state statutes, legislation, and penal codes.

#### 8.4 Respondent Final Comments

In closing the survey, respondents were asked if they had anything else they would like to add. Table 6-15 summarizes some of the comments that respondents offered to this important open-ended question.

**Table 6-15**  
**Respondent Final Comments**

- This type of assessment and others are long overdue.
- Assessments like this are important to the foundation of enhanced court security.
- Your efforts are much appreciated.
- A National Association of Court Security Professionals should be formed.
- Information on resources, training, contemporary issues, and networking opportunities should be made readily available.
- There is a need for a national incident/threat database.
- The federal government needs to provide more assistance for research development and training.
- There is a need for off-site and personal security training.
- The courts consider courthouse security vital to the administration of justice: Threat management programs need to be developed.
- We need to utilize subject matter experts when reviewing past, present, and future court security trends, tactics, laws and funding mandates.

The re-occurring comments or themes of survey respondents centered on: the need for continued assessment of court security, the formation of a National Association of Court Security Professionals, the development of a national threat and incident database, and making available additional information (basic and advanced) on resources, training, and current issues. A number of respondents commented on how courthouse security was vital to ensuring the administration of justice. Also, respondents expressed that subject-matter-experts need to be relied upon when reviewing past, present, and future court security trends/tactics and determining state and local guidelines, directives, orders, regulations, and statutes.

#### **D. Primary Telephone Survey Findings – U.S. Territories**

As an important part of the telephone survey, contact was made with five U.S. territories including American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands. Due to the nature and governmental funding of their court systems the results are presented separately. The territories were given the same survey questions as the 50 states via

email rather than telephonically in order to simplify the collection of data between widely divergent time zones. A summary of the information collected is included below.

1. Primary Survey Findings

Primary survey findings from U.S. territories including American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands are:

<b>Table 6-1 (Territories) Court Building Security Operations</b>	
<b>Courthouse Security Measures</b>	
<b>Average Rating</b>	<b>Scale: 1-Unnecessary / 2-Low Importance / 3-Important / 4-High Importance / 5-Critical</b>
4.75	Secured Judicial Officer Circulation (i.e., chambers, corridors, and entrances/exits)
4.6	Point-of-Entry Screening (magnetometer and fluoroscope)
4.6	Controlled-Access (single-point of public access)
4.4	Physical Security Systems (e.g., duress alarms, CCTVs, , etc.)
4.2	Law Enforcement and/or Security Staffing
4	Secured Prisoner Circulation (i.e., holding cells, corridors, stairs/elevators, and doors)
3.4	Security Command and Control Operations Center
3.2	Mail and Delivery Screening

U.S. territory respondents generally ranked the measures currently in place in their respective courthouses to be either important, highly important, or critical. Much like the rating from the 50 states, the lowest importance was given to Mail and Delivery Screening and Security Command and Control Operations Center. And unlike the 50 states, the highest importance was given to Secured Judicial Officer Circulation.

<b>Table 6-2 (Territories) Current State of Court Building Security</b>				
Notes: Unlike the 50 state respondents, U.S. territory responses did not differentiate between large, medium, and small facilities.				
<b>Required Measures</b>	<b>Not in Place</b>	<b>Somewhat in Place</b>	<b>Almost all in Place</b>	<b>All in Place</b>
Security Screening			4 of 5	1 of 5
Physical Security		2 of 5	3 of 5	
Staffing		1 of 5	2 of 5	2 of 5
Prisoner Circulation	1 of 5	1 of 5	2 of 5	1 of 5
Judicial Circulation		1 of 5	1 of 5	3 of 5
Security Ops. Center		2 of 5	1 of 5	2 of 5
<u>Definition of Required Measures:</u> The minimum program measures and/or systems equipment required in order to achieve an optimally-recognized level (per established best practices and essential elements) of courthouse security.				

**Commentary:**

Overall, Physical Security measures were the least likely element to be in place. Judicial Circulation was the most likely element to be in place.

<b>Table 6-3 (Territories) Court Security Critical Needs Ranking</b>	
<b>Average Score</b>	<b>Scale of one (1) being least critical to eight (8) being most critical</b>
4.8	Point-of-Entry Screening
2.8	Controlled-Access Systems
5.8	Law Enforcement and/or Security Staffing
2.8	Facility Mail and Delivery Screening
3.8	Physical Security Systems
5.2	Secured Prisoner Circulation
4.5	Secured Judicial Circulation
3.2	Security Operations Center

**Commentary:**

With respect to the need for improved security in courthouses, respondents indicated that Law Enforcement and/or Security Staffing (5.8) followed by Secured Prisoner Circulation (5.2), are the most critical needs in territorial courts. Facility Mail and Delivery Screening (2.8) and Security Operations Center (3.2) were the least critical needed elements identified.

<b>Table 6-4 (Territories) Court Orders, Directives, or Guidelines on Court Security</b>			
Number of territories with orders, directives, or guidelines regarding court security			4 of 5
<b>Courthouse Security Committees</b>			
Extent that courthouse security committees established			
All Courthouses	Most Courthouses	Some Courthouses	No Courthouses
2 of 5	1 of 5		2 of 5
<b>Court Security Collaborations</b>			
Total number of court entities having/not having established collaborations		Yes	No
		4 of 5	1 of 5
<u>Agency examples:</u> USMS, Local Department of Public Safety, Department of Corrections, Local Police, Other US Territory Courts			

Commentary:

The USMS provides court security support in some of the territories. This collaboration between courts and the USMS was evident in three of the five territories surveyed.

<b>Table 6-5 (Territories) Courtroom Security</b>	
<b>Courtroom Security Measures Currently-in-Place</b>	
<b>Average Rating</b>	<b>Scale: 1-Unnecessary / 2-Low Importance / 3-Important / 4-High Importance / 5-Critical</b>
4.4	Law Enforcement and/or Court Security Officer Staffing
3.75	Physical Security Systems (e.g., duress/panic alarms, CCTVs, , etc.)
3.25	Ballistic Protection for Judges Benches
4.5	Prisoner Restraints and related Policies and Procedures
3.0	Video Conferencing (in-custody defendants)

Commentary:

Respondents ranked the measures currently in place in their respective courtrooms to be either important, highly important, or critical. There were no items ranked as either unnecessary or low importance. The lowest ranking was given to Video Conferencing (3.0) and Ballistic Protection for Judges Benches (3.25). The highest ranking was given to Prisoner Restraints and related Policies and Procedures (4.5) followed by Law Enforcement and/or Court Security Officer Staffing (4.4).

<b>Table 6-6 (Territories) Sources of Court Security Funding</b>			
Territorial Budget Allocations	Homeland Security	Assessments/Filing Fees	Other (e.g., grants)
4 of 5	2 of 5		2 of 5
(Note: One survey left this item blank)			
Knowledge or understanding of any new or alternative sources of funding:		Yes	No
		1 of 4	3 of 4
Primarily funded by:	Courts 3 of 4	Law Enforcement	Both
Primarily allocated by:	Overall budget 4 of 4	Designated-Line-Item	Both
Primarily prioritized by:	Committee	Courts 2 of 4	Law Enforcement

**Commentary:**

Court security in the U.S. territories surveyed is primarily funded through territorial budget allocation. A small amount of funding for court security initiatives in two territories was made possible through Homeland Security Grants. Guam, which has a large military presence, indicated it receives some equipment (vests and weapons) from the U.S. Department of Defense.

<b>Table 6-7 (Territories) Judicial Threat and Emergency Management</b>		
Should judicial security plans be developed for all courthouse facilities? (Note: Two surveys left this item blank)	Yes 3 of 5	No
Should security assessments be conducted on all courthouses? (Note: Two surveys left this item blank)	Yes 3 of 5	No
Should contemporary judicial threat management programs be initiated? (Note: Two surveys left this item blank)	Yes 3 of 5	No

<b>Table 6-8 (Territories) Tests, Training, and Exercises</b>					
<b>Need and Frequency</b>					
Is there a need and should court security training be conducted?				Yes 5 of 5	No
How often should training be provided?	When Needed	Semi-Annually	Annually	1-2 Years	2-5 Years
Number Indicated by Respondents Surveyed:	1 of 5	1 of 5	3 of 5		
<b>Optimal Target-Audience/Focus Group (No. of instances marked out of five surveys)</b>					
Judges 1	Court Officials 1		Court Staff/Employees 2		
Courthouse Stakeholders 1	Law Enforcement 3		Other 1		
<b>Secondary and Private/Public Training Sources</b>					
Familiar with college, academy, or university security training programs?				Yes 1 of 5	No 4 of 5
<u>Respondent examples:</u> St. Petersburg College Florida (VIP Protective Course, Search and Warrants, Restrictions, Baton, Driving)					
Familiar with any private/public organizations offering court security training?				Yes 2 of 5	No 3 of 5
<u>Respondent examples:</u> USMS, FLETC (Federal Law Enforcement Training Center)					

**Commentary:**

Respondents generally indicated there is a need for court security training. Respondents had different responses about who should receive training. There does not appear to be a central shared repository of information and training available of which respondents are aware.

<b>Table 6-9 (Territories) Court Security Planning and Research</b>			
Are you aware of any planning or research conducted within the last 5-years? (Note: Two surveys left this item blank)		Yes 1 of 5	No 2 of 5
<u>Example types:</u> Resource and personnel study			
Has your state/jurisdiction developed court security plans? (Note: Two surveys left this item blank)		Yes 3 of 5	No
<u>Types/Models:</u> Evacuation Security Plan, Emergency Management Plan			
<u>Agencies/Officials responsible for plan implementation:</u> USMS, Court Officials, Local Emergency Response Team			
Is your planning part of the courts overall strategic plan? (Note: Three surveys left this item blank)		Yes 2 of 5	No

**Commentary:**

With the exception of one territory, respondents have not engaged in court security planning and research initiatives within the last five years. Of the three territories who indicated

having a security plan in place, two of these indicated that the USMS is at least partially responsible for implementation.

<b>Table 6-10 (Territories) Survey Conclusion</b>				
<b>Quality of Court Security Services Currently Provided</b>				
Unlike the 50 state respondents, U.S. territory responses did not differentiate between large, medium, and small facilities.				
Respondent	1 = Low-Poor	3 = Low-Fair 1 of 5	5 = Low-Good	7 = Low-Excellent 1 of 5
Rating Scale:	2 = High-Poor	4 = High-Fair 1 of 5	6 = High-Good 1 of 5	8 = High-Excellent 1 of 5
<u>Critical issues:</u> Lack of funding, security of in-custody defendants, domestic case participants, lack of personnel and equipment, lack of proper facilities.				
Are you aware of public literature, manuals, or other documents on court security?			Yes 1 of 5	No 4 of 5
Are you aware of any other policies, guidelines, or laws on court security?			Yes 1 of 5	No 4 of 5

## 2. Overview of Survey Results – U.S. Territories

Respondents’ perception of the level and quality of court security currently provided in their territory varies. Taken as a whole, the five territories surveyed generally espoused a belief that funding for personnel and equipment is a major impediment to providing good court security. Not having proper facilities was also listed as a primary concern.

The territories with the two smallest populations, American Samoa and the Northern Mariana Islands, reported the lowest level in quality of current court security and listed a lack of adequate facilities, lack of manpower, lack of equipment, and bomb threats as the most critical issues faced. The territory with the largest population, Puerto Rico, reported the highest level in quality of current court security and been identified by the NCSC as a model of court security for the 50 state courts. Puerto Rico did not report significant shortages in security personnel and equipment resources and employs their own marshals to provide court security throughout the island’s 13 regions and two appellate courts. The territory with the largest U.S. military presence, Guam, reported a relatively high level in quality of current court security in cooperation with U.S. Marshals. However, the survey comment indicated that officials in Guam are worried that a lack of funding in the future will reduce security and result in a less safe courthouse environment in the territory. The territory with the second highest reported quality of current court security was the U.S. Virgin Islands (a rating of 7 out of 8). For further information on territorial courts, see Appendix F.

**E. Primary Telephone Survey Findings – District of Columbia**

Since the District of Columbia superior and appellate courts are funded by Congress, telephone survey results are presented separately so not to skew results from the 50 states. However, it is important to note that the results of that survey are similar to the results gleaned from the 50 states.

The primary survey findings for the District of Columbia are displayed below in the following tables and figures:

<b>Table 6-1 (D.C.) Court Building Security Operations</b>	
<b>Courthouse Security Measures</b>	
<b>Rating</b>	<b>Scale: 1-Unnecessary / 2-Low Importance / 3-Important / 4-High Importance / 5-Critical</b>
5.0	Point-of-Entry Screening (magnetometer and fluoroscope)
5.0	Controlled-Access (single-point of public access)
5.0	Law Enforcement and/or Security Staffing
5.0	Physical Security Systems (e.g., duress alarms, CCTVs, etc.)
5.0	Secured Prisoner Circulation (i.e., holding cells, corridors, stairs/elevators, and doors)
5.0	Secured Judicial Officer Circulation (i.e., chambers, corridors, and entrances/exits)
4.0	Security Command and Control Operations Center
4.0	Mail and Delivery Screening

**Commentary:**

Measures listed above were indicated as having high or critical importance. The only two items not receiving indication of the highest critical importance rating (5.0) were Mail and Delivery Screening (4.0) and Security Command and Control Operations Center (4.0).

<b>Table 6-2 (D.C.) Current State of Court Building Security</b>				
<b>Required Measures</b>	<b>Not in Place</b>	<b>Somewhat in Place</b>	<b>Almost all in Place</b>	<b>All in Place</b>
Security Screening				X
Physical Security			X	
Staffing			X	
Prisoner Circulation			X	
Judicial Circulation			X	
Security Ops. Center		X		
<b>Definition of Required Measures:</b> The minimum program measures and/or systems equipment required in order to achieve an optimally-recognized level (per established best practices and essential elements) of courthouse security.				

Commentary:

Overall, the responses to these survey questions indicate that the majority of NCSC recommended best practice security measures are in place with the exception of Security Operations Centers. As is the case in many jurisdictions, Security Operations Centers were not always programmed in the planning, designing, and building of courthouses prior to 2001.

<b>Table 6-3 (D.C.) Court Security Critical Needs Ranking</b>	
<b>Rating</b>	<b>Scale of one (1) being least critical to eight (8) being most critical</b>
1	Point-of-Entry Screening
3	Controlled-Access Systems
6	Law Enforcement and/or Security Staffing
4	Facility Mail and Delivery Screening
2	Physical Security Systems
8	Secured Prisoner Circulation
7	Secured Judicial Circulation
5	Security Operations Center

Commentary:

With respect to the need for improved security in courthouses, the District of Columbia indicated the Point-of-Entry Screening is the least critical, indicating that security at the courthouse is content with the level of screening security currently in place. Similar to concerns from respondents in territories, the two areas indicated as needing the most improvement were Secured Prisoner Circulation and Secured Judicial Circulation. The lack of adequate separation of circulation is often apparent in older facilities which were planned prior to the development of modern courthouse planning and design standards.

<b>Table 6-4 (D.C.) Court Orders, Directives, or Guidelines on Court Security</b>
<b>Court Orders, Directives, or Guidelines on Court Security</b>
<b>No</b> , the District of Columbia does not have any court orders, directives, or guidelines regarding court security.
<b>Courthouse Security Committees</b>
<b>Yes</b> , courthouse security committees are established at all courthouses in the District of Columbia.
<b>Court Security Collaborations</b>
<b>Yes</b> , the District of Columbia does collaborate with outside agencies. Examples include the USMS, U.S. Attorney General's Office, Fairfax, VA County Courts, Prince George County, and MD Courts.

<b>Table 6-5 (D.C.) Courtroom Security</b>	
<b>Courtroom Security Measures Currently-in-Place</b>	
<b>Rating</b>	<b>Scale: 1-Unnecessary / 2-Low Importance / 3-Important / 4-High Importance / 5-Critical</b>
5	Law Enforcement and/or Court Security Officer Staffing
5	Physical Security Systems (e.g., duress/panic alarms, CCTVs, PACs, etc.)
5	Prisoner Restraints and related Policies and Procedures
4	Ballistic Protection for Judges Benches
3	Video Conferencing (in-custody defendants)

**Commentary:**

The District of Columbia ranked almost all of the measures currently in place in their respective courtrooms to be either highly important or critical. Significantly, no items were identified as having either no importance or having low importance. The lowest importance was given to Video Conferencing.

<b>Table 6-6 (D.C.) Sources of Court Security Funding</b>			
<b>State/County Budget Allocations</b>	<b>Homeland Security</b>	<b>Assessments/Filing Fees</b>	<b>Other</b>
			X
The District of Columbia indicated that it receives its court security funding through the United States Congress.			
Knowledge or understanding of any new or alternative sources of funding:		Yes	No
			X
Primarily allocated by:	Overall budget	Designated-Line-Item in the Federal Budget X	Both
Primarily prioritized by:	Congressional Committee X	Courts	Law Enforcement

**Commentary:**

The mechanisms for funding of court security in the District of Columbia is unique in that it comes directly and wholly as a line item budget appropriation from the U.S. Congress.

<b>Table 6-7 (D.C.) Judicial Threat and Emergency Management</b>		
Should judicial security plans be developed for all courthouse facilities?	Yes X	No
Should security assessments be conducted on all courthouses?	X	
Should contemporary judicial threat management programs be initiated?	X	

**Commentary:**

The survey indicates there is a need for ongoing assessment, updating, upgrading, and revision of court security plans.

<b>Table 6-8 (D.C.) Tests, Training, and Exercises</b>				
<b>Need and Frequency</b>				
Is there a need and should court security training be conducted?			Yes X	No
How often should training be provided?	Semi-Annually	Annually	1-2 Years	2-5 Years
	X			
<b>Optimal Target-Audience/Focus Group</b>				
Judges X	Court Officials X		Court Staff/Employees X	
Courthouse Stakeholders	Law Enforcement (U.S. Deputy Marshals and Court Security Officers) X		Other	
<b>Secondary and Private/Public Training Sources</b>				
Familiar with college, academy, or university security training programs?			Yes X	No
<u>Respondent example:</u> Federal Law Enforcement Training Center, Glynco, GA				
Familiar with any private/public organizations offering court security training?			Yes X	No
<u>Respondent example:</u> Federal Law Enforcement Training Center, Glynco, GA				

Commentary:

The survey results above indicate that the District of Columbia courts need to conduct security tests, training, and exercises semi-annually.

<b>Table 6-9 (D.C.) Court Security Planning and Research</b>		
Are you aware of any planning or research conducted within the last 5-years?	Yes	No
		X
Has your state/jurisdiction developed court security plans?	Yes	No
	X	
<u>Types/Models:</u> COOP, Active Shooter, Fire, Bomb Threat, Power Outage, and Communications Plans have been developed.		
<u>Agencies/Officials responsible for plan implementation:</u> Criminal Justice Coordinating Council (CJCC)		
Is your planning part of the courts overall strategic plan?	Yes	No
	X	

Commentary:

It is clear from the listing of types/models of security plans maintained that the District of Columbia maintains a significant level of ongoing activity regarding security planning and initiatives.

<b>Table 6-10 (D.C.) Survey Conclusion</b>				
<b>Quality of Court Security Services Currently Provided</b>				
Respondent	1 = Low-Poor	3 = Low-Fair	5 = Low-Good	7 = Low-Excellent
Rating Scale:	2 = High-Poor	4 = High-Fair	6 = High-Good X	8 = High-Excellent
<u>Critical issues:</u> <ul style="list-style-type: none"> <li>• Weapons entering the facility via members of the public or via prisoners.</li> <li>• Lack of sufficient numbers of U.S. Deputy Marshals and Court Security Officers to adequately staff the facilities.</li> <li>• The lack of urgency and the amount of time it takes (bureaucracy) to institute change and get things done.</li> </ul>				
Are you aware of public literature, manuals, or other documents on court security?			Yes	No X
Are you aware of any other policies, guidelines, or laws on court security?			Yes	No X

**Commentary:**

The overall level in the perceived quality of court security currently provided in the District of Columbia is high. Security in the District of Columbia courts is unique in that operations and funding are generally a function of the U.S. Federal Government. Because of this funding mechanism, although it may be difficult to compare security in the District of Columbia courts to security in the rest of the 50 state court systems and U.S. territories, there are some similarities regarding the need for planning, training, and staffing.

**F. Telephone Survey Conclusions**

The telephone survey provides a first, comparative look at the provision and coordination of court security on state, territorial, and district levels. It is no surprise that many of the issues facing states are similar. Funding and staffing and the provision of effective entryway screening at courts are of concern for respondents. The NCSC’s three fundamentals of (1) having court security policies and procedures in place and revised regularly, (2) court security committees functioning and representing stakeholders in a court system, and (3) a command center that monitors external and internal court security operations at a courthouse are tantamount to the operation of any effect court security system. However, the fact remains that while these guidelines are important, not every court in the states survey has been able to achieve this level of success. Funding, training, additional staff, additional research, and strategic planning are needed. All are challenges that continue to face state courts today.

The highlights of the results of each telephone survey question are listed below:

1. Courthouse Security Measures Currently in Place

State security directors ranked Point-of-Entry Screening and Controlled-Access as the two most highly important security measures that are currently-in-place in their respective jurisdictions. The additional measures, which they also rated as highly important, are the following: Secured Prisoner Circulation, Secured Judicial Officer Circulation, Law Enforcement and/or Security Staffing, Physical Security Systems, and Security Command and Control Operations Center.

2. Current State of Court Building Security

When the survey asked whether “required security measures” were in place, respondents’ answers varied based on the size of the courthouses. For large courthouses, respondents reported that the required security measures were either almost-in-place or all-in-place. Conversely, for small courthouses the majority of respondents reported that the required measures were either not-in-place or somewhat-in-place. This is a serious issue of concern because smaller courthouses are less secure and vulnerable, where most required security measures such as Security Screening, Staffing, and Physical Security are not fully implemented. Unfortunately, in the current economic environment, there is a serious lack of funding available to build new courthouses or retrofit older ones.

3. Court Building Critical-Needs Ranking

Respondents stated that Law Enforcement and/or Security Staffing is the area that most critically needs improvement. Additionally, Point-of-Entry Screening, Secured Prisoner Circulation, Secured Judicial Circulation, and Controlled-Access Systems were high on their list of areas that need to be improved.

4. Maximizing Current Resources: Directives, Committees, and Collaborations

States are not maximizing the resources, outside of their budgets, that may be available to them. For example, only eight out of 50 respondents replied that all of the courthouses in their states had court security committees, which is an essential and fundamental element to operating court security programs. Also, only approximately half of the states reported that their state has existing state supreme court orders, directive, or guidelines on court security.

5. Courtroom Security

State security directors believe that all of the existing security measures currently in place inside courtrooms are important. They ranked Law Enforcement and/or Court Security Officer Staffing and Physical Security Systems as the top two most important measures.

6. Sources of Funding

A majority of states (86%) receive all, most, or some of their funding directly from their state and/or county. A smaller, but what appears to be an increasing percentage of states (43%), obtain all or some of their funding for court security from assessments, fines, and/or filing fees. Also, sixty-two percent (62%) of the respondents reported that court security funding is equally funded by both the courts and law enforcement.

7. Judicial Threat and Emergency Management

State security directors unanimously agree (100%) that judicial security plans should be developed and maintained for all courthouse facilities. Judicial security plans include policies and procedures for courthouse incidents, emergencies, and high threat or risk operations. Similarly, they agree that all courthouses should conduct security assessments, which incorporate security and risk management principles that are specifically designed to identify site and facility deficiencies, limitations, and vulnerabilities. Further, the security directors fully support that each state should develop a contemporary judicial threat management program.

8. Tests, Training, and Exercises

State security directors agree that training should be conducted and that there is a need for court security training, specifically for judges, court officials, court staff, and courthouse stakeholders. While respondents stated that training is extremely necessary, they were largely unaware of court security training programs available, as there are few colleges, academies, and universities offering court security based curricula. This demonstrates a strong need for the support of training program development and creation. In order to accomplish this, however, states need support and facilitation to apply national standards in conducting assessments and developing programs and plans. This exposes smaller courthouses to serious security risks.

9. Court Security Planning and Research

Seventy-six percent (76%) of respondents reported that their states have developed court security plans. These plans include templates, general and detailed policies and procedures, and model guidelines and plans. Sixty-four percent (64%) of respondents said court security

planning was a component of the court's overall strategic plan. When asked if they were aware of any new research, less than half of the respondents stated that they were.

#### 10. Quality of Court Security Services Currently Provided

Respondents were consistent in rating the current level or quality of court security services being provided at small, medium, and large courthouses. Services at smaller courthouses were rated as lower quality. While at medium sized courthouses, respondents rated the services as higher quality. Large courthouses were rated as providing the highest services.

#### 11. Critical Issues and Threats to Courthouse Security

Next, the survey asked respondents to state what they believed are the most critical issues and threats to courthouse security. The three most significant concerns are funding, training, and staffing. Seventy-four percent (74%) of the respondents stated that the lack of available funding was the single main issue currently impacting courthouse security, especially because a lack of funding impacts other areas, such as staffing, prisoner handling, etc. The lack of basic and advanced training closely follows funding concerns, with 62% of those surveyed noting the need for training.

## **CHAPTER SEVEN COURT BUILDING ASSESSMENTS**

### **A. Introduction**

During a seven-year period, from 2005 to 2011, the NCSC conducted over 225 security assessments of court buildings throughout the country; the majority of which took place between 2009 and 2011. In conducting these security assessments, the NCSC was able to determine the following for this broad sample of court buildings: the current physical and staff security approaches in place, the policies and procedures used to promote security, and the most critical needs these courts have for court building and courtroom security.

In making such determinations, the NCSC court security assessment teams made judgments based on the vast experience of team members as well as on a compilation of various best practices from the USMS, NSA, IACP, TSA, DHS, and the National Association of Court Management (NACM). These best practices guidelines are reflected in the NCSC's own *Steps to Best Practices* document. When conducting its assessments, the NCSC assessment teams directly observed the following aspects of court building facilities and operations: court building perimeter, to include parking areas; public ingress and egress, to include weapons screening stations; courtrooms and chambers; secure and public hallways; public transaction counters and staff work areas; utilization of security technology (CCTV, duress alarms, intrusion alarms); transport and supervision of in-custody defendants, to include holding cells; and emergency equipment and procedures. In addition to such direct observations, the NCSC assessment teams also conducted interviews with judges and court staff in order to ascertain their perceptions and concerns on court building security matters.

#### **1. Methodology for Extracting Data from NCSC Reports**

Data was extracted from the NCSC security assessments report to shed light on the following two issues:

- A review of current physical and staff security approaches, and policies and procedures used by state and local, and tribal courts to promote security.
- Identifying the most critical needs these courts have for court building and courtroom security.

In order to extract data, the NCSC selected a sample (N=77) of almost 35% of the NCSC assessment reports. This sample included larger and smaller trial courts, appellate courts, as well as court-related facilities (such as administrative offices and warehouses). The sample also reflected the geographic diversity of the locations of these facilities. From each assessment report in the sample, the NCSC extracted data related to different elements of court building security. These elements are derived from those included in the NCSC's *Steps to Best Practices* document. This document reflects what, in the expert opinion of the NCSC assessment teams, ought to be in place for court building security. Elements selected for purposes of data extraction included physical approaches such as CCTV cameras and duress alarms, and also included procedures such as screening station operations. For each element, a data code was entered to capture what the NCSC assessment report revealed on that element. For example, was there a duress alarm on the bench in each courtroom, or not? Were there any CCTV cameras around the perimeter of the court building? If there were cameras, were the number and placement of cameras adequate?

## 2. What the Data Reveal

The data extracted from the NCSC assessment reports sheds important light on what security measures the assessed courts had or did not have in place during the period of the assessments. Also, the security elements from the reports, highlighted below, constitute a representative mix of the essential elements courts need to have in place to provide a reasonable level of security for those who work in or visit court buildings. To the extent that security measures for these elements are lacking, it becomes a critical need for courts to make sure such measures are in place.

The security elements discussed below can be reasonably grouped into the following five broad categories: (1) governance and policies; (2) protection of the perimeter; (3) controlling access into the court building; (4) courtrooms and chambers; and (5) public transaction counters. However it is important to note that every assessment report does not discuss every element. Therefore, for each element the number of reports discussing that element will be less than 77, the total number in the sample.

## **B. Category 1: Governance and Policies**

### **1. Security Committee**

Without a security committee, it is difficult, if not impossible, for a court to properly assess and address the myriad of security challenges it faces. Members of a stakeholder's security committee should include a judge, a court administrator, court security provider, a city or county official, and a first responder as well as other building tenants. A formalized committee would provide a means for court administration, county officials, and security providers to take a more comprehensive and structured approach in addressing matters of court security in a court building. Sixty-six of the assessment reports discussed security committees.

<b>Table 7-1 Security Committee</b>		
	<b>Number of Reports</b>	<b>Percentage</b>
Court has a fully functioning committee	9	14%
Court has a committee, but not fully functioning	25	38%
Court has no committee at all	32	48%
<b>TOTAL</b>	<b>66</b>	<b>100%</b>

As Table 7-1 indicates, there was at least some form of security committee in place in over half (14% + 38%) of the courts noted in the table. This indicates that courts have given some thought to this critical element. However, only a small percentage of the courts (14%) were found to have a fully functioning security committee. Further, almost half (48%) of the assessed courts had no security committee at all. The establishment and management of a fully-functioning security committee is a critical need for courts. It is a need that can be met without a significant amount of additional funding.

### **2. Policies and Procedures**

There are two crucial factors to consider with respect to court building policies and procedures for security and emergency preparedness. The first factor is that such policies and procedures exist. This means that those in authority have given these matters proper thought, that the concepts of best practices have been taken into account, and that an effort has been made for consistency in security and emergency preparedness matters throughout the system. The second factor is how such policies and procedures become a living reality and are practiced inside the court buildings. This means that policies and procedures must be promulgated and be the subject of a rigorous training regimen and ongoing communication efforts. Every single

person who works in a court building has the potential to materially enhance the safety and security of his or her work environment, to be the “eyes and ears” of a workforce constantly alert to risks and threats. Judges and court staffs that have been well trained on well-publicized policies and procedures provide the best means for this “eyes and ears” function to be effectively discharged. Sixty of the NCSC assessment reports discussed policies and procedures.

<b>Table 7-2 Policies and Procedures</b>		
	<b>Number</b>	<b>Percentage</b>
Court has complete set of policies and procedures	5	8%
Court has a limited degree of policies and procedures	47	78%
Court has no policies and procedures at all	8	13%
<b>TOTAL</b>	<b>60</b>	<b>100%</b>

According to Table 7-2, most of the courts indicated (78% + 13%) have only a very limited degree of policies and procedures in place. The development and promulgation of a comprehensive set of policies and procedures on court security and emergency preparedness is a critical need for almost all of the courts. It is a need that can be met without a significant amount of additional funding.

### 3. Command and Control Center

Without a properly equipped and staffed command and control center, the necessary and vital technological tools for court building security – closed circuit television (CCTV) cameras, duress alarms, and intrusion alarms – cannot be utilized or monitored in a successful manner. An effective command and control center could include the following: a duress and intrusion alarm monitoring panel that indicates the location of the activation, a fire alarm panel, and communication equipment (radio control/telephone). Dispatch and recording equipment that is easily accessible should be part of the control system. Fifty-four of the NCSC assessment reports discussed command and control centers.

<b>Table 7-3 Command and Control Center</b>		
	<b>Number</b>	<b>Percentage</b>
Court has an adequate command and control center	7	13%
Court has a command and control center, but not an adequate one	40	74%
Court has no command and control center at all	7	13%
<b>TOTAL</b>	<b>54</b>	<b>100%</b>

As Table 7-3 indicates, only a small percentage (13%) of the courts noted has an adequate command and control capacity. This is a critical need which will require funding for equipment and staff.

#### 4. Incident Reporting

Reporting of security incidents is key to allowing courts to understand the risks they face and the efficacy of security measures in place to project against those risks. Security incidents and breaches should be immediately reported and promptly documented on an easy-to-use standardized form. Information obtained from security incident reporting should be tabulated and regularly assessed by courts to determine how security at the court building can be improved. Thirty-one of the NCSC assessment reports discussed incident reporting.

<b>Table 7-4 Incident Reporting</b>		
	<b>Number</b>	<b>Percentage</b>
Court has adequate system for incident reporting	5	16%
Court has only a rudimentary system for incident reporting	22	71%
Court has no incident reporting system at all	4	13%
TOTAL	31	100%

As Table 7-4 reveals, the courts in most of the courts noted (16% + 71%) have some form of incident reporting. Typically, this consists of a report form only. Very little is done in the way of follow-up or analysis in an effort to improve security. Much more needs to be done in this area. This need can be filled without significant additional resources.

#### 5. Training for Security Officers

In addition to the general law enforcement training and certification that court security officers may receive, they must be adequately trained and certified in the skills and performance standards required to execute their court security roles and responsibilities. Such training should include instruction in the proper operations of screening stations, maintenance of order within the courtroom, the transportation and restraint of in-custody defendants, court facility security procedures, use of force, dealing with the public, etc. Sixty-three of the NCSC assessment reports discussed training for security officers.

<b>Table 7-5 Training for Security Officers</b>		
	<b>Number</b>	<b>Percentage</b>
Court has adequate training for security officers	8	13%
Court has some training but not nearly enough court-specific training	50	79%
Court has no training for security officers	5	8%
TOTAL	63	100%

According to Table 7-5, most of the courts (13% + 79%) have some form of training for security officers. Overall, however, very little court specific training takes place. Court-specific training for security officers is a critical need, which can be met at least part of without significant additional resources.

### **C. Category 2: Protection of the Perimeter**

#### **1. Intrusion Alarm System**

An intrusion detection system is an important feature of comprehensive court building security. It will alert appropriate responders when there has been an unauthorized or attempted entry into a closed court building or through an emergency exit during business hours. The lack of a comprehensive intrusion alarm system puts staff and property inside a court building at risk when the building is not open for business. Fifty-eight of the NCSC reports discussed intrusion alarm systems.

<b>Table 7-6 Intrusion Alarm System</b>		
	<b>Number</b>	<b>Percentage</b>
Court has adequate intrusion alarm system	4	7%
Court has less than adequate intrusion alarm system	8	14%
Court has no intrusion alarm system at all	46	79%
TOTAL	58	100%

As Table 7-6 reveals, intrusion alarm systems appear to be a very low priority for the courts covered by the assessment reports. In the vast majority of cases (79%), the court had no intrusion alarm system at all. This indicates a critical need for courts, which will require funding to fill.

#### **2. Exterior CCTV Cameras**

CCTV cameras strategically placed around the perimeter of a court building provide an important measure of protection for deterring incidents and for apprehending and convicting

those who would be engaged in unlawful behavior around the building. Sixty of the NCSC assessment reports discussed exterior CCTV cameras.

<b>Table 7-7 Exterior CCTV Cameras</b>		
	<b>Number</b>	<b>Percentage</b>
Court has an adequate number of exterior cameras	5	8%
Court has less than an adequate number of exterior cameras	32	53%
Court has no exterior cameras at all	23	38%
TOTAL	60	100%

According to Table 7-7, only a very small percentage of the courts (8%) have a sufficient number of exterior cameras. This suggests a critical need, which will require funding to fill.

### 3. Bollards

Court buildings with glass doors or windows at street level can be vulnerable to vehicular assault, which can cause catastrophic injuries and damage. Cement bollards provide a cost-effective method of preventing such vehicular assaults.

<b>Table 7-8 Bollards</b>		
	<b>Number</b>	<b>Percentage</b>
Bollards identified as a need	28	36%
Bollards not identified as a need	49	64%
TOTAL	77	100%

As indicated in Table 7-8, a little over a third (36%) of the sample NCSC assessment reports noted a need for bollards. For these courts bollards constitute a critical need which will require relatively little funding to fill.

### 4. Secure Parking for Judges

Judges are particularly vulnerable targets getting in and out of their cars, to and from work. This vulnerability can be reduced when they park in lots that are protected against unauthorized access. Fifty-three of the sample NCSC assessment reports discussed secure parking for judges.

<b>Table 7-9 Secure Parking for Judges</b>		
	<b>Number</b>	<b>Percentage</b>
Court has sufficiently secure parking for judges	6	11%
Court has some secure parking for judges, but it is insufficiently secure	27	51%
Court has no secure parking for judges at all	20	38%
TOTAL	53	100%

Most of the courts noted in Table 7-9 (11% + 51%) appear to be paying some attention to providing judges with at least some level of secure parking. However, only 11% have secure parking that is fully sufficient. More needs to be done to address this vulnerability for judges.

### **D. Category 3: Controlling Access into the Court Building**

#### **1. Screening Station Equipment**

Entry way weapons screening has come to be regarded as essential for court building security. All who work in or visit a court building are at serious risk if weapons are allowed to be brought into the building. Magnetometers and x-ray machines are the basic equipment required at screening stations. Fifty-eight of the sample NCSC assessment reports discussed screening station equipment.

<b>Table 7-10 Screening Station Equipment</b>		
	<b>Number</b>	<b>Percentage</b>
Court has sufficient screening station equipment	34	59%
Court needs one or more magnetometers	2	3%
Court needs one or more x-ray machines	7	12%
Court has no screening station at all	15	26%
TOTAL	58	100%

As Table 7-10 reveals, almost three-quarters of the listed courts (59% + 3% + 12%) have entryway weapons screening. Almost 60% of the courts have the necessary equipment. Weapons screening remains a critical need for those courts that either do not have any weapons screening or do not have adequate equipment.

#### **2. Who is Screened?**

It is the opinion of the NCSC that universal screening is the optimum best practice. Everybody should be screened every time they enter a court building. “Universal screening” is strongly supported by the NCSC as a recommendation to improve court security in all of its court

building assessments. It is important to note that no group of individuals, including judges or other elected officials, are immune from the possibility that one of their own might bring a weapon into a court building with intent to do harm. Disgruntled employees in particular can pose a threat. Unfortunately, the phrase “going postal” has become a familiar part of our common lexicon. Fifty-one of the sample NCSC assessment reports discussed who is screened.

<b>Table 7-11 Who is screened?</b>		
	<b>Number</b>	<b>Percentage</b>
Only the public is screened	43	84%
Others (e.g., staff or attorneys) are also screened	8	16%
Universal screening is in place	0	0%
<b>TOTAL</b>	<b>51</b>	<b>100%</b>

Based on the data from the courts listed in Table 7-11, universal screening may be a worthy but unrealistic goal. The great majority of the assessed courts (84%) only screen members of the public. Incremental steps toward universal screening, such as screening court employees and attorneys, can be achieved with relatively small need for additional funding.

### 3. Screening Station Staffing Level

A reasonable level of staffing is required in order for entryway screening to be effective. Typically, one screening officer is required to operate the magnetometer, one to operate the x-ray machine, and one to handle problems. Ideally, all three officers should be armed, but at least one should be armed. (Armed officers should use a triple-retention holster.) If two or more public screening stations are in operation, a fourth officer is required as a supervisor to oversee operations. Thirty-nine of the sample NCSC assessment reports discussed screening station staffing levels.

<b>Table 7-12 Screening Station Staffing Level</b>		
	<b>Number</b>	<b>Percentage</b>
Court has adequate staffing at screening stations	8	20%
Additional staff is needed at screening stations	10	26%
Additional staff not needed, but existing staff needs to be armed	21	54%
<b>TOTAL</b>	<b>39</b>	<b>100%</b>

Adequate staffing at screening stations is a challenge for the assessed courts. Only 20% of the courts noted in Table 7-12 have adequate staffing at screening stations. Over half of the

courts assessed (54%) need screening staff to be armed. Sufficient staffing at screening stations is a critical need that will take significant levels of funding to meet.

#### 4. Screening Procedures

Entryway weapons screening is only as effective as the procedures that are in place for screening station operations. Forty-three of the sample NCSC security reports discussed screening procedures.

<b>Table 7-13 Screening Procedures</b>		
	<b>Number</b>	<b>Percentage</b>
Court has good screening procedures	3	7%
Court screening procedures need improvement	40	97%
TOTAL	43	100%

As Table 7-13 indicates, only a very small minority of the courts listed (7%) employ a complete and rigorous set of procedures at their screening stations. An example of one of the more serious problems caused by the lack of complete screening procedures is the failure to test magnetometers daily and recalibrate as necessary. The NCSC assessment teams were frequently able to carry test weapons through the magnetometers undetected. Screening procedures constitute a critical need which can be met with relatively little additional funding.

#### 5. Screening Mail and Packages

An important access issue for court building security is mail and package screening. Bombs and poisonous agents are only two examples of the assaults that can be made on court buildings by way of mail and packages. Careful screening of these items is as equally important as the screening of individuals entering a court building. Fifty-four of the sample NCSC assessment reports discussed screening mail and packages.

<b>Table 7-14 Screening Mail and Packages</b>		
	<b>Number</b>	<b>Percentage</b>
Court indicates that it screens mail and packages	21	39%
Court indicates that it does not screen mail and packages	33	61%
TOTAL	54	100%

Over half (61%) of the courts noted in Table 7-14 do not screen mail and packages. The lack of screening for mail and packages poses a substantial risk for the assessed courts. This is a critical need that can be made without a significant amount of additional funding.

#### 6. Screening Those Who Deliver Mail and Packages

Under the principle of universal screening discussed above, everyone entering into a court building should be screened. There is no rational justification for excluding those who deliver mail and packages from this requirement. Forty of the sample NCSC assessment reports discussed screening those who deliver mail and packages.

<b>Table 7-15 Screening Those who Deliver Mail and Packages</b>		
	<b>Number</b>	<b>Percentage</b>
Court indicates that it screens those who deliver mail and packages	5	12%
Court indicates that it does not screen mail and packages	35	88%
TOTAL	40	100%

According to Table 7-15, the large majority of courts listed (88%) do not screen those who deliver mail and packages. This is a critical need that can be met without a significant amount of additional funding.

### **E. Category 4: Courtrooms and Chambers**

#### 1. CCTV Cameras in Courtrooms

CCTV cameras in courtrooms can serve as a deterrent to disruptive or violent behavior and can also be an effective tool to apprehend and convict perpetrators. According to the NCSC best practices guidelines, two CCTV cameras are needed in each courtroom, one facing the bench and one facing the public gallery. Fifty-one NCSC assessment reports discussed CCTV cameras in courtrooms.

<b>Table 7-16 CCTV Cameras in Courtrooms</b>		
	<b>Number</b>	<b>Percentage</b>
Court has two or more CCTV cameras in courtrooms	10	20%
Court has only one CCTV camera in courtrooms	5	10%
Court has no CCTV cameras in courtrooms	36	70%
TOTAL	51	100%

Relatively few (10%) of the courts listed in Table 7-16 have the number of recommended CCTV cameras in their courtrooms. This is a critical need, which will require funding to fill.

## 2. Duress Alarms on Bench

Duress alarms are an essential and cost-effective component of courtroom security. In a duress situation, the judge or staff member depresses a hidden button, sending a silent, remote signal for help to emergency responders. A duress alarm system should alert court security officers or local police to the location of the area needing assistance. It is the primary technology used in court buildings across the country today to alert first responders. Forty-nine NCSC assessment reports discussed duress alarms on the judge's bench.

<b>Table 7-17 Duress Alarms on the Bench</b>		
	<b>Number</b>	<b>Percentage</b>
Court has a duress alarm on judges' benches	47	96%
Court has no duress alarm on judges' benches	2	4%
<b>TOTAL</b>	<b>49</b>	<b>100%</b>

As Table 7-17 reveals, the overwhelming majority (96%) of the noted courts have duress alarms on judges' benches.

## 3. Security Staffing in Courtrooms

Courtrooms are perhaps the most volatile areas within a court building. The potential for violent behavior is always present. It is recommended in the NCSC's best practice guidelines that two security officers be assigned to a courtroom whenever any criminal court hearing is being held; one security officer should be assigned to protect the judge and one to watch courtroom activity. A third security officer should be assigned when there is an in-custody defendant present. An additional security officer should be assigned when an in-custody criminal jury trial is being held; one to protect the judge, one for the jury, one to guard the in-custody defendant, and one to watch the spectators and entryway to the courtroom. Usually only one security officer should be assigned for any civil hearing or civil jury trial. However, a second security officer could be assigned based on the risk involved in a particular civil case, e.g., mental health, termination of parental rights. For criminal and civil high-visibility trials or volatile hearings, an additional security officer should be assigned to the courtroom. Security officers should be armed and use triple-retention holsters. Forty-seven of the NCSC assessment reports discussed security staffing in courtrooms.

<b>Table 7-18 Security Staffing in Courtrooms</b>		
	<b>Number</b>	<b>Percentage</b>
Court has at least one armed officer in courtroom for every proceeding	19	40%
Court has at least one unarmed officer in courtroom for every proceeding	2	4%
Court has no security officers in courtrooms	26	55%
TOTAL	47	100%

In more than half (55%) of the courts listed in Table 7-18, there are no security officers present at all during courtroom proceedings. The presence of security officers during courtroom proceedings is an extremely critical need which will require a considerable amount of funding to meet.

#### 4. Duress Alarms in Chambers

As indicated above, duress alarms are an essential and cost-effective component of court security. These alarms are needed in chambers to allow a judge to quickly summon help in the event of a security incident. Forty-two of the NCSC assessment reports discussed duress alarms in chambers.

<b>Table 7-19 Duress Alarms in Chambers</b>		
	<b>Number</b>	<b>Percentage</b>
Court has duress alarms in chambers	26	62%
Court does not have duress alarms in chambers	16	38%
TOTAL	42	100%

Table 7-19 indicates that a sizeable minority (38%) of the courts noted do not have duress alarms in chambers. This is a need that can be filled with relatively little funding.

#### 5. Other Issues Involving Judges' Chambers

It is not an uncommon practice for court security officers to escort in-custody defendants through secure hallways that pass by judicial chambers on the way from holding cells to courtrooms. This practice creates a risk of confrontation and assault for judges and court staff. Thirteen of the NCSC assessment reports indicated concerns with this practice.

In addition, chambers windows that afford a view into chambers from the outside create an enhanced opportunity for a tragic incident. Nineteen NCSC assessment reports noted problems with windows that afford a view from the outside into chambers.

## **F. Category 5: Public Transaction Counters**

Public transaction counters present inherent risks for court staff. Members of the public can become frustrated and angry at times. Court staff can potentially be the brunt of that frustration and anger to the point of physical violence. Three basic security measures that should be in place at every public transaction counter in a court building where entryway screening is in place are:

- A 24-36 inch high Plexiglas™ type protective barrier on the top of the counter.
- A CCTV camera at the back of the counter capturing the faces of the public transacting business at the counter.
- One or more duress alarms within easy reach of staff.

### **1. Protective Barriers at Transaction Counters**

<b>Table 7-20 Protective Barriers at Public Transaction Counters</b>		
	<b>Number</b>	<b>Percentage</b>
Court has protective barriers at public transaction counters	13	25%
Court does not have protective barriers at public transaction counters	40	75%
<b>TOTAL</b>	<b>53</b>	<b>100%</b>

Only a relatively small percentage (25%) of the courts listed on Table 7-20 have protective barriers on their transaction counters. Some additional funding may be required to meet this critical need.

### **2. Duress Alarms at Transaction Counters**

<b>Table 7-21 Duress Alarms at Public Transaction Counters</b>		
	<b>Number</b>	<b>Percentage</b>
Court has duress alarms at public transaction counters	26	53%
Court does not have duress alarms at public transaction counters	23	47%
<b>TOTAL</b>	<b>49</b>	<b>100%</b>

Barely a majority (53%) of the courts listed on Table 7-21 have duress alarms on their transactions counters. Duress alarms are a very cost-effective means of providing security. This critical need can be met without a significant amount of additional funding.

### 3. CCTV at Transaction Counters

<b>Table 7-22 CCTV Cameras at Public Transaction Counters</b>		
	<b>Number</b>	<b>Percentage</b>
Court has CCTV cameras at public transaction counters	4	8%
Court does not have CCTV cameras at public transaction counters	45	92%
TOTAL	49	100%

Only 8% of the courts noted in Table 7-22 have the necessary CCTV cameras at transaction counters. Filling this need will require funds for new equipment.

#### **G. Summary of the Court Building Assessments**

Court building assessments reveal that in a majority of areas court security for state courts is sorely lacking, and in many instances judges and court staff are unprotected. Among the findings of the assessment reports, it is important to note that 86% of courts did not have a security committee, or at least one that was assessed as fully functioning. On the other hand, policies and procedures, an essential element for every court's security program, were in place at least to some degree in 87% of the courts. A surprising 87% of courts did not have either a command and control center or one that was adequate to fit the needs of the court.

Among other findings from the assessment reports, 84% of courts did not have an incident reporting system or had one that was rudimentary at best. In the area of training for security officers, 79% had some security training; however, the training did not include court specific courses. When it came to protection of the perimeter, 92% of courts assessed had less than adequate CCTV cameras around the courthouse exterior, or worse they had no exterior cameras at all. The reports revealed that 36% of court buildings needed bollards. Also, 89% of courts had no secure parking at all for judges or parking that was inadequately secured. Thus, a vast majority of judges going to and leaving work at their courthouses are not secure and at risk.

In the category of access to the court building, 74% percent of courts had entryway screening, although some needed more equipment such as magnetometers and x-ray machines. Unfortunately, 26% of respondents had no screening station at all, thus leaving the building occupants unprotected. For those courts having entryway screening, 84% screened only the public, and no court had implemented universal screening as a best practice. Also, 74% of the courts assessed either had adequate staffing at screening stations or had adequate staff but they

were unarmed, while 26% needed more staff. While there is a high percentage of staff at the screening stations assessed, security experts from the NCSC conducting the assessments made recommendations that an overwhelming 97% of court screening procedures need improvement. While 61% of courts do not screen mail and packages coming into the court building, an even higher percentage (88%) do not screen those individuals who deliver mail and packages coming into the court building. In court buildings assessed 70% do not have CCTV cameras in place in courtrooms to monitor incidents that may occur or criminal activity. Although 96% of courtrooms had some type of duress alarm, 55% of courts had no security officers in courtrooms during proceedings. In judges' chambers 62% had duress alarms, while 38% did not; this is a situation that needs to be improved.

Although most emphasis in courts is placed on judges, court staff working for the judge and in clerks' offices are also at risk. One of the main points of contact for staff is at public transaction counters. NCSC assessments have shown that a dangerous 75% of public transaction counters do not have protective barriers of Plexiglas™ or some other type of bullet resistant material. More than half or 53% have duress alarms at their counter, while 92% do not have CCTV cameras recording activity or incidents that may happen.

An overview of the data from this sample of court buildings assessed clearly identifies the many needs of state courts to improve their court security programs. Although many of these program improvements do not cost a lot of money, e.g., establishing an effective court security committee, training, some do require dedicated funding. However, over the last four to five years, the majority of courts and sheriffs' offices have faced budget and personnel cuts. This being true, only the state court administrator in Maryland systemically conducted pre- (2006) and post- (2012) assessments of court buildings by the NCSC to measure what recommendations had and had not been implemented over that period of time; this type of plan needs to be implemented by other jurisdictions.

## **CHAPTER EIGHT**

### **TRIBAL, NATIVE, AND TERRITORIAL COURT SECURITY**

#### **A. Introduction**

For the most part, tribal, native, and territorial courts face the similar security and funding issues as state and local courts. For example, the following sources of safety and security concerns, not dissimilar from those generally applicable to state and local courts, were presented during the May 2011 Tribal Judicial Institute Technology and Tribal Courts Conference symposium *Culturally Competent Victim Safety Issues for Tribal Courts*:

- Explicit and implicit threats
- Observed violence
- Witness intimidation and tampering
- Nonverbal intimidating and/or threatening communications in courtrooms
- Perpetrator, perpetrator’s family, and community

An example of the same limitations negatively affecting tribal and native courts in Alaska as state courts (hence tribal) is the ability for collecting and reporting crime and sentencing data or for tracking offenders, or in documenting and reporting incidents of court-targeted acts of violence. It is believed this has resulted in an “under-reporting” of these types of incidents, thereby hindering invaluable threat and risk assessment processes. While the same situation exists to a certain extent with state and local courts, it is greater where tribal courts are concerned. Uniform incident reporting and documenting policies and procedures need to be developed, distributed, and implemented.

A vast majority of court jurisdictions across the country lack even basic emergency response and contingency plans. There is no absolute when it comes to courthouse security, meaning comprehensive and contemporary plans must be prepared in order to mitigate incident loss of life and property; while maximizing self-protection of court property/assets and life safety. At the October 17-19, 2012 Native American Indian Court Judges Association (NAICJA) 43<sup>rd</sup> Annual Meeting & National Tribal Judicial and Court Clerks Conference, an informal survey of participants attending the Joint Judges and Court Clerks Workshop on “Court Security Concerns” indicated that this was also a major deficiency – compounded by a need for tests, training, and exercises – for the tribal courts. The utilization of emergency response and contingency plan templates, specifically designed for courthouses, and train-the-trainer programs can be looked at as the long-term solution to a short-term problem.

There is one area where tribal courts may have a slight advantage when it comes to security. The General Crimes Act (18 USC, Section 1152), Major Crimes Act (18 USC, Section 1153), and Public Law 280 established exclusive and concurrent federal, state, and tribal jurisdiction for certain criminal acts. One result being the most heinous and/or violent crimes – i.e., “major crimes,” are typically brought forth in federal or state courts instead of tribal courts. While this serves to reduce the threat/risk posed by “traditional” threat sources – i.e., gangs and dangerous individuals – it nonetheless doesn’t account for those potential “non-traditional” threat sources involved in the highly-charged emotional events that occur on a daily basis during tribal court proceedings.

There are many more security-related areas, however, where tribal courts may be at a disadvantage when compared to state courts. Many tribal courtrooms and courthouses, for example, are multi-use facilities that accommodate Tribal Council meetings and other gatherings. This presents additional challenges to security and increases the inherent threat/risk for these type courthouses. Inadequate space design and layout also increases the inherent threat/risk for tribal courthouses. Many courthouses and courtrooms are in disrepair and unmistakably inferior when compared to their state and local counterparts. When planned properly courthouse space design/layout and defined judicial, staff/employee, and prisoner circulation areas enhance overall safety/security and supplement the placement and positioning of well-designed security and controlled-access systems.

Tribal police departments, in addition to their law enforcement role and responsibilities, perform court security and other court-related functions such as serving process. In comparison county sheriff departments and/or judicial marshals provide court security and court-related services for state and local courthouses. Considering the limitations tribal police departments currently face (as continuously noted throughout this section) this cannot be sanctioned – without adequate funding, training, and staffing issues being addressed – if courthouse security is in fact to be improved.

Another major difference between tribal and state courts, as noted by the National Judicial College’s National Tribal Judicial Center in Reno, Nevada, is the relatively high number of familial connections involved in tribal court proceedings. In March 2012, the Fox Valley Technical College Criminal Justice Center for Innovation conducted their *Court Safety and Security Conference*, where security considerations for tribal courts were a featured topic.

Conference materials outlined how domestic violence cases present special security concerns for courts – and tribal courts are no exception. Whether a domestic violence victim is applying for a civil protection order, trying to obtain custody, or testifying in a domestic assault case, domestic violence cases comprise a significant portion of the overall caseload in criminal and family law courts. Perpetrators use domestic violence for one clear purpose: to gain – or regain – and maintain control over the victim. Abusers may use a variety of tactics to achieve this, including domination, humiliation, isolation, threats, stalking, intimidation, and physical abuse. The most dangerous time in domestic abuse situations is when the victim attempts to leave the relationship and the abuser believes he or she is losing control.

Tribal courts may have a potential advantage in dealing with court cases involving familial connections. Injecting tribal traditions, ceremonies, and values into the court process may give parties the real belief that this is their court, for their community and their people, as well as becoming invested in the protection and outcome of their future. In this regard tribal courts may have an advantage that state and local courts do not necessarily have. Use of customs and traditions can help to offset emotions and reduce stress and frustration, all of which can effective court security in tribal courts. In acceptance of this concession as a standard practice due consideration should be given to displaying:

- Traditional art, heritage, and tribal ancestry
- Tribal artifacts and/or traditional quotes or sayings
- Sacred medicines and plants/herbs
- Cultural and symbolic exhibits
- Sacred objects such as eagle feathers
- Any other item that connect one to the tribal community and their traditional role and responsibility

In promoting an environment of respect, further consideration should also be given to inviting tribal elders to attend court proceedings; and/or conducting “spiritual cleansing” ceremonies prior to certain courthouse events. Further explanation regarding the establishment and organization of native and tribal court systems is presented in Appendix F.

## **B. Territorial Courts**

Territorial court systems are similar to state court systems in our 50 states are located in American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands. Each territory engages court security staff to protect judges, court employee staff, jurors, and the public. For specific information on territorial courts’ security needs, refer to the analysis

presented in Chapter 6. Further explanation regarding the establishment and organization of each territorial court system is presented in Appendix F.

## **CHAPTER NINE CURRENT AVAILABLE FUNDING RESOURCES**

### **A. Introduction**

State courts throughout the nation typically receive funding for court security programs, staff, and equipment from state, county, or local sources. As identified in the web-based survey, 89% of respondents reported that they receive their funding from these sources while 3% reported obtaining federal grants and 8% reported receiving some money from private or other sources. Presented below are examples of assessments, surcharges, and federal funding available to courts. Judges and court administrators working in state courts as well as county officials concerned with public safety are aware that more federal dollars are needed by state and local courts.

### **B. Examples of Court Security Assessments and Surcharges**

In California, Government Code Section 69926.5 and Penal Code Section 1465.8 established a \$20 surcharge for court security on civil filings (except small claims) and a \$20 fee for criminal infractions, misdemeanors, and felonies (except specified parking) resulting in a conviction.

In Colorado, S.B. 07-118, which was approved by the governor on May 14, 2007, created the court security cash fund to provide funding to counties with the most limited financial resources through grants for ongoing security staffing, equipment, training, and emergency needs. It requires a \$5 surcharge to be assessed and collected on certain court filing fees for civil actions commenced and criminal convictions entered.

In Delaware, Title 10 Courts and Judicial Procedures, Fees and Costs, Chapter 85, General Provisions, 8505 – Court Security Assessment provides that all state courts shall assess as part of court costs a supplemental court security assessment not to exceed \$10 on each initial civil filing and each criminal, traffic, or delinquency charge for which there is a conviction or finding of delinquency or responsibility, or voluntary assessment paid.

As of January 1, 2006, in Oregon Laws 2005, chapter 804 (HB 2792) increases the county assessments amounts in ORS 137.309 for criminal and violation judgments and requires state and local courts to deposit increases with the state for a State Court Facilities Security Account.

The State of Texas Code of Criminal Procedure – Article 102.017. Court Costs; Courthouse Security Fund; Municipal Court Building Security Fund; Justice Court Building Security Fund provides: a defendant convicted of a felony offense in a district court shall pay a \$5 security fee as a cost of court; and a defendant convicted of a misdemeanor offense in a county court, county court at law, or district court shall pay a \$3 security fee as a cost of court. A defendant convicted of a misdemeanor offense in a justice court shall pay a \$4 security fee as a cost of court. The governing body of a municipality by ordinance may create a municipal court building security fund and may require a defendant convicted of a misdemeanor offense in a municipal court to pay a \$3 security fee as a cost of court.

The State of Utah (enacted by Chapter 301, 2004 General Session, revised 2009 General Session) 78-5-116.5 applies a \$32 security surcharge on all convictions for offenses listed in the uniform bail schedule and moving traffic violations.

### **C. Federal and State Asset Forfeiture Funds Program**

One of the most important provisions of asset forfeiture is the authorization to share federal forfeiture proceeds with cooperating state and local law enforcement agencies. The Department of Justice Asset Forfeiture Program serves not only to deter crime but also to provide valuable additional resources to state and local law enforcement agencies. As of June 2009, the Department of Justice has shared over \$4.5 billion in forfeited assets with more than 8,000 state and local law enforcement agencies. The fact that shared property was forfeited as a result of a particular federal violation does not limit its use. For example, when an agency receives a share of property that was forfeited for a federal drug violation, the recipient is not limited in its use of the property to the recipient agency's drug enforcement program.

Among the many approved uses, priority should be given to supporting community policing activities, training, and law enforcement operations. The correlation between court security and prioritized law enforcement activities is clear. It becomes even more so when considering the administration of justice in these cases is carried out in federal, state, tribal, and local courthouses.

### **D. Federal Grant Programs**

#### **1. Edward Byrne Memorial Justice Assistance Grant (JAG) Program**

The JAG Program, administered by OJP's Bureau of Justice Assistance, allows states and local governments to support a broad range of activities to prevent and control crime and

improve the criminal justice system. The procedure for allocating JAG grants is based on a formula of population and violent crime statistics, in combination with a minimum allocation to ensure that each state and territory receives an appropriate share of funding. Sixty percent (60%) of the allocation is awarded to the state and 40% is set aside for units of local governments.

## 2. Homeland Security Grant Program

The Homeland Security Grant Program (HSGP) provides a primary funding mechanism for building and sustaining national preparedness capabilities. It is comprised of five interconnected grant programs: State Homeland Security Program (SHSP), Urban Areas Security Initiative (UASI), Operation Stonegarden (OPSG), Metropolitan Medical Response System (MMRS), and the Citizen Corps Program (CCP).

In relation to court security, the SHSP provides funding to support the implementation of state strategies to address identified planning, organization, equipment, training, and exercise needs to prevent, protect against, respond to, and recover from acts of terrorism and other catastrophic events.

State, tribal, and local courthouses are undoubtedly one of the most critical infrastructures of court security in any jurisdiction and require adequate funding and resources to counter the assessed threat/risk. The “Local Courthouse Safety Act of 2012” confirms this basis of justification, reaffirms its authority, and advocates the use of such funds for court security.

### **E. Insurance Coverage**

Jurisdictions are typically insured by one of three methods: self- indemnification, private, and/or public carrier (e.g., Minnesota Counties Intergovernmental Trust; League of Minnesota Cities).

In recent years, victims of court-targeted acts of violence have begun to take civil actions against jurisdictions for their negligence and culpability. For example, as a result of the shootings at the Fulton County Courthouse in Atlanta in March 11, 2005, the widow of the judge slain during the 2005 Fulton County Courthouse and the daughter of the court reporter killed received many millions in compensation. Numerous other lawsuits are pending, including a 2005 Connecticut courthouse shooting, in which the victim settled for an undisclosed amount with the City and is now taking action against the State for \$25 million. Further, another pending lawsuit is based on a 2009 San Joaquin County Courthouse stabbing of the presiding judge.

Jurisdictions that have taken the appropriate measures to enhance their court security should seek rate/premium reductions from their carrier for lowering their inherent threat/risk and mitigating the impact of incidents or events. In addition, the carriers can be requested to provide assistance, training, and funding in the areas of violence in the workplace and risk and emergency management.

#### **F. Line Item Funding – State Legislature**

During its 2011 legislative session, the State of Alaska Legislature set aside specific funding for the Alaska court system on Court Security Projects. The project was based on the provision of physical security for the public and others in court facilities statewide. A determination had been made that recent and ongoing national events and state incidents highlighted the need to protect the public and court staff in both rural and urban locations.

#### **G. Occupational Safety and Health Administration (OSHA)**

Section 18 of the OSHA Act of 1970 encourages states to develop and operate their own job safety and health programs. OSHA reviews, approves, and monitors state plans and provides up to 50% of an approved plan's operating costs. As of October 2012, twenty-seven (27) states and U.S. territories (Puerto Rico and the U.S. Virgin Islands) are operating complete state plans. The states must set job safety and health standards – including Violence in the Workplace initiatives – that are “at least as effective as” comparable federal standards. A state must conduct inspections to enforce its standards, cover public (state and local government) employees, and operate occupational safety and health training and education programs. Employees who work for state and local governments are not covered by federal OSHA, but have OSHA Act protections if they work in those states having an OSHA-approved state program.

Certain state programs such as the Minnesota Department of Labor and Industry offer “Safety Grants” that provide a dollar-for-dollar match (up to a set figure) to qualifying employers for projects designed to reduce the risk of injury or illness to their employees.

#### **H. State Grant Programs**

As a national impact issue, State Justice Institute (SJI) programs are committed to improving state court security. SJI was established by federal law in 1984 to award grants to improve the quality of justice in state courts, facilitate better coordination between state and federal courts, and foster innovative, efficient solutions to common issues faced by all courts. SJI is unique both in its mission and in how it seeks to fulfill it. Only SJI has the authority to

assist all state courts - criminal, civil, juvenile, family, and appellate - and the mandate to share the success of one state's innovations with every state court system as well as the federal courts. SJI is a non-profit corporation governed by an 11-member Board of Directors appointed by the President and confirmed by the Senate. By law, the President must appoint six state court judges, one state court administrator, and four members of the public (no more than two of whom may be of the same political party). SJI maintains a professional staff to oversee operations, including grant management and other government relations. Per 42 U.S.C. 10704, the Executive Director is responsible for the executive and administrative operations of SJI, and serves at the pleasure of the Board of Directors. SJI grant types consist of: Project Grants, Technical Assistance Grants, Curriculum Adaptation and Training Grants, Partner Grants, and Strategic Initiatives Grants.

The West Virginia Court Security Fund makes state grant funds available to county court facilities for the purposes of enhancing the security of such courts. A Court Security Board was established to review and approve county court security plans for all court facilities and upon approval of a counties court security plan, award funds to purchase equipment or make other expenditures (personnel and training are not funded) in accordance with the approved security plan. Funding under this program is available to County Commissions which are required to have letters of comment from their respective Chief Circuit Judge, Family Court Judge, Circuit Clerk, County Sheriff, Prosecuting Attorney, and Chief Magistrate.

In the 2007 legislative session, the Colorado General Assembly passed Senate Bill 07-118, codified at Section 13-1-201 et seq., C.R.S. which provides supplemental funding for courthouse security. That bill created the Court Security Cash Fund and mandated that monies from the Fund be made available to counties through grants for court security staffing, equipment, and training. Such grants are issued through the State Court Administrator's Office upon recommendation by the Court Security Cash Fund Commission.

## CHAPTER TEN COURT SECURITY PUBLICATIONS

This chapter provides information and resources that will assist the reader to understand the complexities and challenges of providing court security to state, county, and local courts. The publications below have been authored by some of the foremost experts in the country on court security, including aspects involved in emergency preparedness within court buildings.

The publications and resources in this chapter are listed in chronological order by date of publication. They contain a wealth of information on specific subjects related to court security. These publications are considered by most court security experts in the field as extremely useful references. They are recommended to the reader as most useful to support the development and growth of state court security programs in states, counties, and at the local level. The majority of these publications are primarily available National Center for State Courts, <http://www.ncsc.org/> as well as the United States Marshals Service <http://www.usmarshals.gov/> and the National Sheriffs' Association <http://www.sheriffs.org/>.

*Murdered Justice: An Exploratory Study of Targeted Attacks on the Justice Community.* Glenn McGovern. March 2013.

- A report detailing the findings of a study of 63 targeted attacks and 70 attempts occurring between January 1, 1950 and December 31, 2012. This study includes both completed attacks against a victim and attempted attacks against targeted individuals. The objective of the study is to obtain a better understanding of various aspects of this type of violence. For example, it examines offense characteristics in terms of motive of the attacker, analysis of timing and location, characteristics of the victims and offenders, and the nature of police intervention in preventing the completion of targeted attacks.

*The Quandary of Courthouse Security, Op Ed.* Timothy F. Fautsko. The National Law Journal. February 2013.

- An Op Ed following the February 11, 2013 court shooting in Delaware, examining the current challenges to court security. Despite improvements, such as the advent of courthouse security awareness, heightened security measures, refined policies and procedures, specialized training, and site-specific security measures, the number of incidents has increased. Since 2005, there have been 406 court-targeted acts of violence. Judges and court administrators continue to struggle with how best to protect their staff and the public.

*Courthouse Security Incidents Trending Upward: The Challenges Facing State Courts Today.* Timothy F. Fautsko, Steven V. Berson, and Steven K. Swensen. Future Trends in State Courts, National Center for State Courts (NCSC), 2012.

- The fact that violent acts surrounding court cases have been steadily rising despite the presence of increased security is reviewed from both contemporary threat and security management perspectives. Among various topics, the authors discuss case-related incidents, the incident and displacement of staff effect, highly-charged emotional events, security awareness, organization and governance, and recommended resources for countering the assessed threat/risk.

*Court-Targeted Acts of Violence, Disorder in the Courts.* Steven K. Swensen. Saint Paul, MN: Center for Judicial and Executive Security (CJES), June 2010. Revised: 2011 and 2012.

- A chronological listing of violent courthouse incidents occurring throughout the United States from January 2005 to January 2012. The incidents are in addition to the courthouse shootings, bombings, and arson-attacks researched and documented under the CJES Study. See the similar study dated June 2010 below. Incidents include stabbings, assaults, suicides, murder-for-hire plots, bombing interdictions, etc. The CJES incidents publication, which was originally updated monthly, is currently scheduled to be updated on an annual basis.
- This publication also identifies the attributes of federal courthouses contributing to concerns about their security and assesses the extent to which federal stakeholders have collaborated and used risk management practices to protect federal courthouses.

*Court Security and Business Continuity in Lean Budget Times: A Collaborative Systems Approach.* Marcus W. Reinkensmeyer. Phoenix, AZ: Court Administrator, Judicial Branch of Arizona in Maricopa County, Future Trends in State Courts, 2011.

- Based off of the experiences of an urban court, the Judicial Branch of Arizona in Maricopa County (the superior court), a collaborative systems approach is reviewed and recommended as a measure that can help courts leverage available resources and re-engineer essential security services.

*United States Marshals Services' Oversight of its Judicial Facility Security Program.* U.S. Department of Justice (DOJ), Office of Inspector General (OIG), November 2010.

- The report provides an overall assessment of the U.S. Marshals Service efforts to secure federal facilities and oversight of their Court Security Officer (CSO) program, security systems, and related contracts. The audit specifically covered but was not limited to the period of Fiscal Year (FY) 2004 thru FY2009.

*Court-Targeted Acts of Violence Study re: Courthouse Shootings, Bombings and Arson-Attacks.* Steven K. Swensen. Saint Paul, MN: Center for Judicial and Executive Security (CJES), June 2010.

- A study of federal, state and local courthouse shootings, bombings, and arson attacks over the four-decade time period of 1970-2009. Primary study focus was given to analyzing and assessing incident type, extent, location, threat source, targets, victims, motive, intent, and case-related factors from an operationally-based not necessarily clinical or academic perspective. The incidents considered under study criteria were both documented and determined to have had significant actual and/or potential impact to courthouse and judicial operations.

*Analysis of Incidents Directed Against Courthouses in the United States.* U.S. Department of Homeland Security (DHS), Domestic Threat Analysis Division, Infrastructure Threat Analysis Branch, April 6, 2010.

- This assessment describes threats and other suspicious activities directed against courthouses in the United States over a one year period 2009-2010. It includes information on surveillance indicators and recommended protective measures against vehicle-borne improvised explosive devices (VBIED) and homicide-suicide-bombers.

*Steps to Best Practices for Court Building Security.* Timothy F. Fautsko, Steven V. Berson, James F. O'Neil, and Kevin W. Sheehan. Williamsburg, VA: National Center for State Courts (NCSC), January 2010.

- Outlines the best practices, describing recommended security measures for a comprehensive set of topics covering courts buildings and operations, as observed and determined by the NCSC assessment team during the course of their conducting hundreds of courthouse security assessments throughout the country.

*Guidelines for Implementing Best Practices in Court Building Security – Costs, Priorities, Funding Strategies, and Accountability.* Timothy F. Fautsko, Steven V. Berson, James F. O’Neil and Kevin W. Sheehan. National Center for State Courts (NCSC) and the State Justice Institute (SJI), Grant No. SJI-09-P-125, January 2010.

- Supplements the January 2010 NCSC Steps to Best Practices Document by: (1) identifying the estimated costs associated with implementing recommendations; (2) including a framework of priorities to discuss for implementation; (3) recommending strategies for obtaining funding; and (4) describing performance and accountability measures.

*Court Security Handbook: Ten Essential Elements for Court Security and Emergency Preparedness.* Williamsburg, VA: Conference of Chief Judges (CCJ) and Conference of State Court Security Administrators (COSCA), June 2010 and Revised September 2012.

- Covers the ten essential elements that need to be in place to guarantee an effective court security system. These elements are: standard operating procedures; the self-audit; emergency preparedness and response – continuity of operations (COOP); disaster recovery – essential elements of a plan; threat assessment; incident reporting; funding for court security; security equipment and costs; resources and partnerships; and new courthouse design. Appendices include: Representative Sample of Guidelines from State Court Security Manuals; Steps to Best Practices for Court Building Security; Home Security Audit and Recommendations; Model Disaster Recovery Plan Forms; and Unified Judicial System of Pennsylvania-- Security Incident Fact Sheet. Also included is the document “Emergency Management for Courts” which describes the best practices courts can implement for handling emergencies.

*Courthouse Security Survey Pilot Project: Results and Proposed National Sampling Plan.* Fred L. Cheesman, II, Ph.D. and William Raftery. Williamsburg, VA: National Center for State Courts (NCSC), December 18, 2009.

- Covers the development of a plan to conduct a nationwide survey of courthouse security infrastructure and procedures as well as security-related incidents. The survey would address the dearth of information about courthouse security, specifically information on the most fundamental characteristics of courthouse violence and the counter-measures that the courts have taken in response to real and/or perceived violence. The purpose of the national survey would be to answer two primary research questions about courthouse security: What are the nature and extent of threats to courthouse security? and What countermeasures have been undertaken at courthouses to address security concerns?

*Protection of the Federal Judiciary, U.S. Attorney and Assistant U.S. Attorney’s.* U.S. Department of Justice (DOJ), Office of Inspector General (OIG), December 2009.

- Examined the United States Marshals Service (USMS) and Executive Office of United States Attorneys (EOUSA) response to threats made against federal judges, U.S. Attorneys and Assistant U.S. Attorneys. As USMS districts are primarily responsible for protecting federal judges, U.S. Attorney’s and Assistant U.S. Attorney’s their protective service operations were included in the examination. The role of the EOUSA in providing said protective services was further examined. The review process encompassed threats that had occurred during Fiscal Year (FY) 2007 and FY2008.

*Homicide Studies, Courthouse Shootings Research Study.* Gregg W. Etter and Warren G. Swymeier. Sage Publications (14[I] 90-100), November 25, 2009.

- The study originated out of a project by the authors to improve court security training for sheriff’s deputies in Arkansas and Missouri. This is a descriptive study of 114 courthouse shootings (between 1907-2007) and the subsequent security response. Shootings were chosen for the study as other types of violent incidents were believed to have been successfully and effectively handled by court security forces using

existing methods of operation. Incident motive (4-divided categories), weapon availability (3-identified means of accessibility), and casualties (3-classes of targets/victims) were examined.

*Home Security Audit and Recommendations.* James F. O’Neil. Denver, CO: Court Consulting Services, National Center for State Courts (NCSC), February 2009.

- This resource document provides recommendations for judges to self-audit their home security, including the perimeter and interior of residences. Recommendations are also included for mail, family, travel, and general security.

*Ensuring the Personal Security of Judges.* Malcom Franklin. Williamsburg, VA: Future Trends in States Courts, National Center for State Courts (NCSC), 2009.

- The article discusses how a mandated, easily understood reporting system and coordination between law enforcement and the judiciary are essential to dealing with security threats. Further outlines and recommends judicial protective measures.

*Protecting Court: A Practitioner’s Guide to Court Security.* Lt. Jimmie H. Barrett, Jr. Arlington, VA: Arlington County Sheriff’s Office, published by Mill City Press, 2009.

- An introduction (based on professional operational experiences and lessons-learned) into court security assessments, daily operations, courthouse security management, legal issues, emergency operations, high risk and high profile trials, and judicial threat assessments.

*Washington State Courthouse Public Safety Standards.* State Board for Judicial Administration, Court Security Committee, 2009.

- In preparing this document, the Committee reviewed standards drafted by other states. The Standards identify basic fundamentals for safe and secure courthouses, beginning with the creation of local court security committees. These Standards require time and commitment from courts and their stakeholders and are not necessarily dependent on budget expenditures. The Standards also identify best practices, some of which will not be feasible for all courts due to cost and facility configurations. While acknowledging this reality, the Standards are intended for all sizes of courts and for all jurisdictions.

*Colorado Courthouse: Security Resource Guide.* Denver, CO: Colorado State Court Administrators Office, April 2008.

- A resource guide (i.e., manual) intended to be part of a flexible framework to guide the courts participation in county-level efforts regarding court security and preparedness. It was written in recognition of the diverse needs and circumstances that exist in counties across the State of Colorado. Its stated purpose is to equip judges, law enforcement, county and court administrators, clerks of court, and other local officials with the information required to customize comprehensive court safety and security plans.

*Entry Screening: The Courts First Line of Defense.* Timothy F. Fautsko. Denver, CO: Court Consulting Services, National Center for State Courts (NCSC), 2008.

- Outlines how universal point-of-entry screening of all persons entering a courthouse – including the public, staff, and judges – is an essential part of an optimal court security program. The NCSC’s Security Assessment Team has developed and recommends a four-phase plan that all courts can use to implement universal entry screening.

*Security at What Cost? A Comparative Evaluation of Increased Court Security.* Jon B. Gould. The Justice Systems Journal (Volume 28, No.1), 2007.

- An article presenting results from a pilot case study comparing the effects of court security in two contemporary metropolitan county court systems. The research identified four common areas of concern

including courthouse screening operation deficiencies; disparities between public expectations and implementation limits; inconsistent systems monitoring; and the realities of limited resources.

*The Evolving Concept of Court Security.* Caroline S. Cooper. *The Justice Systems Journal* (Volume 28, No. 1), 2007.

- The author discusses the shift in the meaning of “court security” from focusing on protecting the courthouse and its occupants to a broader understanding that includes continuity of court operations.

*Protecting Judicial Officials: Implementing an Effective Threat Management Process.* Fredrick S. Calhoun and Stephen W. Weston. U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA), June 2006.

- An overview of how a successful judicial threat management process consists of 10-basic elements, each integral to the others. They comprise the golden rules of contemporary threat management and demonstrate how one can identify, assess, investigate, and manage risks of violence to judicial officials in federal, state and local courts.

*Court Security for Interpreters Manual.* Lorena P. Martin. National Association of Court Reporters with contribution from the United States Marshals Service (USMS) and National Center for State Courts (NCSC), May 20, 2006.

- A general resource, reference and platform for training interpreters at the national, state, and local levels on court security issues. However the manual itself can be used by all stakeholders for court security related matters. Specifically, the manual provides interpreters with general principles, assessing their individual security, as well as offer risk reduction techniques.

*A National Strategic Plan for Judicial Branch Security.* Pamela Casey. National Center for State Courts (NCSC) and the National Sheriffs’ Association (NSA), Grant No. 2005-DD-BX-K033 Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA), February 7, 2006.

- Recommended strategies from the April 2005 National Summit on Court Safety and Security and November 2005 follow-up conference. In drafting the recommended strategies, the scope and definition of court security arose. Some jurisdictions include the personal safety of those in the courthouse, the physical security of the courthouse, disaster planning and response, continuity of operations, and cyber security within their definition of court security. Other jurisdictions define court security more narrowly. This document suggests that initial work on identifying guidelines and other resources focus first on physical and personal safety, a concern of all court security efforts. Subsequent efforts in more specialized court security areas, such as continuity of operations and cyber security, can draw from work already underway by other experts and groups concerned with these issues.

*Protecting Court Staff: Recognizing Judicial Security Needs.* George Perkins. Williamsburg, VA: National Center for State Courts (NCSC). 2006.

- Notes how the number of threatening incidents against the federal judiciary has been increasing, with a stated belief that incidents against state judiciaries have as well, but an incident reporting system for states is not available to track the trends. Discusses how a more comprehensive knowledge of potential risks, such as developing threat-assessment databases and collecting statistical data on judicial incidents, will make state courts safer for employees. A stated finding being that even with a better understanding of security threats, judges, and court staff should remain vigilant against potential risks.

*Planning for Emergencies: Immediate Events and their Aftermath – A Guideline for Local Courts.* Lawrence Siegel, Caroline S. Cooper, and Allison L. Hastings. State Justice Institute (SJI), Court Emergency/Disaster Preparedness Planning Project, November 2005.

- This guideline is an outgrowth of the observations gleaned from multiple technical assistance visits to state trial courts located in smaller populated areas of eight states during 2004 and 2005. The goal of the project was to assist trial courts – particularly those in rural areas – with developing court security and emergency preparedness plans and response capabilities. It was designed to complement SJI’s Urban Court Emergency Preparedness Project, as conducted by the Justice Management Institute (JMI), which focused on developing court emergency preparedness plans for courts in metropolitan areas.

*Developing and Evaluating Courthouse Security and Disaster Preparedness.* Aimee Baehler and Douglas K. Somerlot. Denver, CO: Justice Management Institute (JMI), August 2005.

- Provides information about a demonstration, education and technical assistance project conducted by the Justice Management Institute (JMI) aimed at assisting the courts in developing effective courthouse security and business continuity plans. The principal component of the project was a prototype workshop conducted in Washington, D.C., February 17 through 19, 2004 for teams from five jurisdictions, including Maricopa County (Phoenix), Arizona, Ventura County (Ventura), California, Hillsborough County (Tampa), Florida, Prince George’s County (Upper Marlboro), Maryland, and Hennepin County (Minneapolis), Minnesota. The report is intended to provide interested court and justice system leaders and judicial branch educators and managers with information about the planning, presentation, and impact of the workshop, which can be used as a foundation for future replication.

*Court Security Guide.* National Association for Court Management (NACM), June 2005.

- This mini-guide updates the June 1995 publication “Court Security Guide.” The guide itself is more checklist than blueprint. It identifies issues and suggests approaches; each court then must develop its own specific blueprint in accordance with its local environment, culture, and needs.

*The Future of Court Security.* Don Hardenbergh. Williamsburg, VA: National Center for State Courts (NCSC), 2004.

- Provides an overview on the threats and risks facing court security and outlines minimum counter-measures.

*Murdered Judges of the Twentieth Century.* Susan P. Baker. (True Crime), Eakin Press, 2004.

- True tales of judges murdered in America in the 20th century, including those killed by strangers, family members, and unknown perpetrators. This book also includes a few who died in mysterious circumstances. Several murders remain unsolved and the perpetrator(s) remain at large.

*Court Security: A Guide for Post 9-11 Environments.* Tony L. Jones. Published by Charles C. Jones, November 1, 2003.

- A book designed for novices in the specialized area of court security. Formatted in four main sections covering perpetrators, integrated security systems, response, and tactical considerations.

*Psychiatric Disorders among Victims of a Courthouse Shooting Spree: A Three-Year Follow-Up Study.* Sharon D. Johnson, Ph.D., Carol S. North, M.D., P.P.E., and Elizabeth M. Smith, Ph.D. Community Mental Health Journal, Volume 38, No. 3, June 2002.

- A clinical research study examining the longitudinal course of psychiatric sequelae of a mass shooting at a courthouse (the Tuesday, May 5, 1992 Clayton County [MO] Courthouse Shooting Incident). A sample of 80-individuals was examined 6-8 weeks after the incident and 77 of those were reassessed one and three years later using the Diagnostic Interview Schedule/Disaster Supplement. One conclusion states the need that intervention among symptomatic individuals not meeting diagnostic criteria should not be discounted as sub-diagnostic distress may warrant specific intervention.

*Michigan Court Security Manual.* Supreme Court of Michigan, State Court Administration, 2002.

- This emergency manual sets forth the model procedures, responsibilities and recommendations for responding to certain emergencies.

*Courthouse Violence: Protecting the Judicial Workplace.* Victor E. Flango and Don Hardenberg. American Academy of Political and Social Science, Sage Publications, July 1, 2001.

- Focuses on citing examples and research to help better the reader's understanding of what kind of violence is out there and how can it be avoided. Basic issues involved in courthouse violence are identified so that appropriate security measures can be discussed, determined, and implemented in courthouse settings. Discussed issues include types of courthouse violence, victim risk, susceptibility, motives, and the person(s) likely to become violent. In closing the volume discusses those measures that can assist in limiting if not eliminating the threat of violence on courthouse officials.

*Protecting Targeted Violence Against Judicial Officials and Courts.* Bryan Vossekuil, Randy Borum, Robert Fein, and Marissa Reddy. U.S. Secret Service and University of South Florida, July 2001.

- The authors describe a systematic approach to prevent targeted violence against judges and their courts. A brief overview of findings from operational research on assassinations and attacks against public officials, including judges, is conducted. A recommended threat assessment approach – a fact based risk assessment methodology specifically developed to prevent assassinations – is reviewed and the publication concludes with a discussion of research recommendations to better understand and prevent targeted violence against the judiciary.

*Violence in the Judicial Workplace: One State's Experience.* Donald J. Harris, et al. The Annals of the American Academy, July 2001.

- A report on a survey of judicial security and safety conducted in 1999 by the Administrative Office of Pennsylvania Courts. The survey quantified the various types of threats and acts of violence against judges, both inside and outside of the courthouse, occurring within the previous year (1998) as a direct result of discharging ones official responsibilities.

*Defusing the Risk to Judicial Officials: The Contemporary Threat Management Process.* Frederick S. Calhoun and Steven W. Weston. Alexandria, VA: National Sheriff's Association (NSA), 2001.

- Utilizes incidents of violence in courts to provide a basis for courts to implement contemporary threat management programs. Explains the contemporary threat management process, ways of implementing the process in most courts, and other options to improve overall court security.

*Safe and Secure: Protecting Judicial Officials.* Neil A. Weiner, et al. Court Review, Volume 36, No. 4:26, 2000.

- This article addresses attacks – symbolic and otherwise – against the judiciary. Specific reasons, including statistical information, for heightened court security are listed and objectives are suggested for protecting the judiciary. The need for further research is promoted.

*WI Courthouse Security Manual.* Wisconsin Sheriff's and Deputy Sheriff's Association, U.S. Marshal's Service, Director of State Courts, Office of the Chief Justice of the Wisconsin Supreme Court, Fox Valley Technical College, 2000.

- The manual purpose is to equip law enforcement officers, judges, clerks of court, and other county officials with the information necessary to customize a comprehensive courthouse security plan.

*MN Conference of Chief Judges Court Security Manual.* Steven K. Swensen. Saint Paul, MN: United States Marshals Service (USMS), 1999.

- Contains both general and specific information on the multi-disciplined areas believed essential for model court security programs. Intended to be used by designated officials to enhance overall court security. Comments and recommendations on court security intentionally cover a wide-range of subjects extending from cost-effective to fiscally-driven schedules of implementation. The manual is considered a starting point as court security program managers will need to continuously seek out additional training, source documents, training, and professional associations and networking.

*Hunters and Howlers: Threats and Violence against Judicial Officials in the United States.* Frederick S. Calhoun. United States Marshal's Service (USMS), Pub. No. 80, February 1998.

- A statistical analysis of 3,096 inappropriate communications and assaults committed against Federal judicial officers during September 1980 and September 1993. Three distinct categories – Specious, Enhanced, or Violent – were used to define possible incident outcomes. The study determined three principal attributes that distinguished threats against the judiciary from threats to others and reinforces the need for contemporary protective intelligence and investigations programs.

*Court Security and the Transportation of Prisoners – Summary of National Sheriff's Association Research Study.* Jeremy Travis. National Institute of Justice (NIJ), June 1997.

- The study found the safety of personnel transporting and monitoring prisoners in courtrooms the most pressing concern. The assessment offers specific suggestions for agencies to consider when evaluating their individual programs. Study methodology consisted of interviews, questionnaires, reviewing existing literature and past violent incidents, and obtaining input from a Project Advisory Board, Staff Review Committee, practitioners, field experts, and criminal justice organizations.

## **CHAPTER ELEVEN RECOMMENDED FUTURE DIRECTIONS**

As the data presented in this report clearly demonstrate, there is a critical need to improve security in state and local courthouses throughout the country. Meeting this need will not be easy. There is not one simple answer or solution; but doing nothing could prove tragic. This final chapter outlines broad directions that court leadership and its justice partners must consider and then act upon.

### **A. Communication and Collaboration are Key**

While additional funding will be required to meet the need to improve courthouse security, many security improvements can be achieved with relatively little additional costs. Two main ingredients are key to these improvements: better communication and enhanced collaboration among courts and their judicial stakeholders.

Communication and collaboration are essential ingredients in any court safety and security program. As a first step, it is imperative for every court to establish an interagency security committee. As the web survey in Chapter Five reveals, only slightly less than half of the respondents reported that they had a security committee in their court buildings. The NCSC assessment reports in Chapter Seven suggest that only 14% of courts have a security committee that could be characterized as fully functioning - a disturbing figure to say the least.

Ideally, a court security committee should be chaired by the presiding judge and consist of stakeholders with an interest in or responsibility for court building security. Such stakeholders could include other judges in the court system, court administrators, court security providers, county officials and first responders, members of the bar and the public.

A court security committee should meet regularly and be empowered to exercise rigorous oversight on all matters relating to security and emergency preparedness within a courthouse. Without such a committee, it is difficult, if not impossible, to properly assess and address the myriad of security challenges facing court leadership. A formalized committee provides a means for court officials and stakeholders to take a more comprehensive and structured approach in addressing matters of security. The committee should operate on an action planning basis of “who does what by when.” Meetings should start and end with a review of the action plan. Every effort should be made to stay away from “war stories” which usually kill the heart and

soul of any effort to improve. A committee that communicates effectively and is bound to an action plan will certainly improve court security over time.

Among the *Ten Essential Elements for Court Security and Emergency Preparedness*, a publication of the Conference of Chief Justices (CCJ) and Conference of State Court Administrators (COSCA), was a focus on partnerships. The *Ten Elements* document noted the following: “Strong and effective partnerships among state courts, law enforcement, and county commissioners must be developed to ensure successful security operations.” This concept is further enhanced by the words of Pennsylvania’s State Court Administrator Zygmunt A. Pines, “We need to build a culture of collaboration that will create a mutually supportive network of information and assistance.” While in the final analysis courts may have ultimate responsibility for courthouse security, it is a responsibility that cannot be successfully discharged by courts alone. Courts on their own do not have the capacity or resources to address their own security needs fully. Cooperation and coordination with a host of other organizations are imperative. Other organizations have a shared interest in courthouse security, or they have the capacity to provide resources to help make courts more secure, or they have both.

Collaboration can take place on many levels:

- Local – within the facility itself, with broadly representative standing committees on security and with law enforcement, executive, and legislative leaders.
- State – with court leadership, executive-level committees on security and disaster planning, the legislature, and state police.
- Regional – with colleagues and partners who can provide guidance on common issues or support in the event of a debilitating incident.
- National – with the Department of Justice, Department of Homeland Security, Congress, and various associations and organizations such as the National Center for State Courts and the National Sheriffs’ Association.

In addition to communication and collaboration, training is another vital element for improving courthouse security. According to the web survey in Chapter Five, only less than half (44%) of the respondents report that crucial training on court security is being provided.

It is important for everyone working in a courthouse to understand and accept that they are truly part of the court’s first line of defense: the eyes and ears of court security. All judges and court staff need to be armed with the right information about their safety and security at work and at home. They need training in how to deal with an angry customer, how to diffuse volatile situations, self-defense training, what to do if there is a shooting or hostage-taking, and in a preventative effort, how to conduct a home audit. Courts need to offer training on security,

and judges and court staff need to be encouraged by court administration to participate in court security training programs. Law enforcement officers responsible for security in a courthouse need court-specific training in such areas as weapons screening and security protocols inside the courtroom. In essence, training and preparation for all judicial stakeholders is most important to sustain and improve court security as well as to educate and protect employees.

### **B. Additional Funding is Essential**

While communication, collaboration, and training will take courts a long way in improving courthouse security, in the final analysis additional funding will be required to afford a reasonable level of protection for those who work in and visit courthouses. The staffing levels and equipment required to provide a reasonably safe courthouse environment can be costly. More likely than not, the costs for establishing and maintaining a reasonably sufficient level of courthouse security will exceed the amount of funding available. Seventy-four percent (74%) of the telephone survey respondents stated that the lack of available funding was the single main issue currently impacting courthouse security, in particular because a lack of funding impacts other areas, such as staffing, prisoner handling, etc.

State courts throughout the nation typically receive funding for court security programs, staff, and equipment from state, county, or local sources. As identified in the web based survey, 89% of respondents reported that they receive their funding from these sources, while 3% reported obtaining federal grants, and 8% reported receiving some money from private or other sources. Judges and court administrators working in state courts as well as county officials concerned with the well-being of the public are aware that more federal dollars should be made available to state and local courts whether they support their own security force or rely on law enforcement for protection.

In 2010 the NCSC authored a publication funded by the State Justice Institute entitled: “Guidelines for Implementing Best Practices in Court Building Security.” These guidelines set forth in the following chapters include recommended strategies for obtaining the additional funds necessary to improve courthouse security. First, court leadership must consider priorities very carefully when making spending decisions with respect to court building security. They will need to ask themselves: “How do we spend limited funds on security so that we get the most ‘bang for the buck?’ What security measures should we put in place first, what comes next, and what measures can wait until later?” A spending plan for court building security can be

meaningful only if it is based on a solid foundation that includes a robust needs analysis. The establishment of a security committee will provide the court the wherewithal to carefully assess its security needs and determine next steps, including the development of a spending plan. Creating policies and procedures will further refine the court's direction for security protocols and enforcement and subsequent spending needs.

Again, collaboration comes into play. Judicial stakeholders may also have the capacity to help courts obtain the resources needed to make court buildings more secure. These same stakeholders can assist by working in concert and vigorously advocating for funds from local and state sources. The broader the net is cast to involve stakeholders and members of the community, the more allies the court will have in seeking funding.

Any successful funding strategy will rely on a solid statement that makes a convincing case for what funds are needed and why. A comprehensive, well-structured and documented needs assessment, involving the support of a broad representation of stakeholders, can help to provide the foundation for a solid case statement. Further, the needs assessment must lead to a rational, multi-year plan of action as part of the case statement. The action plan should reflect priorities and costs in addressing needs. It is important for stakeholders to realize that not all improvements in court building security require budget requests. As part of the action plan, those security improvements that can be accomplished with little or no money should be identified and swiftly implemented. This initial implementation of security improvements demonstrates to potential funders that the court is serious about security and that it needs additional funds to continue its quest toward achieving best practices in court security.

A comprehensive effort must be made to identify all possible sources of funding from various levels of government and other entities. Along with this must come a thorough understanding of the processes entailed in seeking funding from these sources. The largest piece of the funding strategy may be to seek additional funds as part of the court's (or court building tenants') next budget cycle. Another strategy for funding may be to review funds in existing budgets that can be redirected to address crucial security needs.

Also, there should be a clear understanding of who the decision makers are in terms of making funds available for security purposes. Included in this category are legislators, county commissioners, members of the town council, state and local court administrators, as well as other government officials at various levels. The challenge is to effectively convey to these

decision makers why court building security is so important, as well as what additional resources are needed in order to achieve a reasonable level of security.

Decision makers and their staff are typically bombarded with more information than they can reasonably process. Courts should make sure that messages about court building security are carefully crafted so the essential elements are conveyed in a crisp and cogent manner. Consequences of not funding security requests should be stated in a convincing but not alarmist fashion, although objective examples of tragedies that have occurred at other courts can be used to some extent whether in Atlanta, Reno, St. Petersburg, Las Vegas, Tulsa, Beaumont, Grand Marais, Wilmington or Kaufman, Texas - unfortunately the list goes on.

The final, and perhaps the most important, consideration is the determination of who delivers the message. The most significant factors to consider in selecting messengers are (a) subject matter knowledge, (b) credibility, and (c) relationships. The messengers must first know the subject matter they are presenting. Second, they must have a reputation for absolute credibility in order for the message to be well received. Finally, a determination needs to be made as to who among the judicial stakeholders and other interested parties has the best relationship with various decisions makers.

### **C. Need for National Coordination and Support**

Besides the National Center for State Courts, there are a number of organizations and agencies such as the Conference of Chief Justices (CCJ), Conference of State Court Administrators (COSCA), National Association of Court Management (NACM), and agencies like the State Justice Institute, United States Marshals Service, National Sheriffs Association, and International Association of Chiefs of Police that work continuously with limited funds to support court security initiatives and through their committee work educate legislators to the security needs of state and local courts.

However, it is the view of the primary author of this report, that this diverse approach to assisting courts prevent, prepare for, and emerge whole from crisis in courthouses in the long run is not sound. Case management issues, jury issues, and measurement of routine court operations can be determined with occasional assistance from something said by a popular speaker at a national meeting. Or, operational success may be accomplished in a short consulting contract from an outside expert source. On the other hand, security issues cannot wait nor follow the fix-it with an outside consultant approach. The serious responsibility of protecting life and the

ability of courts to stay open and be safe for citizens is a problem that must be addressed regularly and addressed internally by all judicial stakeholders. If not, the judicial system will be disrupted. If irate persons or gangs can target judges (or district attorneys) our democracy is at risk.

For future consideration and in an effort to support local initiatives to improve court security, the creation and funding of a Center for the Study of Court Security is a necessary step for all concerned. Under the auspices of such a center, everyone interested in court security for the first time could come to the table as partners, work together to solve problems, and recommend guidelines for operations that could improve court security in all 50 states, five territories, and the District of Columbia.

Based on the number of continued threats made against judges and elected officials throughout the United States, it is imperative that such a center be established, where courts, law enforcement officers and public officials can find immediate answers to emerging questions of the many threats and risks courts are facing.

Currently, there is no single point of contact where courts and their justice partners can go for expert advice about such matters as best practices, standards for staffing, updates for security equipment, and sponsorship of in-service training. When a court is targeted with an act of violence such as a shooting, stabbing, or bombing, few courts are prepared to respond to the actual incident, not to mention all the problems the incident creates for their employees and the public, its reputation and image in the community. Although some courts have taken steps to become better prepared for these eventualities, few are truly ready.

If no action is taken on a national level, it is likely that courts throughout this country will have limited success in gaining the resources needed to improve courthouse security in meaningful and effective ways. Courts will continue to need additional help and support, or events that disrupt courts and our nation's system of rule of law will surely continue to occur.

# APPENDICES

**APPENDIX A  
Project Advisory Committee**

**Project Advisory Committee (PAC) Members  
2011-2013**

**National Association of Court Management (NACM)**

Mr. Kevin J. Bowling, NACM President 2011- 2012

**American Judges Association (AJA)**

Hon. Kevin Burke, President 2011-2012

**California Administrative Office of the Courts**

Malcolm Franklin, Senior Manager  
Office of Emergency Response & Security

**National Sheriffs Association (NSA)**

Sheriff Aaron Kennard, Executive Director

**United States Marshals Service**

Marshal John F. Muffler, Administrator  
National Center for Judicial Security

**National Association of Women Judges (NAWJ)**

Hon. Amy L. Nechtem, President 2011-2012

**Conference of Chief Justices (CCJ) and  
Conference State Court Administrators (COSCA)**

Zygmunt (Zig) A. Pines, Co-chair CCJ/COSCA  
Joint Committee on Security & Emergency Preparedness

**National American Indian Court Judges Association (NAICJA)**

Jill E. Tompkins, President 2011 - August, 2012  
Tina M. Farrenkopf, President August 2012- 2013

**New York State Unified Court System**

Jewel Williams, Chief  
Division of Court Security

## APPENDIX B Web Survey Instrument

State, Local, and Tribal Courts National Survey on Court Security

General Information

The National Center for State Courts (NCSC) and the Center for Judicial and Executive Security (CJES) are conducting a significant research project on court security for the Bureau of Justice Assistance (BJA) in order to:

- Assess planning and research completed by state, local, and tribal courts to promote and improve court security
- Identify the most critical needs these courts have for improved court building and courtroom security
- Document current available resources courts can use to address their most critical issues or threats
- Identify strategic gaps in available court security assistance that can be addressed through other funding sources

Please complete the following short web survey below. In appreciation of your participation you will receive a complimentary summary of the final BJA Report after completion of the project. If you require technical assistance to complete this survey, please contact the [NCSC Help Desk](#).

*Note: If you have responsibility for multiple court building locations, please answer this survey for the location at which you spend the most of your time working.*

**1. Name (Optional)**

**2. Position Title**

\* Please select only one

Justice (Appellate Court)

Judge

Judicial Officer (Magistrate, Referee, etc.)

Court Administrator

Court Supervisor

Court Staff

Sheriff Deputy

Police Officer

Contract Security Officer

Security Provider (Non Contract)

County Official

Other (Please Specify)

**State, Local, and Tribal Courts National Survey on Court Security**

**3. Location**

State (or Country if not USA)

City/Town

County/Province

Zip Code

**4. Type of Court Building**

Single Use Building (Court Only)

Multiple Use Building (With Other Agencies)

**5. Court Type**  
*(Please Select Only One)*

Appellate Court

General Jurisdiction Court

Limited Jurisdiction Court

Municipal Jurisdiction Court

Tribal Court

Other (e.g. Federal or Administrative Courts)

**6. Do you have an active court security committee at your court?**

Yes

No

Do Not know

State, Local, and Tribal Courts National Survey on Court Security							
Court Building Security Operations							
<b>7. How well do you think the following security measures work in your Court Building?</b>							
	Excellent	Good	Fair	Poor	N/A		
Point of Entry Screening (Magnetometer, x-ray machines, wands)	<input type="radio"/>						
Law Enforcement Officer and/or County Security Staffing Presence	<input type="radio"/>						
Mall and Package Delivery Screening	<input type="radio"/>						
Physical Security Systems (Duress alarms, CCTV cameras, etc.)	<input type="radio"/>						
In-custody Defendant Circulation Including Holding Cells	<input type="radio"/>						
Judge/Judicial Officer Circulation (Chambers, back corridors)	<input type="radio"/>						
Security and Emergency Preparedness Training	<input type="radio"/>						
<b>8. With respect to the need for improved security in your Court Building, please rank-order the following topic areas from most critical (7) to least critical (1).</b>							
<i>Please select only one topic area per rank value</i>							
	1	2	3	4	5	6	7
Point of Entry Screening	<input type="radio"/>						
Law Enforcement Officer and/or Court Security Staffing	<input type="radio"/>						
Mall and Package Delivery Screening	<input type="radio"/>						
Physical Security Systems	<input type="radio"/>						
In-custody Defendant Circulation Including Holding Cells	<input type="radio"/>						
Judge/Judicial Officer Circulation	<input type="radio"/>						
Security and Emergency Preparedness Training	<input type="radio"/>						

State, Local, and Tribal Courts National Survey on Court Security						
Courtroom Security						
<b>9. How well do you think the following security measures work in your Courtrooms?</b>						
	Excellent	Good	Fair	Poor	N/A	
Screening Into Courtroom (Where Implemented)	<input type="radio"/>					
Law Enforcement Officer and/or County Security Staffing Presence	<input type="radio"/>					
Physical Security Systems (Duress alarms, CCTV cameras, etc.)	<input type="radio"/>					
In-custody Defendant Circulation Including Holding Cells	<input type="radio"/>					
Judge/Judicial Officer Circulation (Chambers, back corridors)	<input type="radio"/>					
Security and Emergency Preparedness Training	<input type="radio"/>					
<b>10. With respect to the need for improved security in your Courtrooms, please rank-order the following topic areas from most critical (6) to least critical (1).</b>						
<i>Please select only one topic area per rank value</i>						
	1	2	3	4	5	6
Point of Entry Screening	<input type="radio"/>					
Law Enforcement Officer and/or Court Security Staffing	<input type="radio"/>					
Physical Security Systems	<input type="radio"/>					
In-custody Defendant Circulation Including Holding Cells	<input type="radio"/>					
Judge/Judicial Officer Circulation	<input type="radio"/>					
Security and Emergency Preparedness Training	<input type="radio"/>					

**State, Local, and Tribal Courts National Survey on Court Security**

**Sources of Funding**

**11. What are the sources for funding security at your court building?**

The City

The County

The State

Federal

Private

Other (please specify)

\_\_\_\_\_

**12. Does the court, at the court building where you work, assess any filing fees to financially support court security?**

Yes

No

Do Not Know

**13. Are you aware of any new sources of funding that could potentially support court security in your court building?**

Yes

No

Do Not Know

**14. If yes, please identify the the potential new funding source.**

\_\_\_\_\_

**State, Local, and Tribal Courts National Survey on Court Security**

**Judicial Security Response**

**15. Do you have policies and procedures for court security and emergency preparedness at your court building?**

Yes  
 No  
 Do Not know

**16. If yes, what year were these policies and procedures last updated?**

Year updated  Year

**17. What year was the last time you "practiced" evacuating your court building?**

Latest year evacuation was practiced  Year

**18. What year was the last time you evacuated your court building due to an emergency (e.g. power outage, fire, storm, earthquake, shooting, hostage, etc.)?**

Latest year actually evacuated  Year

<b>State, Local, and Tribal Courts National Survey on Court Security</b>	
<b>Training</b>	
<b>19. Is training provided on court security at your court building?</b>	
<input type="radio"/>	Yes
<input type="radio"/>	No
<input type="radio"/>	Do Not Know

**State, Local, and Tribal Courts National Survey on Court Security**

**Training**

**20. If yes, when was the last time court security training was provided at your court building?**

- Within the past year
- 1-2 years ago
- 2-5 years ago
- Over 5 years ago

**21. Type of court security training provided?**  
*(Check all that apply)*

- On Court Security Policies and Procedures
- Personal Safety and Security on the Job
- Court Building/Courtroom Safety
- Personal Safety and Security at Home
- Threat Against Judges/Judicial Officers
- Incident Reporting
- Shooter In Place
- Hostage Taking
- Other (please specify)

<b>State, Local, and Tribal Courts National Survey on Court Security</b>	
<b>Training</b>	
<b>22. Is training provided on emergency preparedness at your court building?</b>	
<input type="radio"/> Yes	
<input type="radio"/> No	
<input type="radio"/> Do Not Know	

**State, Local, and Tribal Courts National Survey on Court Security**

**Training**

**23. If yes, when was the last time emergency preparedness training was provided at the court building?**

Within the past year

1-2 years ago

2-5 years ago

Over 5 years ago

**24. Type of emergency preparedness training provided?**  
*(Check all that apply)*

On Emergency Preparedness Policies and Procedures

Response During a Negative Event

How to Evacuate the Court Building

Where to Assemble Outside the Court Building

When and How to Re-enter the Court Building

Incident Reporting

Other (please specify)

<b>State, Local, and Tribal Courts National Survey on Court Security</b>
<b>Training</b>
<p><b>25. Are you aware of any colleges, universities, academies, or other institutes offering court security or emergency preparedness training programs in your area?</b></p> <p><input type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> Do Not Know</p>

**State, Local, and Tribal Courts National Survey on Court Security**

**Survey Conclusion**

**27. Overall, how would you rate the quality of court security services for your court building?**

- (1) Low Poor
- (2) High Poor
- (3) Low Fair
- (4) High Fair
- (5) Low Good
- (6) High Good
- (7) Low Excellent
- (8) High Excellent

**28. In your experience, do you need more court security officers to provide court security at your court building?**

- Yes
- No
- Do Not Know

**29. With what organizations or institutions do you collaborate with respect to improving court security at your court building? (Check all that apply)**

- United States Marshals Service (USMS)
- Sheriff Departments
- Private Security Contractors
- Police Departments
- Other State and Local Courts
- County Officials
- None

**30. Some of the responses you provided in the survey may require additional follow-up from NCSC project staff. If you would be willing to share further insights on your experience with court security and emergency preparedness in your court building, please provide your email address below. Thank you.**

## APPENDIX C Telephone Survey Instrument

### BJA NATIONAL ASSESSMENT of STATE, TRIBAL, and LOCAL COURT SECURITY

**Survey Date:** \_\_\_\_/\_\_\_\_/\_\_\_\_

<b>Section-I: GENERAL INFORMATION</b>
Respondents Name and Title:
Respondents State/Jurisdiction:
Respondents State Court Organization: Unified or Non-Unified
Respondents Primary Area of Jurisdiction: (a) State Courts; (b) Appellate Courts; (c) General Jurisdiction Courts; (d) Limited Jurisdiction Courts; and/or (e) Municipal Courts
Respondents Contact Information:
<b>Section-II: COURT BUILDING SECURITY OPERATIONS</b>
<p>1. Using the 1-to-5 scale generally rate the following courthouse security measures that are currently in place your state or jurisdiction:</p> <p style="text-align: center;"><b>1-Unnecessary / 2-Low Importance / 3-Important / 4-High Importance / 5-Critical</b></p> <p>___ Point-of-Entry Security Screening (magnetometer and fluoroscope)</p> <p>___ Controlled Access (single point of public access)</p> <p>___ Law Enforcement and/or Security Staffing</p> <p>___ Mail and Delivery Screening</p> <p>___ Physical Security Systems (duress alarms, CCTVs, intrusion detection, monitors, etc.)</p> <p>___ Secured Prisoner Circulation (holding cells, corridors, and entrances/exits)</p> <p>___ Secured Judicial Officer Circulation (chambers, hallways, and entrances/exits)</p> <p>___ Security Command and Control Operations Center</p>
<p>2. How would you describe the current state of security under the following topic areas for your <b>Small</b> (1-2 courtrooms), <b>Medium</b> (3-5 courtrooms), and <b>Large</b> (more than 6 courtrooms) court facilities?</p> <p><u>Definition of Required Measures:</u> <i>The minimum program measures and/or systems equipment required in order to achieve an optimally-recognized level (per established best-practices and essential-elements) of courthouse security.</i></p> <p>a) <u>Security Screening (metal detectors and x-ray machines):</u> S/M/L</p> <ul style="list-style-type: none"> <li>○ Required measures are all in place</li> <li>○ Required measures are almost all in place</li> <li>○ Required measures are somewhat in place</li> <li>○ Required measures are not in place</li> </ul>

b) Physical Security Systems: S/M/L

- Required measures are all in place
- Required measures are almost all in place
- Required measures are somewhat in place
- Required measures are not in place

c) Law Enforcement and/or Security Staffing (courtrooms, patrols, etc.): S/M/L

- Required measures are all in place
- Required measures are almost all in place
- Required measures are somewhat in place
- Required measures are not in place

d) Secured Prisoner Circulation (holding cells, corridors, and entrances/exits): S/M/L

- Required measures are all in place
- Required measures are almost in place
- Required measures are somewhat in place
- Required measures are not in place

e) Secured Judicial Officer Circulation (chambers, hallways, and entrances/exits): S/M/L

- Required measures are all in place
- Required measures are almost all in place
- Required measures are somewhat in place
- Required measures are not in place

f) Security Operations Centers: S/M/L

- Required measures are all in place
- Required measures are almost all in place
- Required measures are somewhat in place
- Required measures are not in place

3. With respect to the need for improved security in your courthouses please rank-order the following topic areas on a scale from (1) being least-critical to (8) being most-critical:

- \_\_\_ Point-of-Entry Security Screening
- \_\_\_ Controlled-Access Systems
- \_\_\_ Law Enforcement and/or /Security Staffing
- \_\_\_ Facility Mail and Delivery Screening
- \_\_\_ Physical Security Systems
- \_\_\_ Secured Prisoner Circulation
- \_\_\_ Secured Judicial Circulation
- \_\_\_ Security Operations Center

4. Do you have State Supreme Court orders, directives, and guidelines on court security?

<p>a) If yes, what are they?</p>
<p>5. To what extent are court security committees established at your courthouses?</p> <ul style="list-style-type: none"> <li><input type="radio"/> All of your courthouses</li> <li><input type="radio"/> Most of your courthouses</li> <li><input type="radio"/> Some of your courthouses</li> <li><input type="radio"/> None of your courthouses</li> </ul>
<p>6. Have you been involved with any collaboration(s) on court security with other agencies?</p> <p>a) If yes, please provide example(s):</p>
<p><b>Section-III: COURTROOM SECURITY</b></p>
<p>1. Using the following 1-to-5 scale rate the following courtroom security measures that are currently in place in your state:</p> <p style="text-align: center;"><b>1-Unnecessary / 2-Low Importance / 3-Important / 4-High Importance / 5-Critical</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Law Enforcement and/or Court Security Officer Staffing</li> <li><input type="checkbox"/> Physical Security Systems (duress alarms, CCTV, intercoms, etc.)</li> <li><input type="checkbox"/> Ballistic Protection for Judicial Benches</li> <li><input type="checkbox"/> Prisoner Restraints and related Policies and Procedures</li> <li><input type="checkbox"/> Video Conferencing (in-custody defendants)</li> </ul>
<p><b>Section-IV: SOURCES OF FUNDING</b></p>
<p>1. How are courthouse security and related programs funded in your state or jurisdiction? (Please check all that apply)</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> State or County Budget Allocations</li> <li><input type="checkbox"/> Homeland Security Funds</li> <li><input type="checkbox"/> Federal Grant Programs: (please specify)</li> <li><input type="checkbox"/> State Grant Programs: (please specify)</li> <li><input type="checkbox"/> Private Grant Programs: (please specify)</li> <li><input type="checkbox"/> Assessment Added to Court Costs and/or Filing Fees</li> <li><input type="checkbox"/> Other: (please note)</li> </ul>
<p>2. Are you aware of any potential new sources of funding?</p> <p>a) If yes, what are they and where do they come from (agency)?</p>

<p>b) If yes, what have you done so far to access these sources?                  c) If yes, what success have you had so far in accessing these funds?</p>
<p>3. Is court security funded out of: (a) the courts; (b) law enforcement; or (c) both budgets?</p>
<p>4. Is court security funding part of: (a) the overall budget; or (b) a designated line-item?</p>
<p>5. How is court security funding prioritized (e.g. committee, courts, law enforcement)?</p>
<p><b>Section-V: JUDICIAL THREAT/EMERGENCY MANAGEMENT</b></p>
<p>1. Are Judicial Security Plans (i.e., policies and procedures for courthouse incidents, emergencies, and high threat/risk operations) implemented for your courthouses?                  Yes/No</p>
<p>2. Are security assessments conducted on your courthouses? Yes / No                   If yes, when and how often?</p>
<p>3. Do you have a judicial threat management program (protective intelligence/investigations based on assessing pre-indicators of violent actions – i.e. inappropriate [written, verbal, reported, or behaviorally-expressed] communications)? Yes / No</p>
<p><b>Section-VI: TESTS, TRAINING, and EXERCISES</b></p>
<p>1. Have you had court security training? Yes/No If Yes, why?                   a) Who was the training provided to? (please check all that apply)   <input type="checkbox"/> Judges  <input type="checkbox"/> Court Officials  <input type="checkbox"/> Court Staff/Employees  <input type="checkbox"/> All Courthouse Staff/Employees  <input type="checkbox"/> Sheriff’s Personnel  <input type="checkbox"/> If others, list: County Employees and Building Management                   b) How often was the training scheduled and conducted? Explain  <input type="radio"/> Semi-annually  <input type="radio"/> Annually  <input type="radio"/> Every 1-2 years  <input type="radio"/> Every 2-5 years  <input type="radio"/> When also needed as determined by assignment, position and responsibility</p>

2. Are you aware of any colleges, universities, academies, or other institutes offering court security training programs?

a) If yes, please provide the name and type of training program(s) and/or course(s) they offer:

3. Are you aware of any private or public organizations that provide court security training?

a) If yes, please provide the organizations name, available contact information, and the type of training provided:

**Section-VII: COURT SECURITY PLANNING AND RESEARCH**

1. What research, if any, has been conducted in your state with respect to court security issues in the last five years?

2. What security plans, if any, have been developed in your state? Please describe:

a) What are the essential elements of your security plan(s)? What period of time does the plan cover? (1-year; 5-year; etc.?)

b) Who is responsible for implementation of the plan(s)?

c) Is your security plan part of an overall court strategic plan?

**Section-VIII: SURVEY CONCLUSION**

1. Overall how would you rate the quality of court security services currently being provided for your courthouses? S/M/L

\_\_\_ 1 = Low poor

\_\_\_ 2 = High poor

\_\_\_ 3 = Low fair

\_\_\_ 4 = High fair

\_\_\_ 5 = Low good

\_\_\_ 6 = High good

\_\_\_ 7 = Low excellent

\_\_\_ 8 = High excellent

2. What do you believe to be the most critical issues and threats to courthouse security? Please explain.

3. Are you aware of any private or public literature, manuals, or other documents on court security training that is available?

a) If yes, please provide names/titles:

4. Are you aware of any other policies and procedures, standards, guidelines, or state laws governing court security programs in your state?

a) If yes, please describe:

5. Do you have anything else to add to this survey about court security in your state?

a) If yes, what would you like to add or expand upon?

## **APPENDIX D**

### **Additional Publications and Resources**

#### **STATE and NATIONAL PLANNING:**

##### **Court Security Improvement Act of 2007: Public Law 10-177 (H.R. 660 and S. 378)**

- Signed into law on January 7, 2008.
  
- Four components consisting of: adjustments to applicable provisions of criminal law, re-enforcement of the authority and oversight features of the law governing federal judicial security, grant programs to facilitate increased security for the judiciary of state and tribal courts, and miscellaneous provisions.

##### **Local Courthouse Security Act of 2012**

- Introduced by United States Senator Al Franken (Minnesota), the bill provides local courts with access to security training, systems equipment, and risk assessments.
  
- Authorizes the Justice Department to operate its VALOR Initiative – which provides training and technical assistance to local law enforcement on how to anticipate and survive violent encounters.
  
- Give states authority to use existing grant money to improve courthouse security. The bill will clarify that states can specifically use Edward Byrne Memorial Justice Assistance Grants and State Homeland Security Grants to improve security at local courthouses.
  
- Affords local courts access to excess federal security equipment. The Defense Department currently has authority to give excess equipment directly to local police and firefighters – this bill similarly gives local courts direct access excess to federal security equipment, such as hand-held metal detectors, magnetometers (i.e., walk-thru metal detectors), and fluoroscopes (i.e., x-ray security screening systems).

##### **Court Security Plan Recommendations (August 9, 2012), North Carolina Administrative Office of the Courts, Human Resources Division.**

- A stated purpose to establish policies and procedures to be followed by city, county, and court personnel in order to prevent and respond to court security incidents. Covers the areas of general security and operational elements.

##### **Oregon Judicial Department (OJD) Security Standards (September 15, 2010), State of Oregon Supreme Court, Chief Justice.**

- The stated purpose to: (1) improve the security, safety, and emergency preparedness of OJD judges, staff, and customers; and (2) ensure the continuity of judicial operations.
  
- A five-year implementation process (2010-2014) was enacted to ensure that: (1) the needs of the courts are assessed; (2) elements of the standards are prioritized; (3) court security funding is allocated based upon greatest need; (4) elements that cannot be procured in a single year due to budgetary constraints are spread across multiple years; and (5) the plan provides the most efficient use of resources.

##### **Final Report and Recommendations (August 2010), Planning and Policy Advisory Committee (PPAC) of the Wisconsin Supreme Court.**

- <http://www.wicourts.gov/courts/committees/docs/ppacsecurityrpt.pdf>
  
- A number of the subcommittee recommendations mirrored those objectives first identified in the *Critical Issues: Planning Priorities for the Wisconsin Court System 2006 – 2008* report. This report is not meant to

be duplicative in nature but rather intended to stress the importance of making significant improvements to court security. Anticipating the types of threats that could develop and adopting appropriate measures to address them is the basic essence of security planning. Court security involves not only threats posed by individuals with intent to create damage or harm, but also natural disasters and other events that could impact the safety of a court facility. Courts should have preparedness plans in place to address how court operations are going to continue in the case of a flood, tornado, disease epidemic, or other disaster that leaves little or no preparation time. Consequently the PPAC Subcommittee on Court Security recommended a number of actions and policy changes to improve the security of courthouses in Wisconsin.

**State of Security in Wisconsin State Courts Report (March 2010), Planning and Policy Advisory Committee (PPAC) of the Wisconsin Supreme Court.**

- <http://www.wicourts.gov/courts/committees/docs/ppacstateofsecurityrpt.pdf>
- In 2008 the PPAC Subcommittee on Court Security released the “State of Security” survey to the judicial contact for each county security and facility committee. This lengthy survey sought to provide the subcommittee and the Director of State Courts with a greater and more detailed understanding of the security and facility conditions in Wisconsin’s courthouses.
- This report provides a summary of findings to PPAC, the PPAC Subcommittee on Court Security, the Director of State Courts, and survey respondents. Given the quantity of data collected, the subcommittee felt it necessary to develop a report separate from its final conclusions and recommendations.

**Improving the Security of Our State Courts (May 3, 2007), Conference of Chief Judges (CCJ), Conference of State Court Administrators (COSCA).**

- Written testimony submitted to the Judiciary Subcommittee on Crime, Terrorism, and Homeland Security; United States House of Representatives.
- In consideration of the Subcommittee’s hearing examining judicial security and independence in the Nation’s state and federal courts generally outlines threats against judges and funding challenges in advocating: (1) the establishment of Critical Incident Reporting and Threat Assessment Databases; (2) Federal Grant Programs designed to assess and enhance State Court Security; (3) that State and Local Courts are eligible to apply for discretionary Federal Funding; and (4) that State Courts are included in the planning for disbursement of Federal Funding administered by State Executive Agencies.

**Action Plan for the Justice Courts – State of New York Unified Court System (November 2006).**

- <http://www.nycourts.gov/publications/pdfs/ActionPlan-JusticeCourts.pdf>
- This Action Plan was designed to provide the Justice Courts with more of the specialized resources and support they need to meet their responsibilities. The Plan announces dozens of new initiatives and programs falling across four broad areas: court operations and administration; auditing and financial control; education and training; and facility security and public protection.
- The focus of Facility Security and Public Protection was threefold: (1) identifying and eliminating security threats; (2) securing court entrances; and (3) upgrading deficient facilities.

**Courthouse Preparedness for Public Health Emergencies (January 2006), University of Pittsburgh; Supreme Court of Pennsylvania, Administrative Office of Pennsylvania Courts.**

- <http://www.cphp.pitt.edu/upcphp/CourthousePrepBooklet.pdf>
- Provides information courthouse personnel need to know if/when faced with a potential biohazard/bioterror event and what they need to know to adequately plan for an effective response to such an event in the

future. Issues included are those determined to be the most important for protecting court personnel and the public in a bioterrorism preparedness context and are equally relevant in an “all-hazards” situation.

**Report of the New Hampshire Committee on Court Security (October 2005), State Supreme Court.**

- [http://www.courts.state.nh.us/cio/nh\\_court\\_security\\_report\\_1031.pdf](http://www.courts.state.nh.us/cio/nh_court_security_report_1031.pdf)
- Recommendations from the committee include: long-term security planning, immediate improvements in court facilities and security management, enhanced training for court security personnel, and off-site security for court personnel.

**National Summit on Court Safety and Security (April 2005), National Center for State Courts, National Sheriff’s Association, and Department of Justice, Bureau of Justice Assistance.**

- Underscored the need for improved security measures at our nation’s state courts and illustrated the importance of legislators and state and local leaders concentrating more efforts and resources toward court security. With a goal to develop a realistic plan to improve security in our nation’s courts the summit brought together more than 100 state court chief justices, judges, sheriffs, court administrators, and federal, state, and local policy makers. The summit followed the shooting deaths of a Chicago judge’s husband and mother; and an Atlanta judge, court reporter, sheriff’s deputy, and immigration officer.
- The following key strategies were identified: create a national threat assessment and incident-reporting database to provide critical information to all stakeholders; create a national clearinghouse on court security to facilitate information sharing and cross-cutting research; develop issue-focused guidelines and best practices relevant to all court stakeholders; identify models of state and local court security governance structures and policies; and create strategies for leveraging resources across stakeholder groups and at the national, state, and local levels.

**SPECIALIZED ASSISTANCE and TRAINING:**

**Advanced Law Enforcement Readiness Training (ALERT)**

- [www.alert10-04.com](http://www.alert10-04.com)
- Offer court security seminars designed to provide state and local officers with the training they require to perform their duties as court security officers, as well as meet other Law Enforcement needs as they arise.

**Center for Judicial and Executive Security (CJES)**

- [www.CJESconsultants.com](http://www.CJESconsultants.com)
- Provides contemporary information, documents, guidance, empirical data, services, and training in the advanced areas of judicial and executive security, threat, risk, and emergency management.
- Conducts ongoing research studies into court-targeted acts of violence and compiles and maintains an exclusive listing of related incidents.

**Justice Planning Associates**

- [www.justiceplanning.com](http://www.justiceplanning.com)
- Conduct courthouse security planning in order to fill a distinct methodological vacuum. Their volume, titled *Courthouse Security Planning: Goals, Measures, and Evaluation Methodology* relates security to specific goals and objectives. Court facilities are scored, the value of incremental improvements

quantified, and cost/benefit analysis conducted to determine the most beneficial measures for a facility, and their relative value to the affected jurisdiction.

### **National Center for State Courts (NCSC) – Court Security Consulting Services**

- [www.ncsc.org](http://www.ncsc.org)
- Provides key information, documents, guidance, services and training in the areas of: Emergency Management, Facilities Management, Incident Reporting, Judicial Risk, Screening Policies, State Reports, Terrorism and Homeland Security, Security Assessments and Surveys, Threat Assessment and Analysis, Transporting Prisoners, and Workplace Violence.
- Maintains an extensive library of available court security resources for state, tribal, and local agencies.
- Has published multiple court security related articles and conducted hundreds of security assessments of court facilities across the country.
- Established partnerships with the U.S. Marshals Service, National Sheriff’s Association, Center for Judicial and Executive Security, and multiple other entities to provide optimal training and court security services.

### **National Sheriff’s Association (NSA)**

- [www.sheriffs.org](http://www.sheriffs.org)
- The National Sheriff’s Association Center for Public Safety was established to address the needs of law enforcement in the following areas: Jail Operations, Court Security, Leadership, and Homeland Security.
- The NSA Institute of Court Security offers a Court and Judicial Security Certification Program: CS1 – Basic Court Security Certification; CS2 – Advanced Court Security Certification; CS3 – Master of Court Security Certification; CSM – Court Security Manager; and CSE – Court Security Executive.
- Publishes the quarterly Deputy and Court Officer Magazine and sponsors the Court Officers’ and Deputies Association (CODA).

### **Office of Justice Programs (OJP), Department of Justice (DOJ) – Bureau of Justice Assistance (BJA), Bureau of Justice Statistics (BJS), and National Institute of Justice (NIJ)**

- [www.ojp.usdoj.gov](http://www.ojp.usdoj.gov)
- Partners with law enforcement agencies at the state and local levels to combat crime and promote safer neighborhoods. Through formula and discretionary grant programs, training, and technical assistance, OJP works with states, communities, and tribes to ensure they have the resources necessary to provide effective law enforcement and to ensure the safety of their citizens. OJP administers a wide array of programs and research to improve the effectiveness and efficiency of law enforcement. OJP assistance to law enforcement emphasizes local decision-making and is rooted in the belief that federal dollars should support initiatives that work and that are backed by the communities they serve.
- Commission studies directly and indirectly related to court security such as the June 2011 NCJ-234217 study on Tribal Law Enforcement, 2008 and June 2011, NCJ-234518 Tribal Crime Data Collection Activities, 2011.

### **Protecting the Court – Jimmie H. Barrett, Jr., Arlington County Sheriff’s Office, VA**

- [www.protectingcourt.com](http://www.protectingcourt.com)
- The purpose of this site is to bring all relevant materials related to court security from across the internet into one place, for free unrestricted use and access. As such all material on this site is considered public

domain and can be used without restriction. Site users are encouraged to submit materials that would be beneficial to those entrusted with protecting our courts.

### **Public Agency Training Council (PATC)**

- [www.patc.com](http://www.patc.com)
- Offer training seminars on Court Security: Critical Incident and Emergency Planning for Courts. Offer that inadequate courtroom security, or the absence of security, has been identified as causative factors of violent incidents; consequently, PATC courses have been structured to assist courtroom security personnel in the design, implementation, and evaluation of a sound security system.

### **United States Marshals Service (USMS) – National Center for Judicial Security**

- [www.usmarshals.gov](http://www.usmarshals.gov)
- The USMS established the National Center for Judicial Security (NCJS) in fiscal year 2008. The goal of the NCJS is to provide educational, operational, and technical functionality to its customers, which include municipal, city, county, state, Federal, and international jurisdictions; in the areas of security operations of their respective court systems and the protection of members of the judiciary and extended court family.
- Offers a USMS/NCJS Fellowship Program for court security managers – state, tribal, local, and international – to experience the USMS in its role as the principal federal law enforcement agency dedicated to protecting federal court officials and facilities.

## **INSTITUTIONS and ACADEMIES:**

### **Federal Law Enforcement Training Center (FLETC)**

- [www.fletc.gov](http://www.fletc.gov)
- The Federal Law Enforcement Training Center (FLETC) provides tuition-free and low cost training to state, local, campus, tribal, and territorial law enforcement agencies. Programs are conducted across the United States and are normally hosted by a local law enforcement agency. Training is also conducted at FLETC facilities located in Glynco (Brunswick), GA; Artesia, NM; Charleston, SC; and Cheltenham, MD.
- The advanced training programs and workshops offered are developed with the advice, assistance, and support of federal, state, local, tribal, and campus law enforcement agencies and experts. Training is continuously updated to ensure accuracy and relevance to today's issues and is certified by each state's Peace Officer's Standards and Training (POST) if/when certification is available.

### **Fox Valley Technical College (FVTC) – National Criminal Justice Training Center**

- [www.fvtc.edu](http://www.fvtc.edu)
- Sponsors an annual conference on Court Safety and Security. The conference is designed to provide law enforcement and court personnel from state, tribal, and local organizations with up-to-date information and resources to enhance security at their courthouse facilities through design, threat detection and response, and awareness. Conference sessions focus on responding to critical events and threats, current screening protocols and access control, protecting court facilities in rural areas, security for high profile cases, and how to access/use new technology in the courts. Best practices for enhancing and maintaining safe courthouse facilities are highlighted.

**National Sheriff's Association (NSA) Center for Public Safety at Columbia Southern University**

- [www.columbiasouthern.edu](http://www.columbiasouthern.edu)
- In partnership with the NSA offers courses on: Introduction to Court Security, Protecting Court Personnel, Physical Security, and Court Security Supervision.

**State Court Security Offices and Law Enforcement Academies having Court Security based Curriculums and/or Programs**

- Arizona Judicial Branch Security – [www.azcourts.gov/adminservices/Security.aspx](http://www.azcourts.gov/adminservices/Security.aspx)
- Arkansas Office of Court Security and Emergency Preparedness – [www.courts.state.ar.us/Security/index.cfm](http://www.courts.state.ar.us/Security/index.cfm)
- Arkansas Commission on Law Enforcement Standards and Training (ACLEST) – [www.clest.org](http://www.clest.org)
- California Office of Emergency Response and Security – [www.courts.ca.gov](http://www.courts.ca.gov)
- Colorado Courthouse Security – [www.coloradocourthousesecurity.com](http://www.coloradocourthousesecurity.com)
- Florida Marshal's Office – [www.floridasupremecourt.org/about/marshal.shtml](http://www.floridasupremecourt.org/about/marshal.shtml)
- Illinois Law Enforcement Training & Standards Board (ILETS) – [www.ilga.gov](http://www.ilga.gov)
- Indiana Judicial Center Courthouse Security – [www.in.gov/judiciary/center/](http://www.in.gov/judiciary/center/)
- Kentucky Certified Court Security Officers Training Academy – [www.lrc.ky.gov](http://www.lrc.ky.gov)
- Maine Office of Judicial Marshals – [www.courts.state.me.us](http://www.courts.state.me.us)
- New York State Court Officers Academy – [www.nycourts.gov](http://www.nycourts.gov)
- New York State UCS Department of Public Safety – [www.nycourts.gov](http://www.nycourts.gov)
- Ohio Office of Court Security – [www.supremecourt.ohio.gov](http://www.supremecourt.ohio.gov)
- Oregon Office of Security & Emergency Preparedness – [www.courts.oregon.gov](http://www.courts.oregon.gov)
- Pennsylvania AOPC Judicial Security – [www.pacourts.us](http://www.pacourts.us)
- West Virginia Judiciary Security – [www.courtswv.gov](http://www.courtswv.gov)

**Tribal Court Clearinghouse – a project of the Tribal Law and Policy Institute**

- [www.tribal-institute.org](http://www.tribal-institute.org)
- Serves as a valued resource for American Indian and Alaska Native Nations, American Indian and Alaska Native people, tribal justice systems, victim services providers, tribal service providers, and others involved in the improvement of justice in Indian country.
- The Tribal Court Clearinghouse is developed and maintained by the Tribal Law and Policy Institute, an Indian owned and operated non-profit corporation organized to design and develop education, research, training, and technical assistance programs which promote the enhancement of justice in Indian country and the health, well-being, and culture of Native peoples.

- Provides specific information and statistics on Tribal Law Enforcement.

**Virginia Center for Policing Innovation (VCPI)**

- [www.vcpionline.org](http://www.vcpionline.org)
- Provides training courses on judicial threat management, facility vulnerability assessments, and protecting court: principles of court security management.

**APPENDIX E**  
**Additional Web Survey Responses**

**State, Local, and Tribal Courts National  
Survey on  
Court Security**

**Survey Summary**  
September 2012



## **Introduction**

The National Center for State Courts (NCSC) and the Center for Judicial and Executive Security (CJES) are conducting a significant research project on court security for the Bureau of Justice Assistance (BJA) in order to:

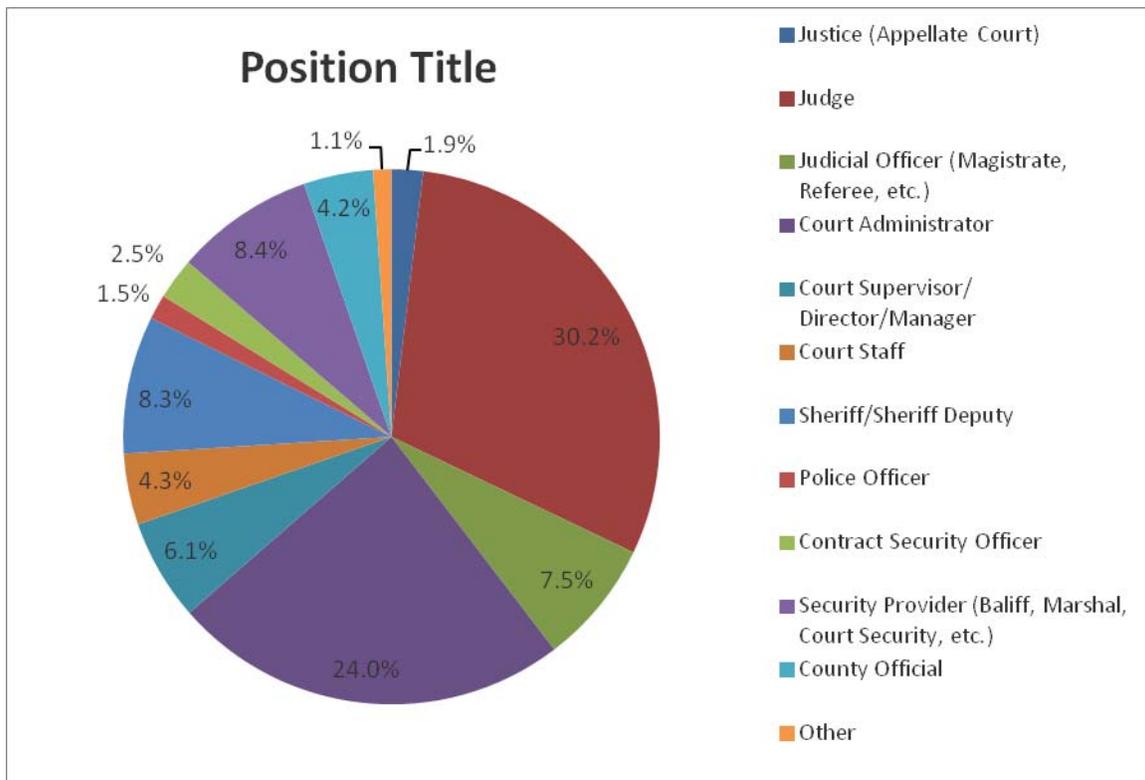
- Assess planning and research completed by state, local, and tribal courts to promote and improve court security.
- Identify the most critical needs these courts have for improved court building and courtroom security.
- Document current available resources courts can use to address their most critical issues or threats.
- Identify strategic gaps in available court security assistance that can be addressed through other funding sources.

Please complete the following short web survey below. In appreciation of your participation you will receive a complimentary summary of the final BJA Report after completion of the project. If you require technical assistance to complete this survey, please contact the NCSC Help Desk.

Note: If you have responsibility for multiple court building locations, please answer this survey for the location at which you spend the most of your time working.

**Q1: Name (Optional)**

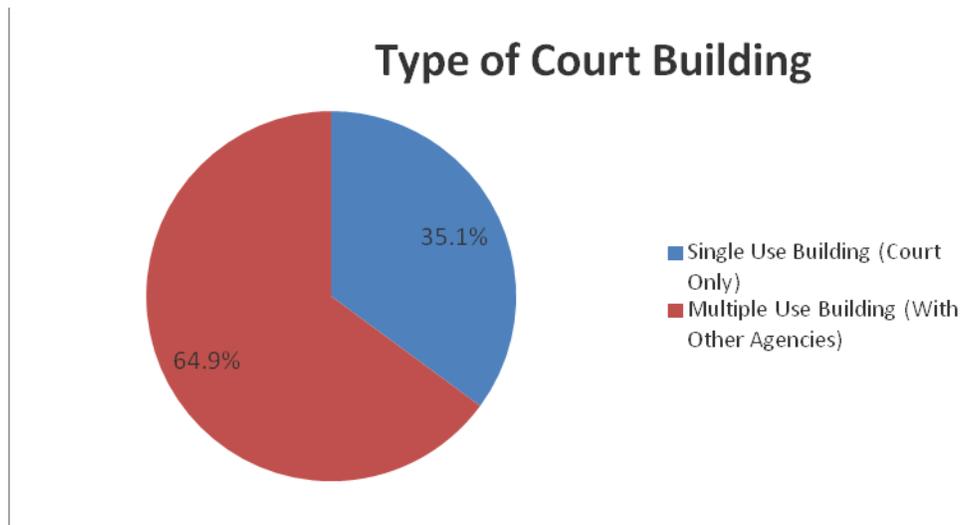
Q2: Position Title		
Answer Options	Response Percent	Response Count
Justice (Appellate Court)	1.9%	15
Judge	30.2%	243
Judicial Officer (Magistrate, Referee, etc.)	7.5%	60
Court Administrator	24.0%	193
Court Supervisor/ Director/Manager	6.1%	49
Court Staff	4.3%	35
Sheriff/Sheriff Deputy	8.3%	67
Police Officer	1.5%	12
Contract Security Officer	2.5%	20
Security Provider (Bailiff, Marshal, Court Security, etc.)	8.4%	68
County Official	4.2%	34
Other	1.1%	9
<i>Probation Officer</i>	<i>0.9%</i>	<i>7</i>
<i>Public Defender</i>	<i>0.1%</i>	<i>1</i>
<i>Law Clerk</i>	<i>0.1%</i>	<i>1</i>
<b>answered question</b>		<b>805</b>



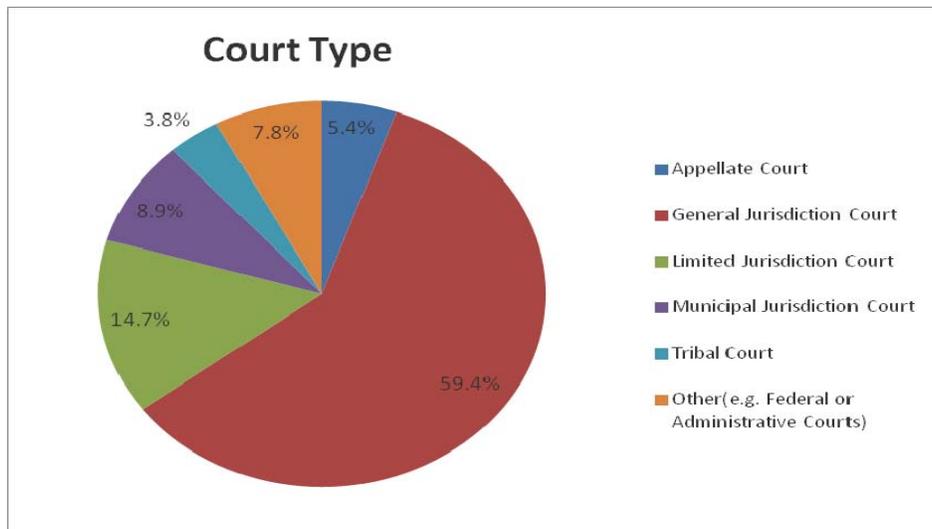
**Q3. Location**

1 Alabama	12 Louisiana	68 Pennsylvania
12 Alaska	1 Maine	2 Rhode Island
20 Arizona	31 Maryland	82 South Carolina
23 Arkansas	17 Massachusetts	1 Tennessee
33 California	19 Michigan	19 Texas
3 Colorado	12 Minnesota	3 Utah
3 Connecticut	17 Missouri	1 Vermont
13 Delaware	2 Montana	13 Virginia
4 District of Columbia	89 Nebraska	26 Washington
19 Florida	8 Nevada	26 West Virginia
6 Georgia	76 New Hampshire	11 Wisconsin
7 Hawaii	3 New Jersey	1 Wyoming
2 Idaho	3 New Mexico	
7 Illinois	16 New York	1 Netherlands
12 Indiana	1 North Carolina	1 Puerto Rico
7 Iowa	3 North Dakota	4 U. S. Virgin Islands
11 Kansas	19 Ohio	
1 Kentucky	2 Oklahoma	1 Guam
	11 Oregon	

Q4. Type of Court Building	
Answer Options	Response Percent
Single Use Building (Court Only)	35.1%
Multiple Use Building (With Other Agencies)	64.9%



Q5. Court Type	
Answer Options	Response Percent
Appellate Court	5.4%
General Jurisdiction Court	59.4%
Limited Jurisdiction Court	14.7%
Municipal Jurisdiction Court	8.9%
Tribal Court	3.8%
Other (e.g. Federal or Administrative Courts)	7.8%



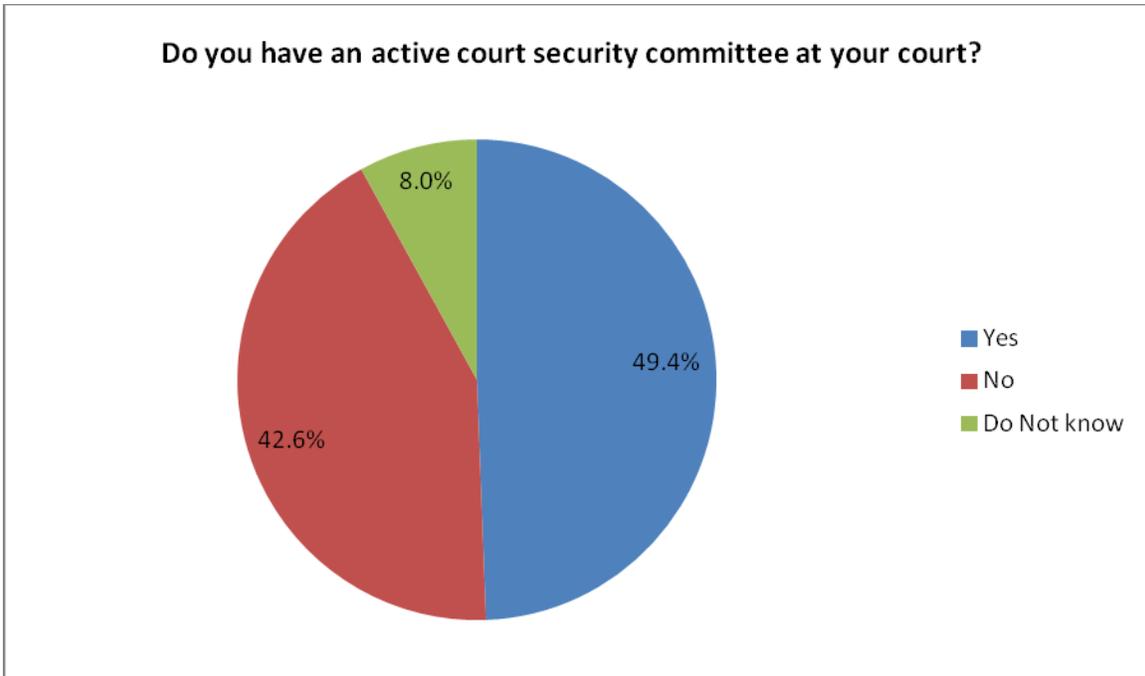
**Other Responses:**

Administrative  
 Administrative  
 administrative building  
 Administrative Court  
 administrative court  
 Administrative Office of the Courts  
 Administrative Office of the Courts (AOC)  
 Both general and limited  
 Chancery, Superior, Court of Common Pleas and Family Court  
 Circuit  
 Circuit Court  
 Circuit Court  
 Circuit Court  
 CIRCUIT & FAMILY COURT  
 Circuit, Magistrate, Probate & Equity Court  
 Circuit Courts  
 Circuit/District Court  
 Circuit/Family/Magistrate  
 Circuit Court  
 Civil Jurisdiction only

Common Pleas Court  
 County Court  
 County court  
 Court of Common Pleas  
 CRIMINAL COURT MISD  
 criminal justice center  
 District Court  
 District Court  
 District Court  
 District court  
 District Court  
 District Court  
 District/Circuit  
 Domestic Relations Court  
 Family/District/Probate  
 Federal Administrative Court  
 federal administrative hearings  
 federal district court  
 Federal Immigration Court  
 General and Family Court  
 General Jurisdiction Administrative Court

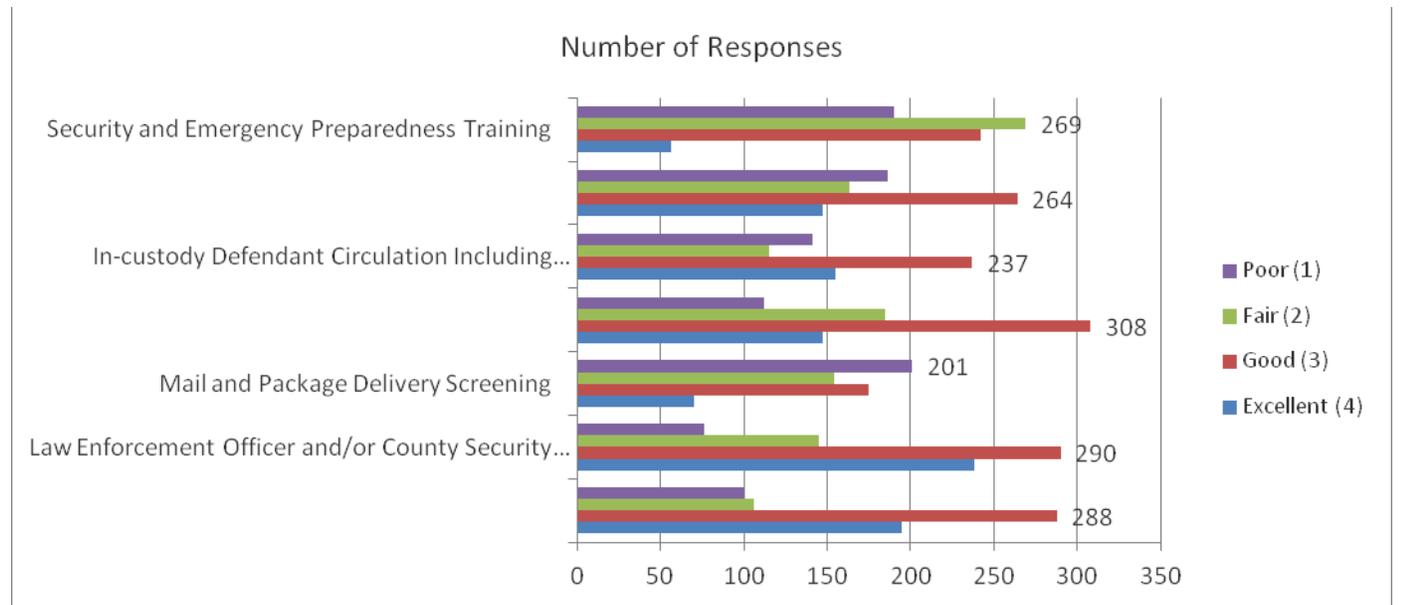
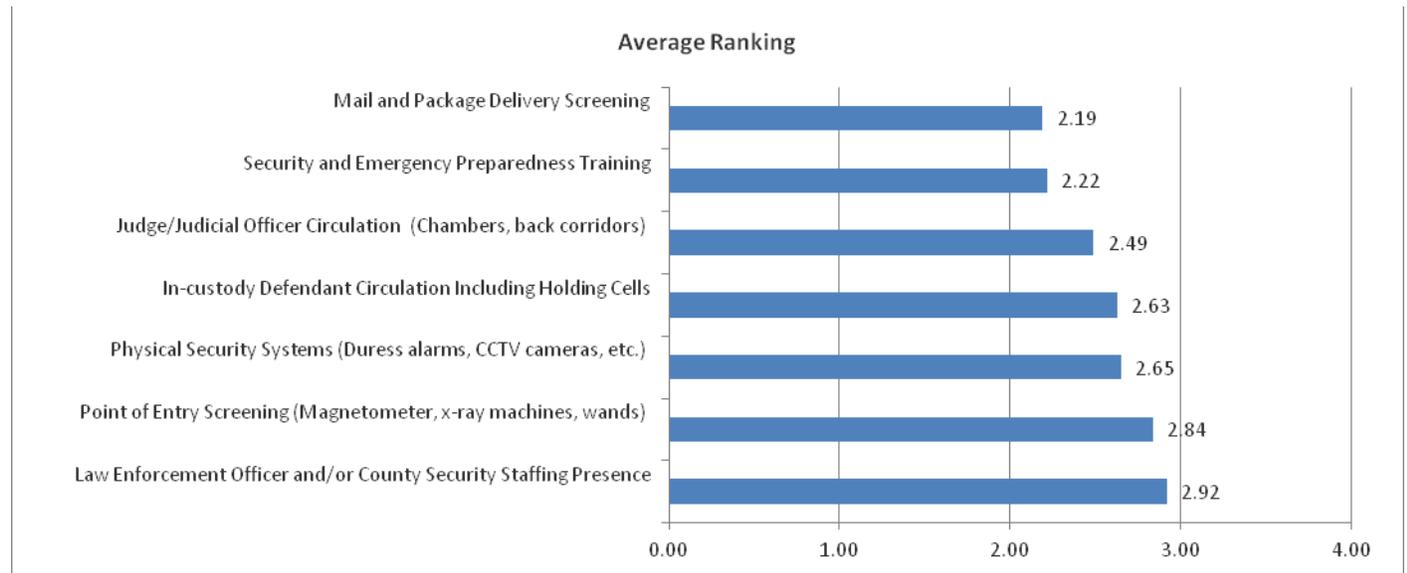
General, Limited, and Probation  
 Immigration Court  
 Immigration Court - Detained Facility  
 International War Crimes Justice Court  
 Justice of the Peace  
 Justice of The Peace Court  
 Limited and General Jurisdiction  
 Magistrate, Circuit and Family  
 Private commercial building  
 State Circuit Court  
 State District Court  
 State Supreme Court  
 Superior  
 Superior and Circuit Courts  
 Superior Court  
 Superior Courts  
 Supreme Court  
 Supreme Court  
 Unified System  
 United States District Court

Q6. Do you have an active court security committee at your court?	
Answer Options	Response Percent
Yes	49.4%
No	42.6%
Do Not know	8.0%



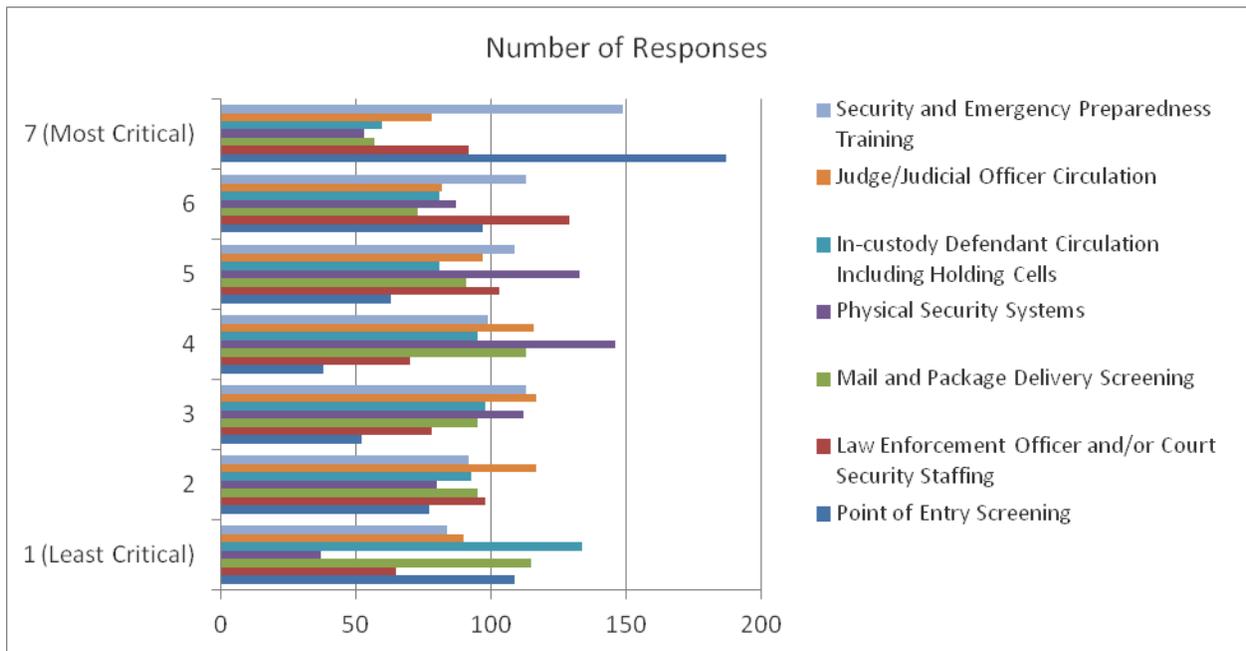
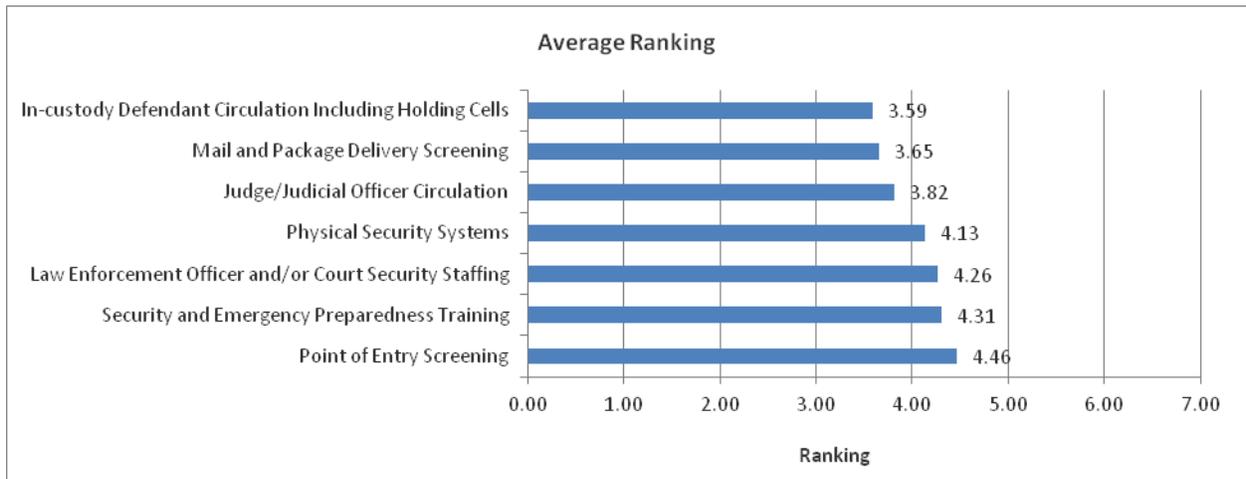
**Q7. How well do you think the following security measures work in your Court Building?**

Answer Options	Excellent (4)	Good (3)	Fair (2)	Poor (1)	N/A	Response Average
Point of Entry Screening (Magnetometer, x-ray machines, wands)	195	288	106	100	109	2.84
Law Enforcement Officer and/or County Security Staffing Presence	238	290	145	76	46	2.92
Mail and Package Delivery Screening	70	175	154	201	163	2.19
Physical Security Systems (Duress alarms, CCTV cameras, etc.)	147	308	185	112	40	2.65
In-custody Defendant Circulation Including Holding Cells	155	237	115	141	127	2.63
Judge/Judicial Officer Circulation (Chambers, back corridors)	147	264	163	186	29	2.49
Security and Emergency Preparedness Training	56	242	269	190	34	2.22



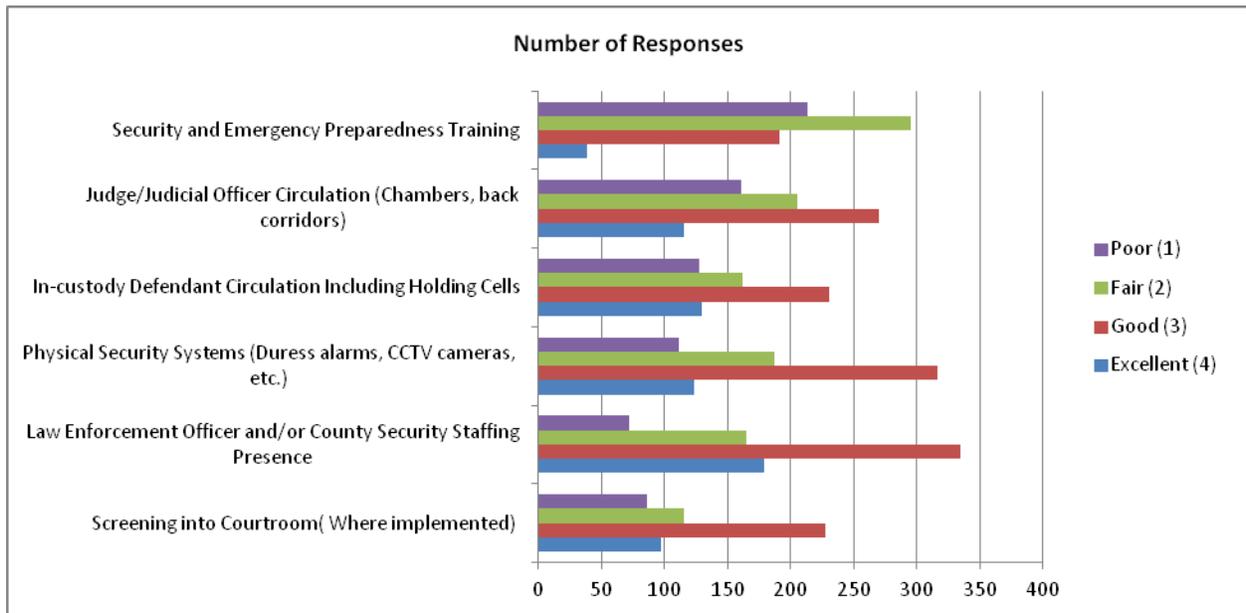
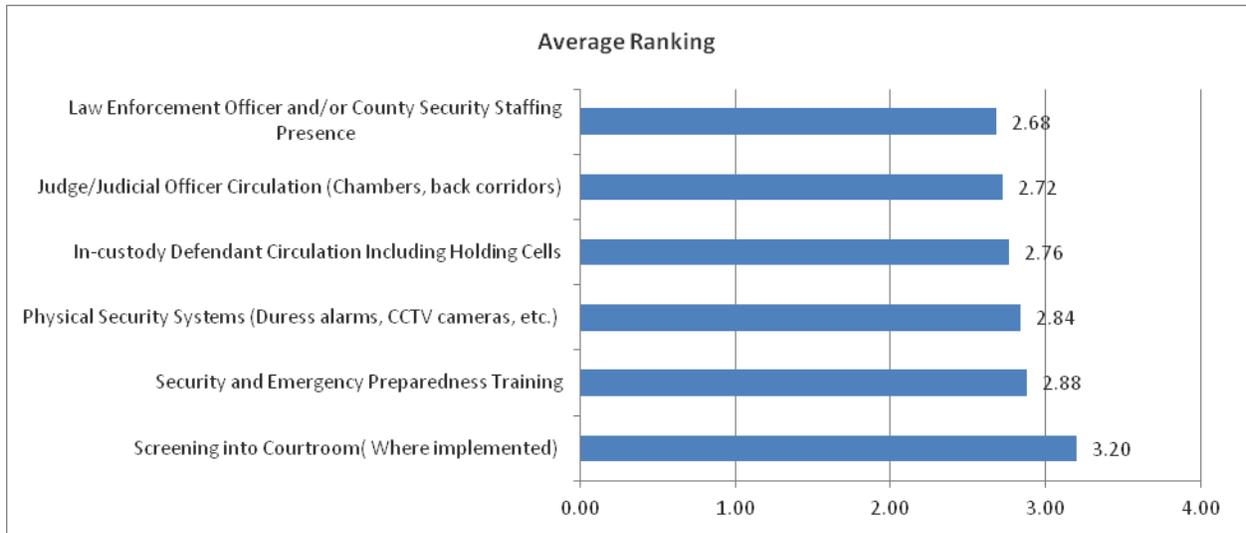
**Q8.** With respect to the need for improved security in your **Court Building**, please rank-order the following topic areas from most critical (7) to least critical (1).

Answer Options	1 (Least Critical)	2	3	4	5	6	7 (Most Critical)	Rating Average
Point of Entry Screening	109	77	52	38	63	97	187	4.46
Law Enforcement Officer and/or Court Security Staffing	65	98	78	70	103	129	92	4.26
Mail and Package Delivery Screening	115	95	95	113	91	73	57	3.65
Physical Security Systems	37	80	112	146	133	87	53	4.13
In-custody Defendant Circulation Including Holding Cells	134	93	98	95	81	81	60	3.59
Judge/Judicial Officer Circulation	90	117	117	116	97	82	78	3.82
Security and Emergency Preparedness Training	84	92	113	99	109	113	149	4.31



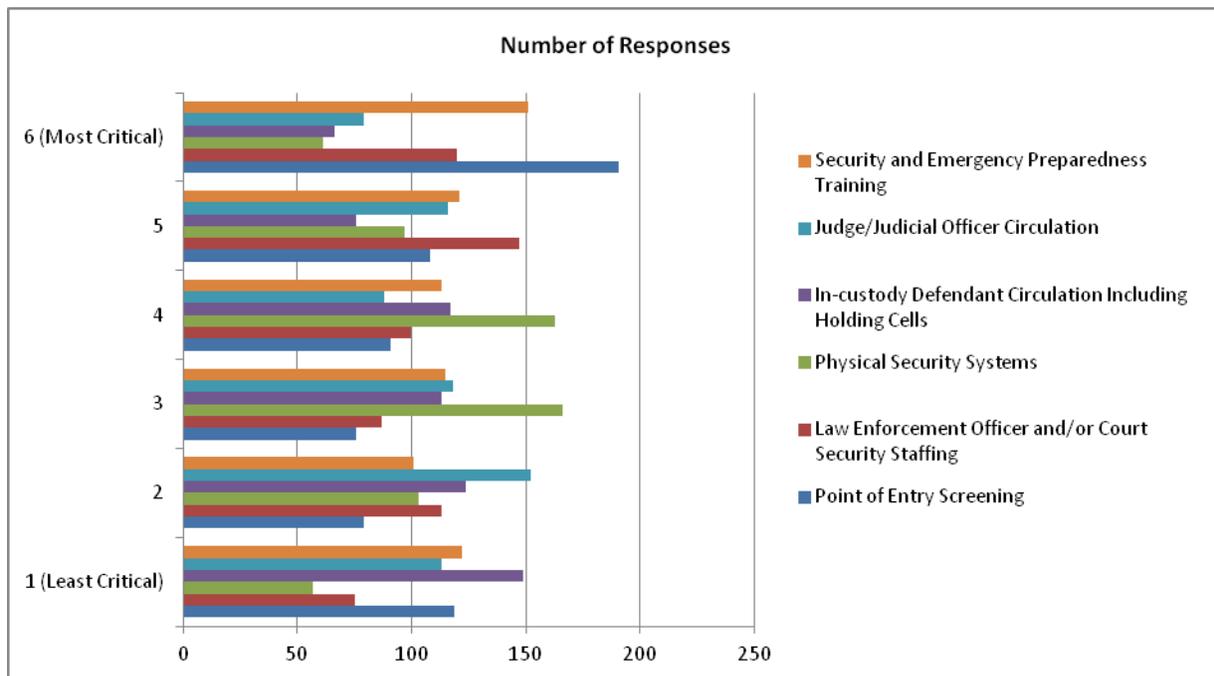
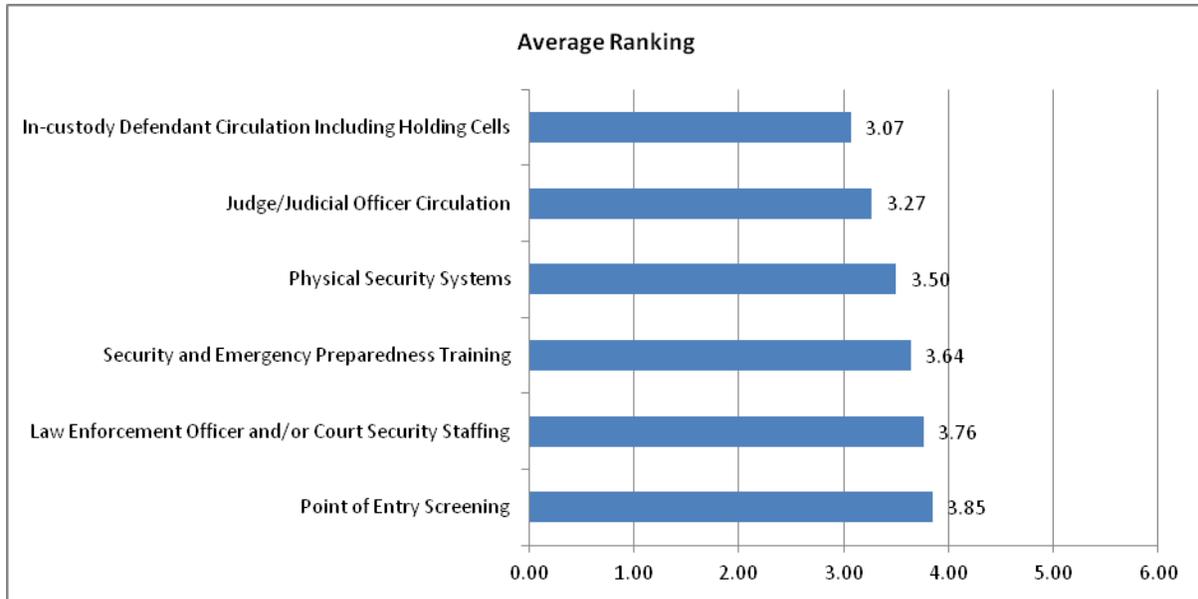
**Q9. How well do you think the following security measures work in your Courtrooms?**

Answer Options	Excellent (4)	Good (3)	Fair (2)	Poor (1)	N/A	Response Average
Screening into Courtroom (Where implemented)	97	228	115	86	255	3.20
Law Enforcement Officer and/or County Security Staffing Presence	179	335	165	72	37	2.68
Physical Security Systems (Duress alarms, CCTV cameras, etc.)	124	316	187	111	49	2.84
In-custody Defendant Circulation Including Holding Cells	130	231	162	128	133	2.76
Judge/Judicial Officer Circulation (Chambers, back corridors)	115	270	205	161	29	2.72
Security and Emergency Preparedness Training	39	191	295	213	48	2.88

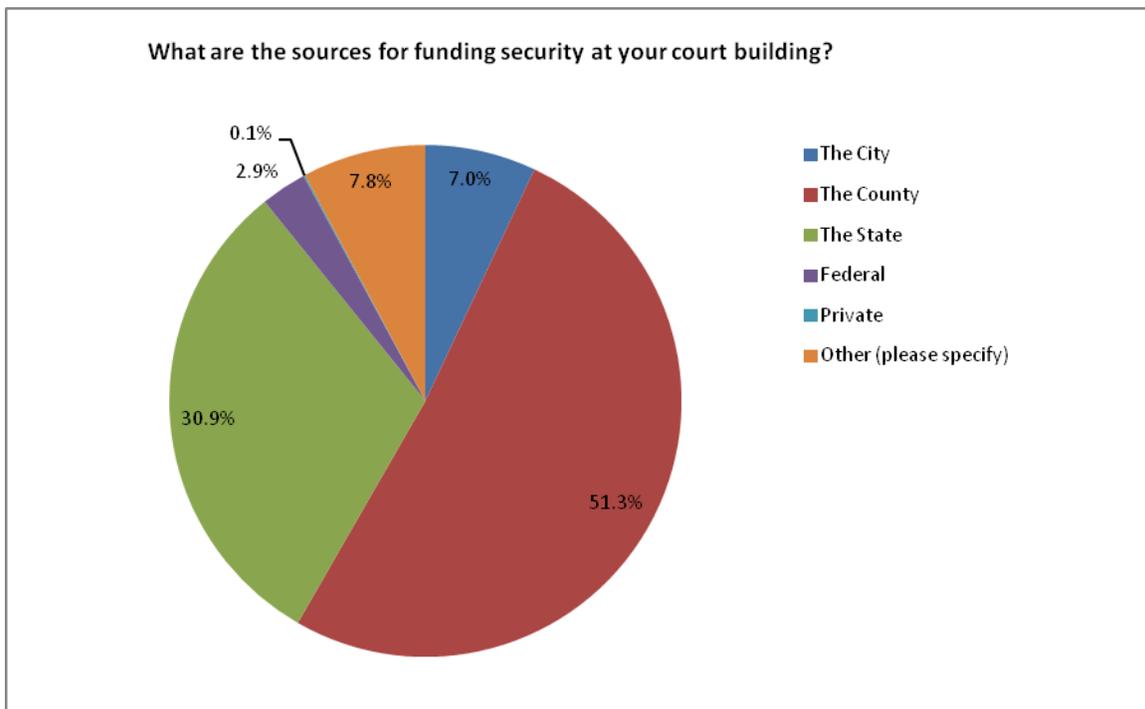


**Q 10.** With respect to the need for improved security in your **Courtrooms**, please rank-order the following topic areas from most critical (6) to least critical (1).

Answer Options	1 (Least Critical)	2	3	4	5	6 (Most Critical)	Rating Average
Point of Entry Screening	119	79	76	91	108	191	3.85
Law Enforcement Officer and/or Court Security Staffing	75	113	87	100	147	120	3.76
Physical Security Systems	57	103	166	163	97	61	3.50
In-custody Defendant Circulation Including Holding Cells	149	124	113	117	76	66	3.07
Judge/Judicial Officer Circulation	113	152	118	88	116	79	3.27
Security and Emergency Preparedness Training	122	101	115	113	121	151	3.64

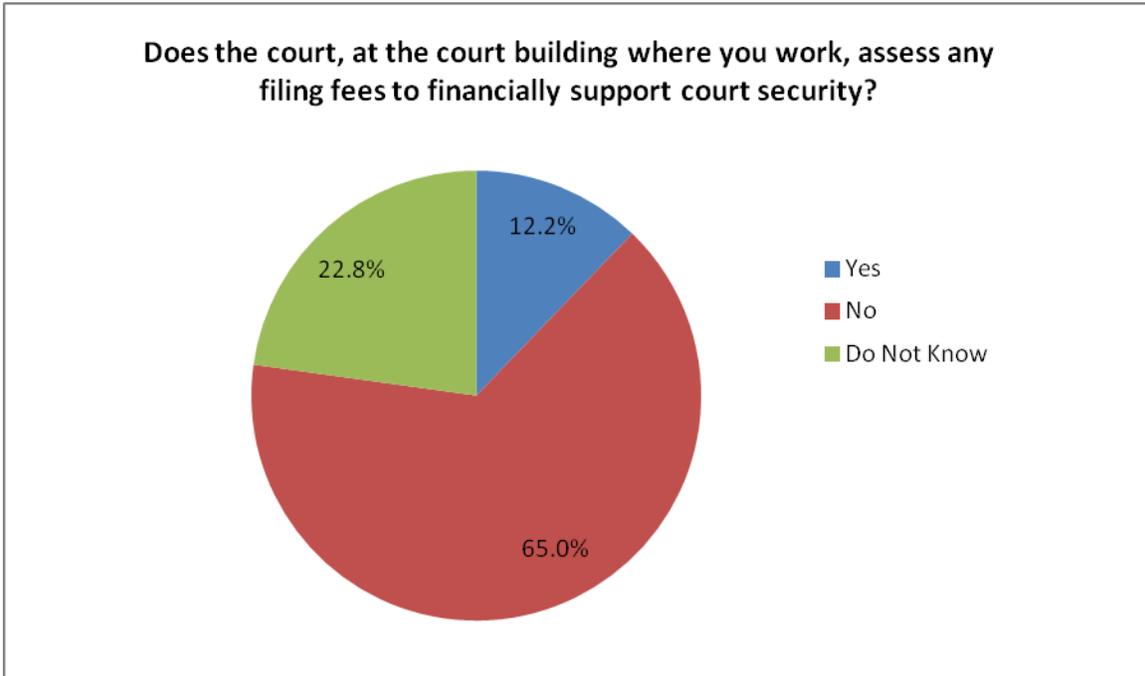


Q11. What are the sources for funding security at your court building?		
Answer Options		Response Percent
The City		7.0%
The County		51.3%
The State		30.9%
Federal		2.9%
Private		0.1%
Other (please specify)		7.8%
1	City and County	0.13%
1	County and Court Revenues	0.13%
1	County funds and AOPC	0.13%
1	State and Court Revenue	0.13%
1	Traditional Council	0.13%
1	United Nations	0.13%
3	City and State	0.38%
4	Grants	0.51%
4	Unknown	0.51%
5	Federal	0.64%
9	Court costs/fees/Fines	1.15%
12	Tribal Government	1.53%
18	County and State	2.30%

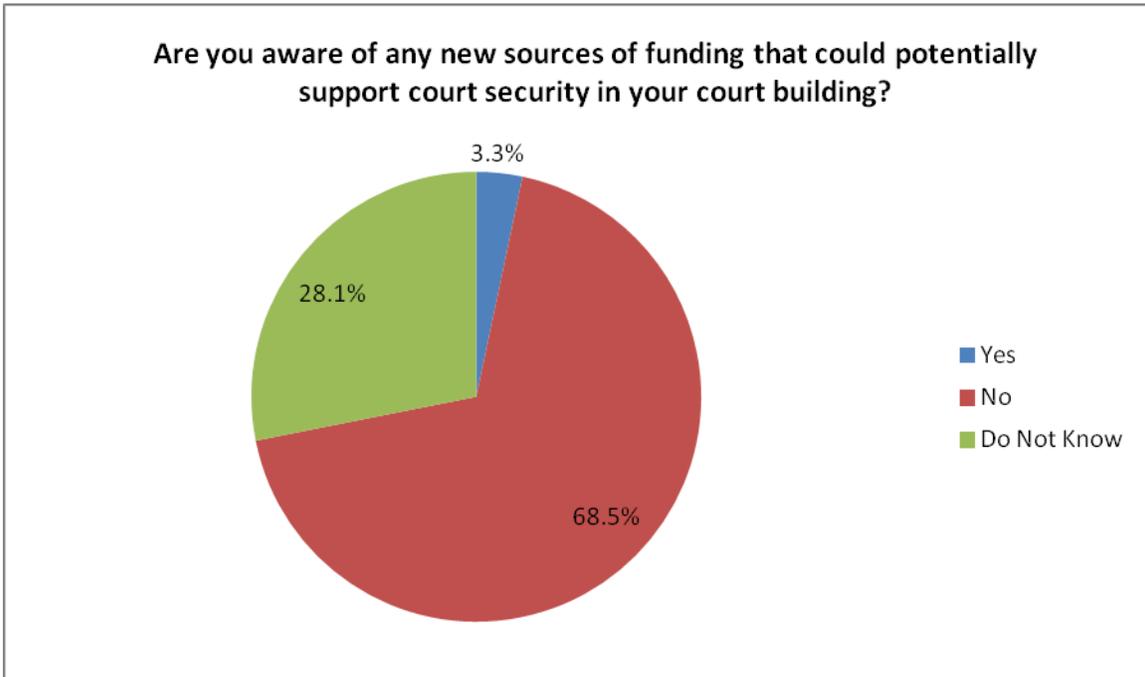


**Q12.** Does the court, at the court building where you work, assess any filing fees to financially support court security?

Answer Options	Response Percent
Yes	12.2%
No	65.0%
Do Not Know	22.8%



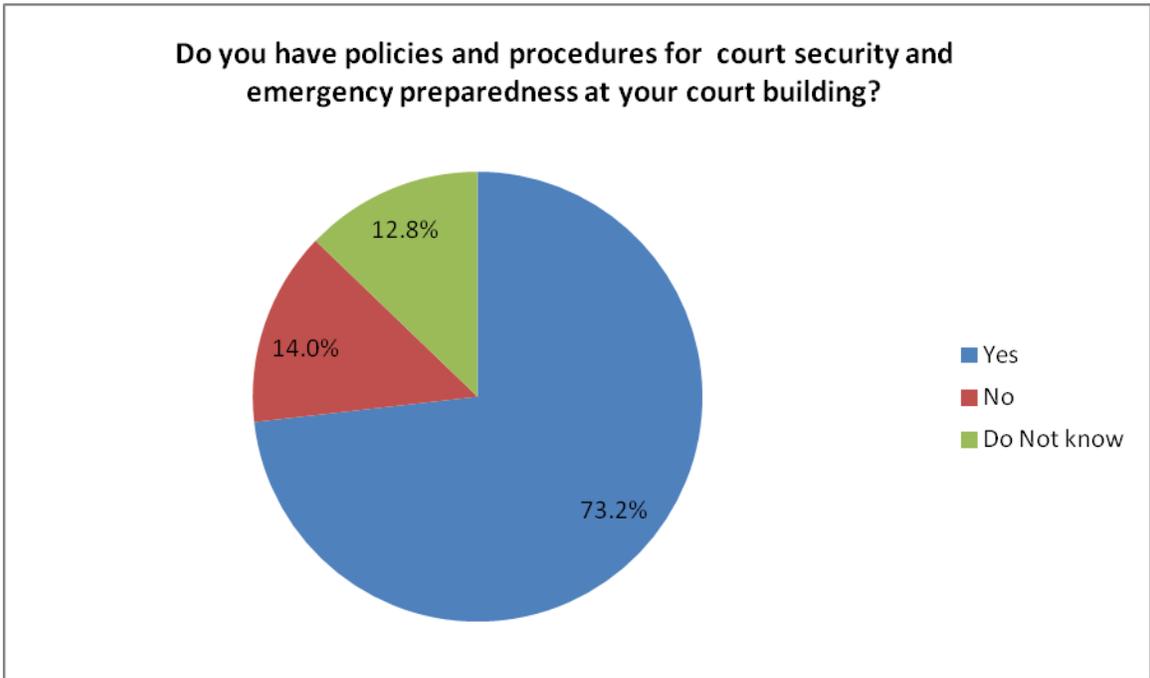
Q13. Are you aware of any <b>new</b> sources of funding that could potentially support court security in your court building?	
Answer Options	Response Percent
Yes	3.3%
No	68.5%
Do Not Know	28.1%



- Admin. Offices of the Court has made grants available.
- Al Franken legislation, grants
- Arkansas Supreme Court security and emergency preparedness grants.
- County/State Partnership & Fees for security
- Court Security and Courthouse Improvement Grant
- Did get a federal grant award in 2008 to install some ballistic resistant windows, but it is not nearly enough.
- Federal grants
- Fines
- Grant funding
- Grants and Tribal Council Allocation
- Have been pushing for a percentage of court fees to go towards funding but those in power do not wish to use this option.
- HOMELAND SECURITY
- Homeland Security
- Homeland Security Funding
- Homeland Security Funding which I am informed, is pretty much expended in other areas.
- I think there may be grant funding available but we have not needed to consider this source.
- It's not really a new source, but our state could use a "Grant" writer to take advantage of federal funds programs and resources that are not being explored at this time.
- Local Courthouse Safety Act of 2012
- Security grant
- Small amounts occasionally available through the AOC

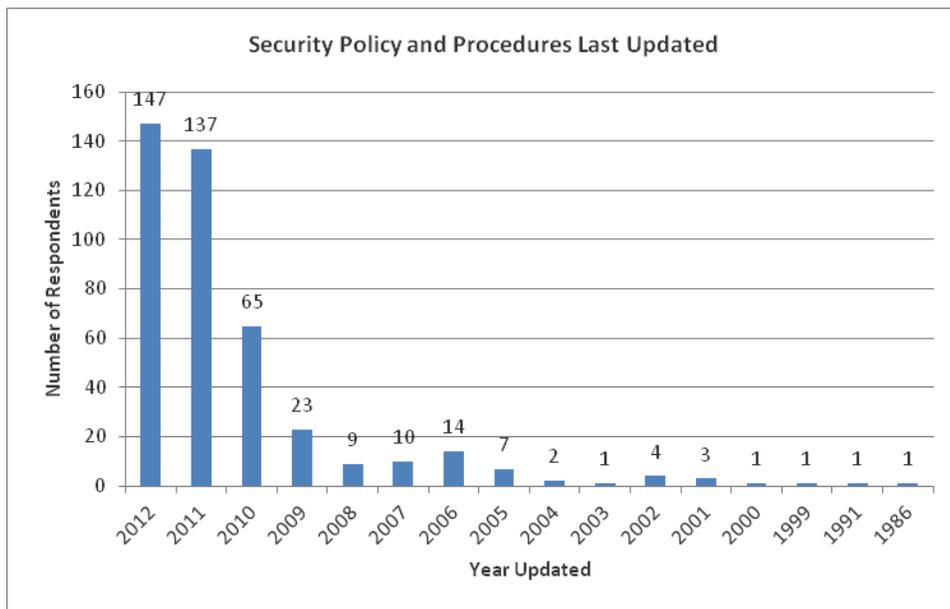
- Some grant funding has aided previously, State
- State funding
- State of New Hampshire Penalty assessment fee to support equipment, training and personnel.
- State sales tax
- State income tax
- State supports district and family courts
- Supreme Court
- Tax on gun and ammunition sales
- The NH Legislature and Governor
- The State Court Administrator give out a small amount of court security grants matches to counties for security improvements.
- The state mandatory penalty assessment.
- To clarify #12, the filing fees goes to the State General Fund that funds State services which includes the court security.
- We apply and utilize funding from the West Virginia Court Security Fund.

Q15. Do you have policies and procedures for court security and emergency preparedness at your court building?	
Answer Options	Response Percent
Yes	73.2%
No	14.0%
Do Not know	12.8%



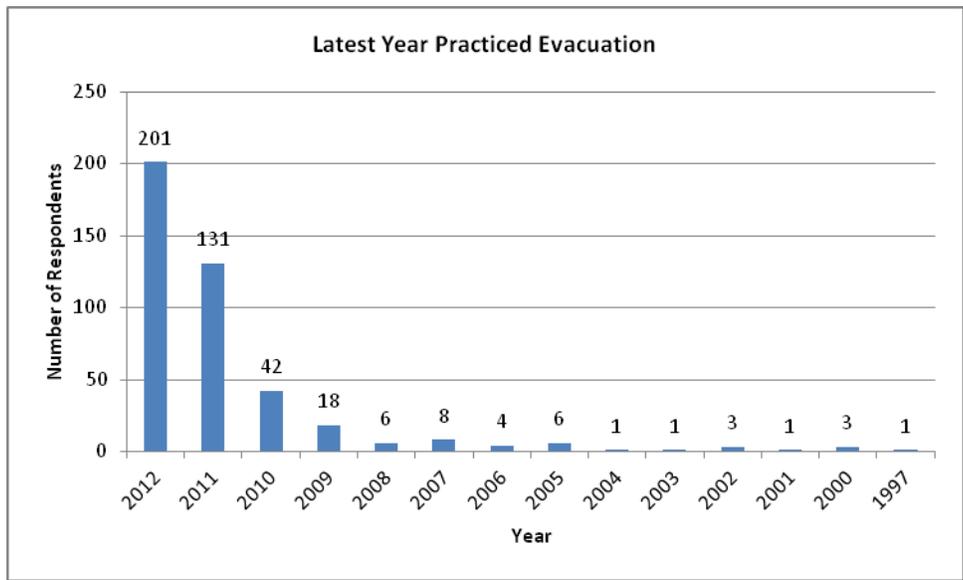
**Q16. If yes, what year were these policies and procedures last updated?**

Year updated	
2012	147
2011	137
2010	65
2009	23
2008	9
2007	10
2006	14
2005	7
2004	2
2003	1
2002	4
2001	3
2000	1
1999	1
1991	1
1986	1
Do Not Know	150



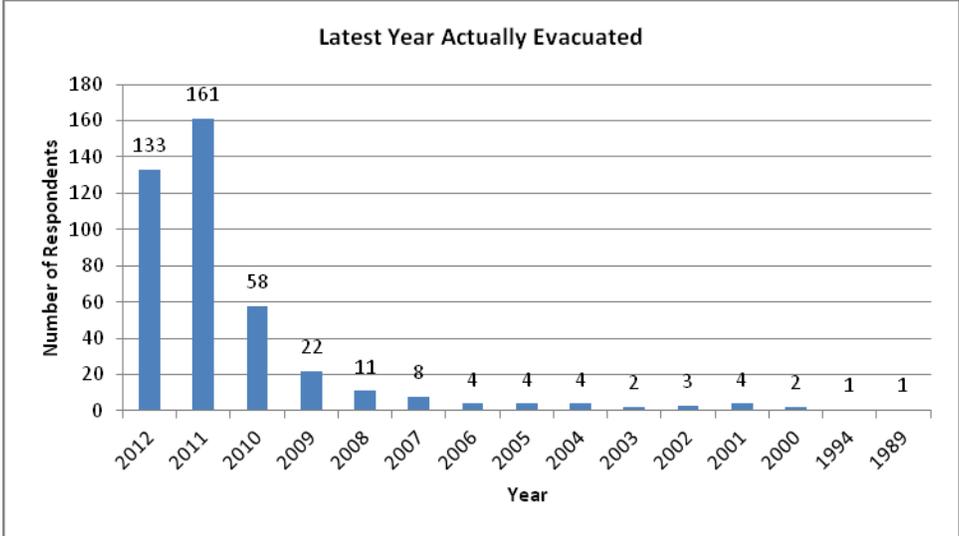
**Q17. What year was the last time you "practiced" evacuating your court building?**

Latest year evacuation was practiced	
2012	201
2011	131
2010	42
2009	18
2008	6
2007	8
2006	4
2005	6
2004	1
2003	1
2002	3
2001	1
2000	3
1997	1
N/A	74
Do Not Know	202

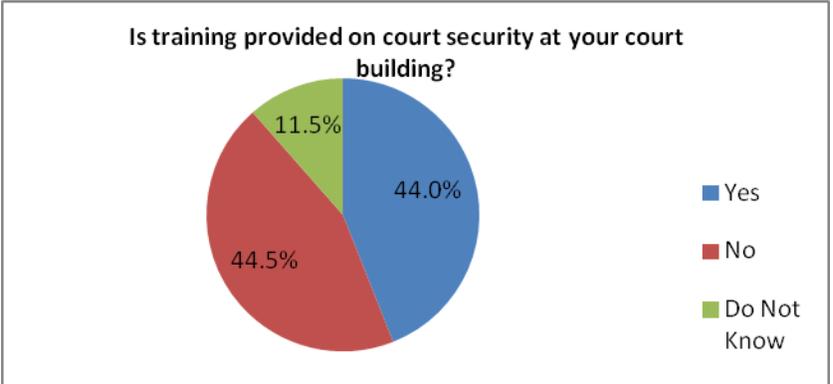


**Q 18.** What year was the last time you evacuated your court building due to an emergency (e.g. power outage, fire, storm, earthquake, shooting, hostage, etc.)?

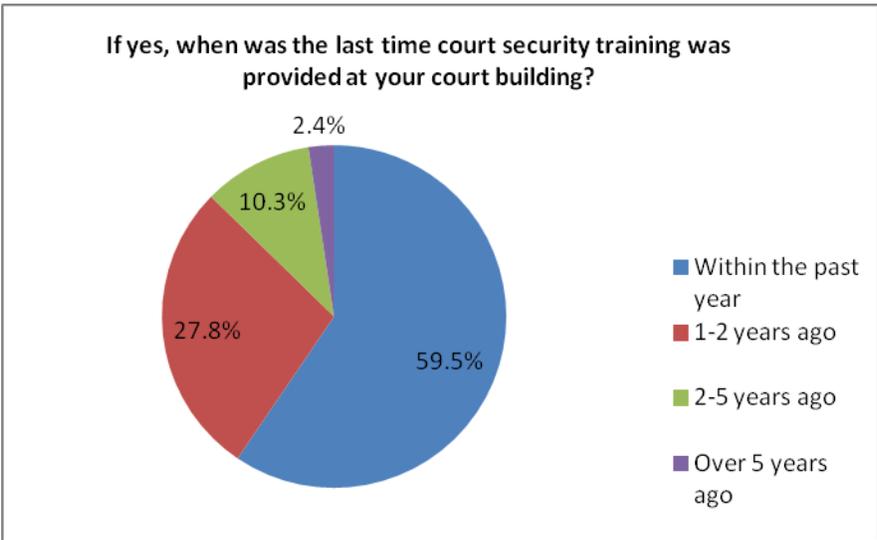
Latest year actually evacuated	
2012	133
2011	161
2010	58
2009	22
2008	11
2007	8
2006	4
2005	4
2004	4
2003	2
2002	3
2001	4
2000	2
1994	1
1989	1
Not Been Evacuated	106
Do Not Know	189



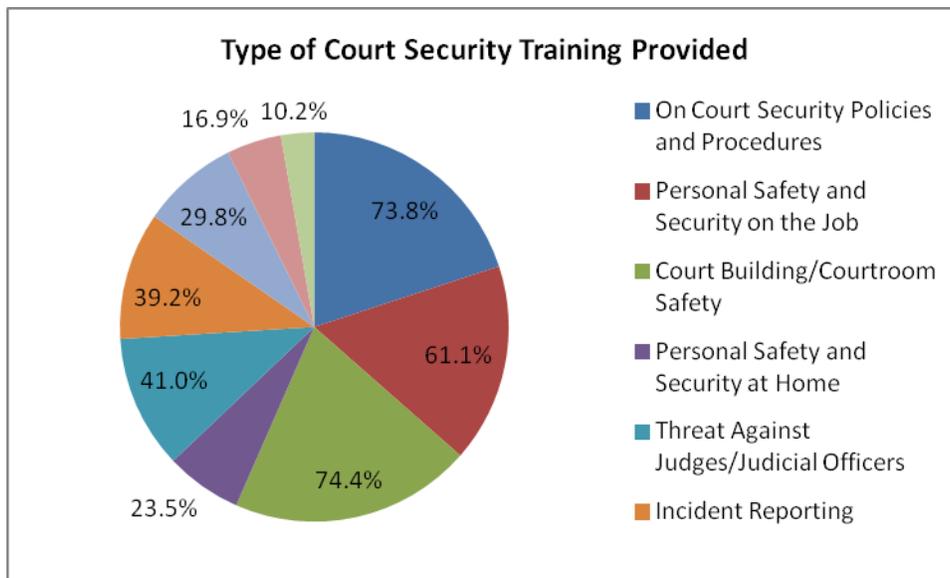
Q 19. Is training provided on court security at your court building?	
Answer Options	Response Percent
Yes	44.0%
No	44.5%
Do Not Know	11.5%



Q20. If yes, when was the last time court security training was provided at your court building?	
Answer Options	Response Percent
Within the past year	59.5%
1-2 years ago	27.8%
2-5 years ago	10.3%
Over 5 years ago	2.4%



Q21. Type of court security training provided?	
Answer Options	Response Percent
On Court Security Policies and Procedures	73.8%
Personal Safety and Security on the Job	61.1%
Court Building/Courtroom Safety	74.4%
Personal Safety and Security at Home	23.5%
Threat Against Judges/Judicial Officers	41.0%
Incident Reporting	39.2%
Shooter in Place	29.8%
Hostage Taking	16.9%
Other (please specify)	10.2%



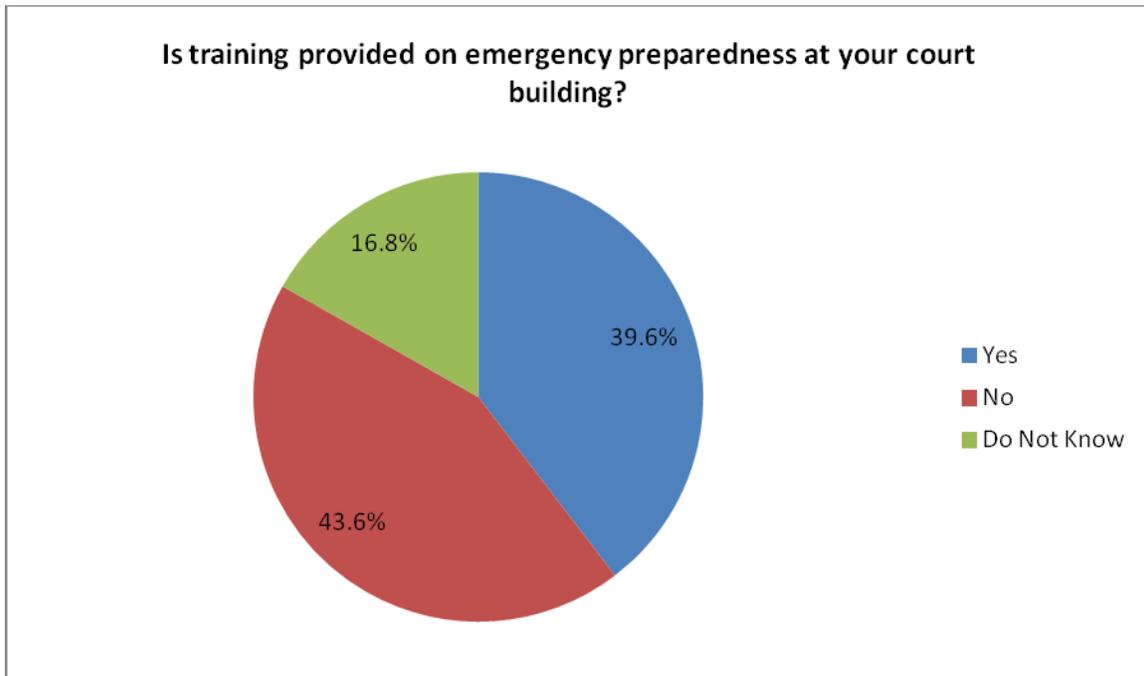
**Other Responses**

- Bomb Threat
- Building Evacuation Training for team members
- Building lock up/building security/safe areas
- CPR and AED
- CPR/First Aid - Physical Tactics
- Dealing with agitated mentally ill persons
- Domestic violence training for security personnel and courthouse staff
- Electronic prisoner control
- Emergency Evacuation; Opening & closing procedures.
- Fire drill
- Fire or weather related evacuation procedures
- For security officers - not court staff or judges
- Hands on use of fire extinguishers
- IT Security
- Medical emergencies
- New scanning equipment training

- Offender apprehension training
- Operation security detection equipment
- Outside building hazards
- Security in the Field
- Shooter/hostage training at range.
- Should have training in shooter in place & hostage taking
- Taser
- Training is handled by the AOC and/or Sheriff's dept.
- Training is periodic & ad hoc dependent on court administrator
- Training provided by private vendor for their security staff
- Various memo's from AOC
- We send officers once a year to state sponsored training
- X-ray and magnetometer

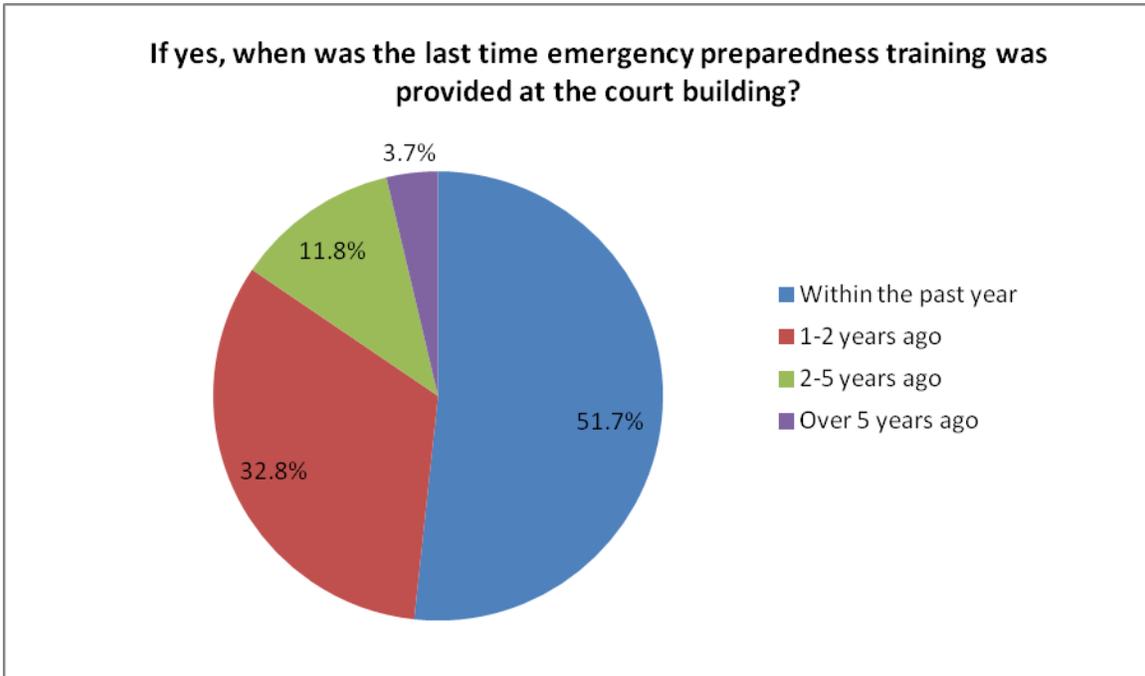
**Q 22.** Is training provided on emergency preparedness at your court building?

Answer Options	Response Percent
Yes	39.6%
No	43.6%
Do Not Know	16.8%



**Q 23.** If yes, when was the last time emergency preparedness training was provided at the court building?

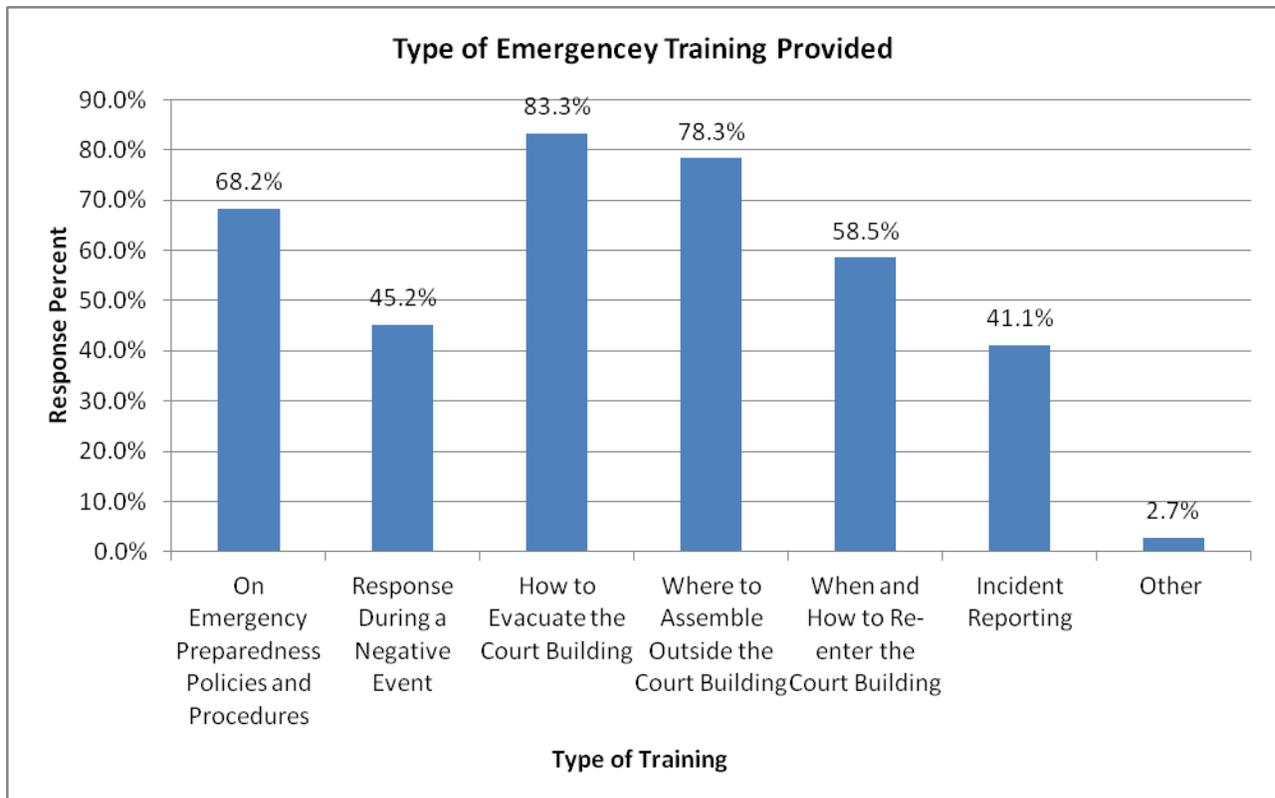
Answer Options	Response Percent
Within the past year	51.7%
1-2 years ago	32.8%
2-5 years ago	11.8%
Over 5 years ago	3.7%



**Q 24. Type of emergency preparedness training provided?**

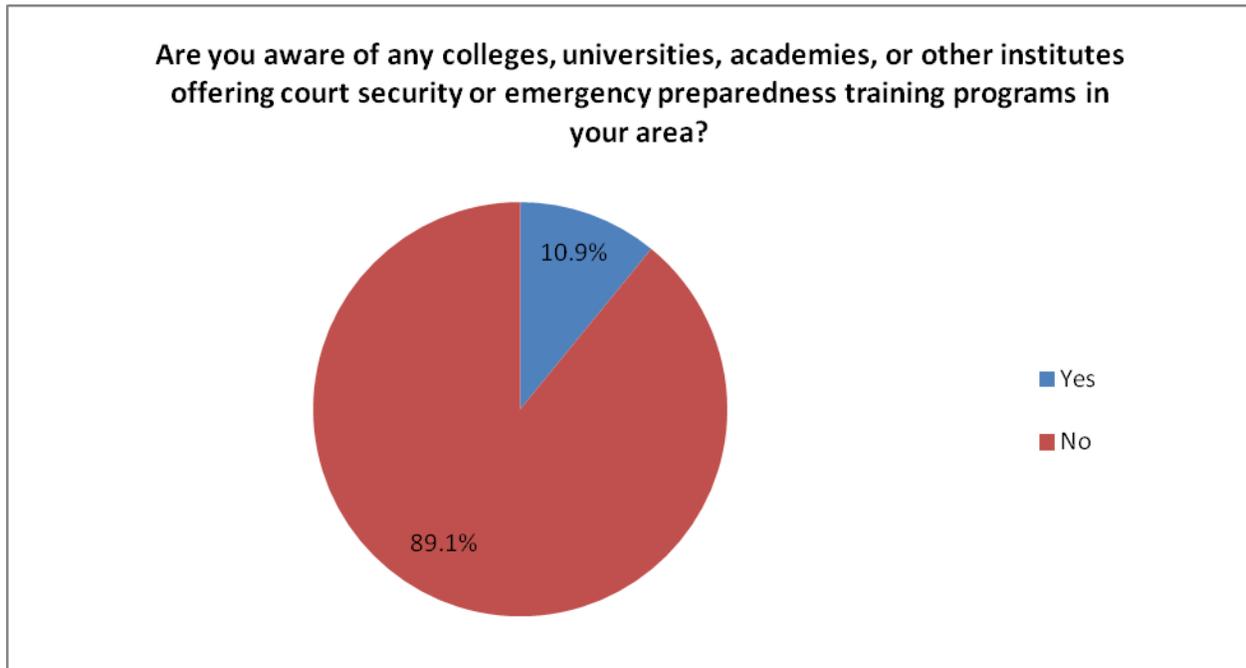
Answer Options	Response Percent
On Emergency Preparedness Policies and Procedures	68.2%
Response During a Negative Event	45.2%
How to Evacuate the Court Building	83.3%
Where to Assemble Outside the Court Building	78.3%
When and How to Re-enter the Court Building	58.5%
Incident Reporting	41.1%
Other	2.7%

- Unknown but some training is provided*
- Earthquake safety and response*
- Daily bulletins sent via email to employees*
- Fire, Severe Weather, Shelter In Place, Bomb Threat*
- Hurricane, Tsunami, Earthquake*
- Unknown but some training is provided*
- WEATHER IN BUILDING EVACUATION*
- Shelter in Place*



**Q 25.** Are you aware of any colleges, universities, academies, or other institutes offering court security or emergency preparedness training programs in your area?

Answer Options	Response Percent
Yes	10.9%
No	89.1%



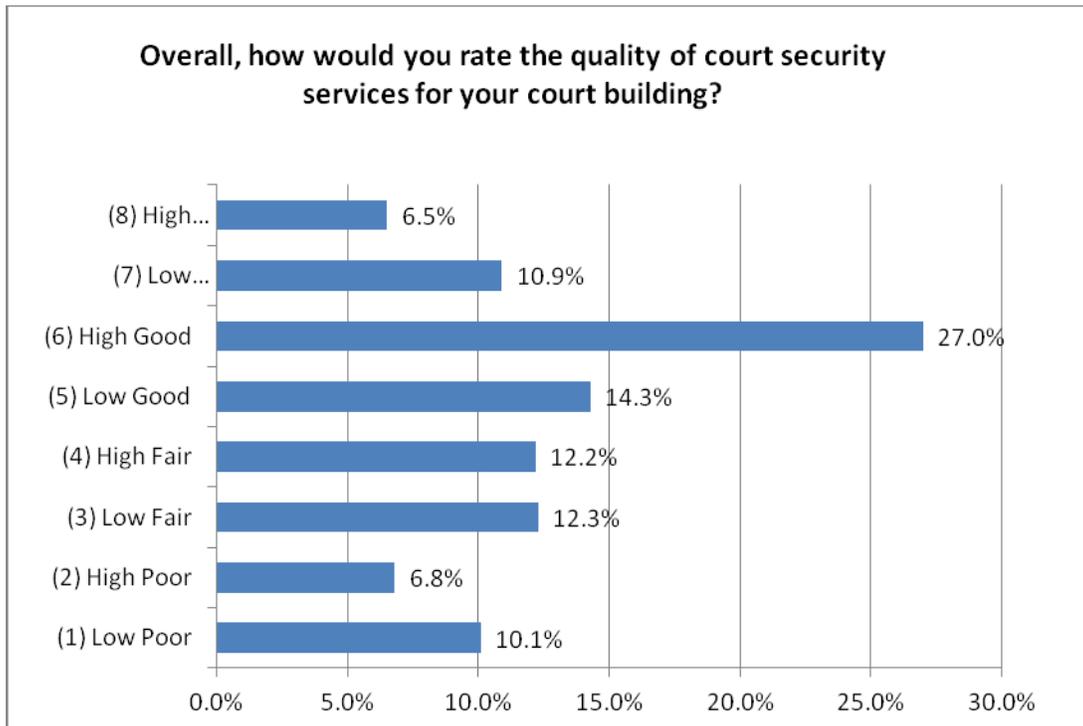
**Q 26.** If yes, what was the name of their court security or emergency preparedness training program?

- Texas Municipal Courts Education Center
- Administrative Office of Pennsylvania Courts
- Advanced Law Enforcement Readiness Training
- CERT
- Cert Team
- College of Lake Country
- Community Emergency Response Team - USA Freedom Corps
- Court Room Security
- Court Security
- Court Security - PACT
- Court Security Officer Training
- Court Security Officer Training and Emergency Preparedness(Through State of Arkansas Court Systems)
- Court Security Officers Course
- Court Security Program 20 Hours
- Court Security Training at Wyoming Law Enforcement Academy
- Dartmouth College Dept. of Safety & Security does a lot of that training as well as probably does the security at Dartmouth Hitchcock Memorial Hospital.
- Des Moines Area Community College
- Dupage County Sheriff's Office (Illinois)

- Ener-Tel Services
- Federal Marshals; Sheriff; and others
- FEMA
- Fox Valley Technical College teams with the Director of State Courts and offers a 3 day course every other year to law enforcement and court personnel statewide
- Indiana Judicial Center
- John Jay College of Criminal Justice
- M.S. Homeland Security
- Maryland AOC/MDCOURTS
- Missouri Sheriff's Association Training Academy
- Nat. Sheriff's Assoc.
- National Judicial College
- National Sheriffs Association Court Security Training and security Audits plus Court Officer Certification levels from officer through sheriff
- NH Fire Academy, NESPIN.
- NIRMA (Nebraska Inter-governmental Risk Management Association) our insurance carrier
- Not in the area however National Sheriffs Association offers several opportunities.
- Programs exist at ASU and the U of A.
- Offered by Fairfax County for department heads and designees
- Ohio Supreme Court - Emergency Preparedness in Courts
- OTTERBEIN COLLEGE POLICE DEPARTMENT
- PATC.com
- Personal Training of court staff and the public
- Programs through NCSC (AJA)
- Public Agency Training Council
- Seminars offered in Gonzales, La.
- Southern New Hampshire university emergency preparedness degree program
- State and County Emergency Preparedness training
- Supreme Court of Ohio Office of Court Security provide various services from assessment to training.
- Texas Court Clerks Association
- Texas Municipal Courts Education Center offers training regarding court security.
- The United States Marshals Service provide a Court Security Training
- Through the Oregon Judicial Department training is available. It is seldom accessed by our jurisdiction.
- Through the State Court Administrators Office
- State patrol
- TMCEC
- UMUC
- United States Marshals Service, Court Security Training. Federal Law Enforcement Training Center, Glynco, GA.
- University of Maryland's Center for Health and Homeland Security
- University of Nebraska
- US Marshal
- West Virginia Supreme Court

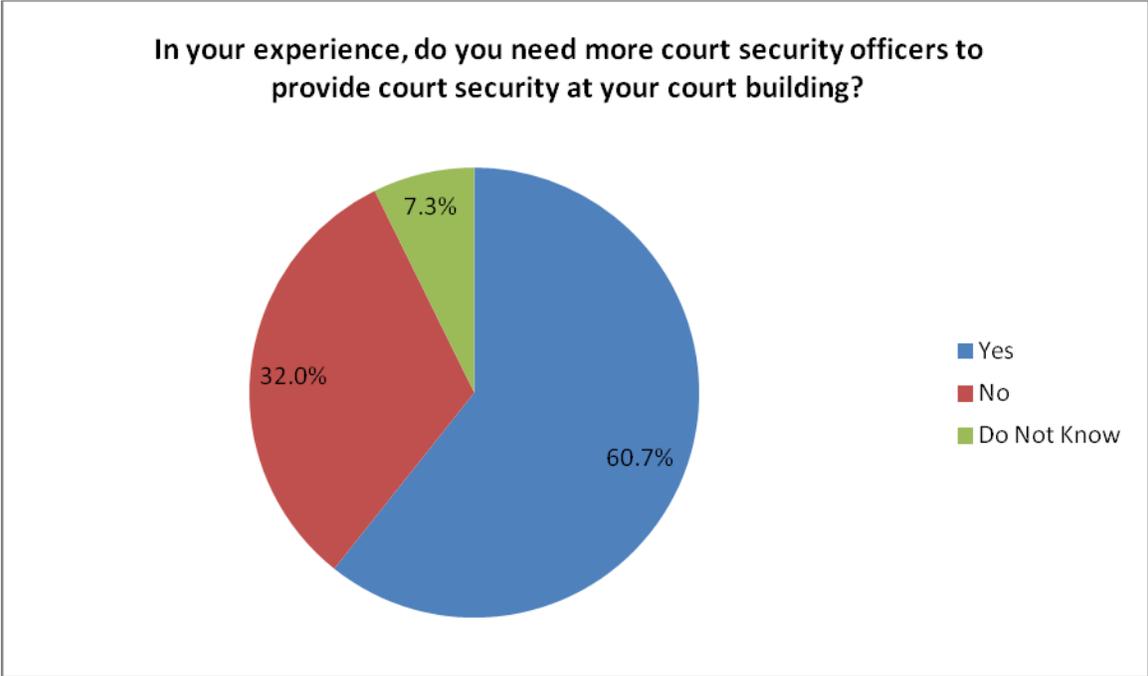
**Q 27.** Overall, how would you rate the quality of court security services for your court building?

Answer Options	Response Percent
(1) Low Poor	10.1%
(2) High Poor	6.8%
(3) Low Fair	12.3%
(4) High Fair	12.2%
(5) Low Good	14.3%
(6) High Good	27.0%
(7) Low Excellent	10.9%
(8) High Excellent	6.5%



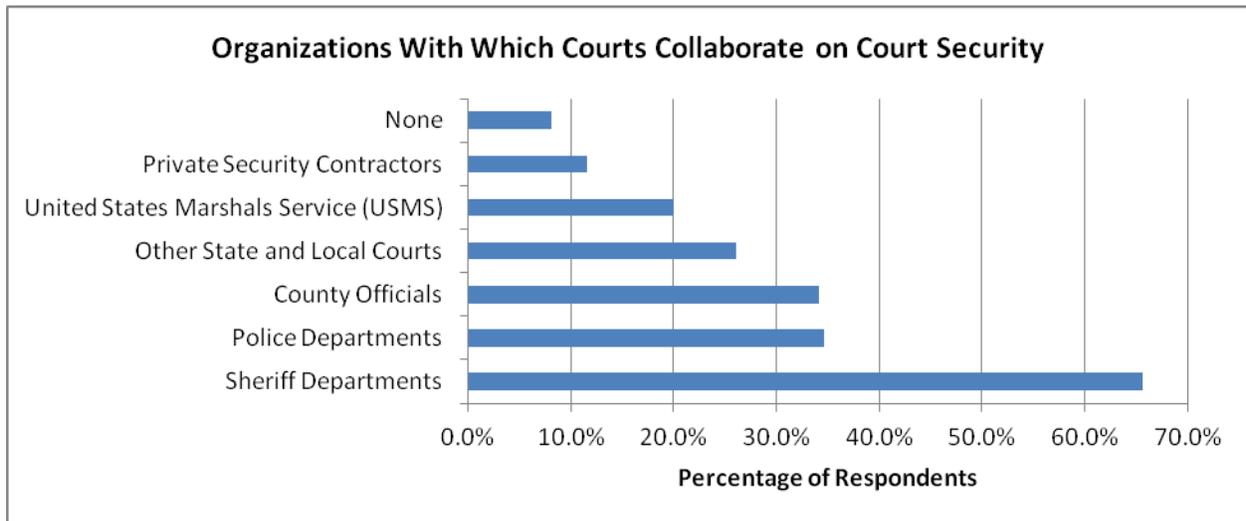
**Q 28.** In your experience, do you need more court security officers to provide court security at your court building?

Answer Options	Response Percent
Yes	60.7%
No	32.0%
Do Not Know	7.3%



**Q 29.** With what organizations or institutions do you collaborate with respect to improving court security at your court building?

Answer Options	Response Percent
United States Marshals Service (USMS)	20.0%
Sheriff Departments	65.6%
Private Security Contractors	11.6%
Police Departments	34.7%
Other State and Local Courts	26.1%
County Officials	34.1%
None	8.1%



## **APPENDIX F**

### **Tribal, Native, and Territorial Courts**

This appendix includes information contained in a variety of publications that discuss the nature and operation of tribal, native, and territorial courts. Information contained in this appendix is primarily excerpted from federal and state agency websites. It has been enhanced to provide the reader a more accurate understanding of how those courts are organized and by what means they utilize court security to protect judges, court staff, and the public.

#### **Tribal Courts**

Tribal courts are courts of general jurisdiction which continue to have broad criminal jurisdiction. The general rule is that states have no jurisdiction over the activities of Indians and tribes in Indian country. Public Law 280 (PL-280) created an exception to this rule in certain states. Congress gave these states criminal jurisdiction over all offenses involving Native Americans on tribal lands. Through PL-280, the federal government transferred to these states criminal jurisdiction over Indian country, and it opened state courts up as forums for civil litigation that had previously only been able to be brought before Tribal or Federal Courts. The binding effect of PL-280 is that in many areas of the country state and Tribal Courts now share jurisdiction.

PL-280 conferred jurisdiction from the federal government to six mandatory state governments: Alaska, California, Minnesota (except the Red Lake Reservation), Nebraska, Oregon (except the Warm Springs Reservation), and Wisconsin. PL-280 also permitted other states the option to acquire jurisdiction. The optional PL-280 states (Arizona, Idaho, Iowa, Montana, Nevada, North Dakota, South Dakota, Utah, and Washington) assumed jurisdiction either in whole or in part over Indian country within their state lines. Under this Act, states, local sheriffs and state law enforcement agencies can take tribal members to state courts for prosecution in cases arising from criminal matters having occurred within reservation boundaries.

The definition for Indian Country is specifically set forth by federal law 18 U.S.C. Section 1151. It is the legal term for the territorial jurisdiction of an Indian tribe, and is the land within reservation boundaries for most lower 48 tribes. In statute Congress defined Indian Country as:

- (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation; (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State; and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

It should be noted that Indian (nee Native American) Country is limited in Alaska but tribes still have substantial inherent powers to exercise jurisdiction over certain persons and subjects. The term Indian Country is also occasionally used to refer to Alaskan Native land and communities in general, but the legal use of the term refers very specifically to the territorial aspect of tribal jurisdiction.

Information on federally recognized tribes can be found in the *Federal Register*, Vol. 75, No. 190, October 1, 2010, entitled Indian Entities Recognized and Eligible to Receive Service from the United States Bureau of Indian Affairs, Department of the Interior, Bureau of Indian Affairs, issued by the Office of Management and Budget.

As defined in the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (PL 106-559), the term tribal court, tribal court system, or tribal justice system means the entire judicial branch, and employees thereof, of an Indian tribe. This includes, but is not limited to, traditional methods and forums for dispute resolution, trial courts, appellate courts – including inter-tribal appellate courts, alternative dispute resolution systems, and circuit rider systems established by inherent tribunal authority whether or not they constitute a court of record.

Tribal justice systems are diverse in concept and character, promote self-determination, advance and protect the rights of self-government, and combat crime and violence in Indian Country. Some may be considered extensive while others are only beginning to develop contemporary judicial systems within the context, conditions, and circumstances of their individual nations. The exact number of cases being held in Tribal courts across the United States is unknown. Some criminal and civil issues are handled directly by Tribal courts, some are sent through the federal court system, and others are handled by state courts.

The court systems operating in Indian Country, while varying by tribe, revolve around a core of five legal institutions: (1) Indigenous Forums (also known as traditional courts); (2) Court of Indian Offenses or Code of Federal Regulations (CFR); (3) Inter-Tribal Courts; (4) Courts of Appeal; and (5) Tribal Courts of general jurisdiction. Others may use traditional Native means of resolving disputes, such as peacemaking, elders' councils, and sentencing

circles. Some tribes have both types of courts. The Bureau of Indian Affairs (BIA) also manages a small number of CFR (Code of Federal Regulations) courts.

According to the Department of Justice, Office of Justice Programs, Bureau of Justice Assistance “*Center for Program Evaluation and Performance Measurement*” no systematic evaluation of tribal courts has ever been completed. They note however that important lessons can be learned from work on tribal healing to wellness courts, as well as evaluations of tribal violence reduction initiatives. The related implications of these, for future evaluation and subsequent implementation of tribal court programs, include:

- **Program planners and evaluators must take into account the importance of tribal culture and traditions.**

Tribal culture and traditions are critically important to most, if not all, Indian tribes. This must be remembered in planning, implementing, and evaluating any Indian Country initiatives, including Tribal court programs. Traditional Indian concepts of justice, restitution, and compensation are very different from those concepts as perceived by the non-Indian population. As a result, policies and procedures established in other contexts do not necessarily translate to tribal initiatives.

- **Lessons learned from state and local implementation of criminal justice initiatives may not easily translate to tribal settings.**

Processes for developing and implementing initiatives that seem to work well for local practitioners cannot simply be adopted “as-is” by tribal justice systems. As tribal customs and values are unique, models developed in non-tribal settings must be modified so that they are consistent with tribal expectations, values, beliefs, customs, and practices. Evaluators and program planners must be sensitive to these differences in attempting to apply “best practices” to tribal initiatives.

- **The lack of readily available data on tribal justice makes evaluating tribal initiatives problematic.**

Only a few tribes have automated data systems for collecting and reporting crime and sentencing data, or for tracking offenders. Many of the data requirements of process and outcome evaluation become particularly challenging for tribal courts. This includes staffing deficiencies which limit participation in manual data collection efforts. Moreover, while collection methods are improving data will also likely be

unavailable for comprehensive assessment processes that would establish the need for specific tribal court initiatives or components. Original data collection efforts may also be met with distrust on the part of tribal councils, tribal court judges, and members. This lack of data makes the process of establishing meaningful goals and objectives for tribal initiatives a particular challenge.

### **Legal Matters in Tribal Courts Jurisdiction**

Tribal courts across the United States handle a wide variety of legal matters to include:

- Domestic Cases: e.g., adoptions, child protection and custody, guardianships, divorce and spousal support, elder and vulnerable adult protection, and domestic violence
- Law and Order Cases: e.g., disturbing the peace, vandalism, petty theft, traffic violations, assaults, trespass, alcohol related issues, juvenile delinquency, and other issues involving the health, welfare, and safety/security of tribal members
- Regulatory Enforcement Cases: e.g., zoning enforcement, employment/business issues, environmental and wildlife regulations
- Internal Governmental Cases: e.g., disputes over tribal elections, membership and enrollment issues, procedural problems, and grievances brought forth from the Indian Civil Rights Act (ICRA).

According to the National Tribal Justice Resource Center, a program of the National American Indian Court Judges Association (NAICJA); approximately 275 Indian nations and Alaskan Native villages have established formal tribal court systems. Each tribe, in developing its justice system, confronts three considerations:

- (1) Is our justice system effective in reaching prompt, long-term resolutions to disputes?
- (2) Does our system ensure the safety and well being of our community by preventing crime?
- (3) Does our justice system inspire confidence in its abilities to the tribal community and the outside American society?

In an effort to address all of these goals many tribes are establishing new tribal courts, or enhancing existing ones, and developing hybrid or blended systems that incorporate traditional dispute resolution elements that have proven effective within their culture and community; while also insuring that due process is provided.

**U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics (BJS)  
 Technical Report | Tribal Crime Data Collection Activities, October 2012; NCJ 239077**

In support of the Uniform Crime Reporting (UCR) Program the FBI requests law enforcement agencies in the U.S. report eight individual types of crime. The eight are then organized into sub-categories of four violent (i.e., murder, forcible rape, robbery, and aggravated assault) and four property based crimes (i.e., burglary, larceny theft, motor vehicle theft, and arson). The eight crimes are often considered an indicator of the overall crime problem in a jurisdiction.

From 2008 to 2010, tribal law enforcement agencies across the U.S. reported 71,623 violent and property crimes to the UCR Program. Of the 17,394 violent crimes reported by tribal law enforcement agencies – 77% were aggravated assaults, 15% involved forcible rape, 5% involved robbery, and 3% involved criminal homicide. During the same period, tribal law enforcement agencies reported 54,229 property crimes – of which 55% involved larceny-theft, 26% involved burglaries, 14% involved motor vehicle theft, and 5% involved arson.

**TABLE 1**

**Violent and Property Crime reported by Tribal Law Enforcement Agencies to the FBI’s UCR Program, 2008–2010**

Offense	2008–2010	2008	2009	2010
<b>Total</b>	71,623	24,923	22,637	24,063
<b>Violent</b>	17,394	6,212	5,650	5,532
Murder/Manslaughter	444	172	139	133
Forcible rape	2,613	879	882	852
Robbery	869	296	293	280
Aggravated assault	13,468	4,865	4,336	4,267
<b>Property</b>	54,229	18,711	16,987	18,531
Burglary	14,286	4,692	4,604	4,990
Larceny-theft	29,744	10,168	9,081	10,495
Motor vehicle theft	7,338	2,664	2,446	2,228
Arson*	2,861	1,187	856	818

\*Law enforcement agencies do not submit reports for arson to the FBI’s UCR Program unless they have the full 12 months of arson data for that year.

Source: FBI, *Crime in the United States*, 2008–2010.

**Report Highlights:** Suspects investigated for violent offenses in Indian country totaled 23% of all federal investigations for violent offenses in FY 2010; in 2010, the self-identified American Indian and Alaska Native (AIAN) population totaled 5.2 million, or 1.7% of the estimated 308.7 million people in the United States; the FBI's *Crime in the U.S., 2010* included crime data from 144 tribal law enforcement agencies, up from 12 tribal agencies in the 2008 report; and advances in the quality and quantity of tribal crime data, and improved reporting and disaggregation of crime data, has created additional funding opportunities for American Indian tribes.

*Gaps still exist however on the availability of information concerning the tribal justice system, such as the understanding of existing and emerging issues in the administration and operations of tribal courts in the U.S.; their annual caseloads; the implementation of Tribal Law and Order Act (TLOA) enhancements; and selection criteria for judges, prosecutors, and public defenders. In August 2011, BJS awarded a multi-year grant to conduct a National Survey of Tribal Court Systems to address some of these concerns. In addition, BJS has initiated the development and design of an Indian country justice statistics webpage with the goal of pulling together all available statistical data on the tribal justice system in one place.*

**U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics**  
**Compendium of Tribal Crime Data, 2011: Highlights**

- Tribally operated law enforcement agencies employed nearly 4,600 full-time personnel, including approximately 3,000 sworn officers.
- Eleven of the 25 largest tribal law enforcement agencies served jurisdictions covering more than 1,000 square miles.
- In addition to law enforcement functions, nearly all tribal police departments performed court-related functions, such as court security and serving process.
- More than half of tribal police departments used community policing officers, and more than a third used school resource officers.
- Roughly four-in-five tribal police departments participated in one-or-more multiagency task forces.

Per the Tribal Law and Policy Institute more than 200 police departments operate in Indian Country, serving an even larger number of tribal communities. These departments range in size from only 2 or 3 officers to more than 200 officers. The communities they serve are as small as the Grand Canyon-based Havasupai Tribe (with a population of only 600) and as large

as the Navajo Nation (with a population of more than 250,000 and a land area larger than the State of Connecticut).

The most common administrative arrangement for police departments in Indian Country is organized and structured under the auspices of the Indian Self-Determination and Education Assistance Act of 1975. Also known as Public Law 93–638 (PL 93–638), this law gives tribes the opportunity to establish their own government functions by contracting with the Bureau of Indian Affairs (BIA). Thus, PL 93-638 departments are administered by tribes under contract with the BIA’s Division of Law Enforcement Services. Typically, a BIA-contract establishes the department’s organizational framework and performance standards and provides basic funding for police functions. The officers and non-sworn staff of these departments are tribal employees. Departments administered by the BIA are the second most common type of police department in Indian Country. The officers and non-sworn staff of these departments are Federal employees. Recent changes have placed line authority for police patrol and criminal investigations under the BIA’s Division of Law Enforcement Services. Inadequate funding is an important obstacle to good policing in Indian Country. Existing data suggests that tribes have between 55-75 percent of the resource base available to non-Indian communities.

#### **Functions Authorized by the National Congress of American Indians (NCAI)**

- Police in Indian Country function within a complicated jurisdictional net, answer to multiple authorities, operate with limited resources, and patrol some of the most desolate of territory often without assistance from partner law enforcement agencies.
- There are a limited number of Bureau of Indian Affairs and tribal uniformed officers available to serve an estimated 1.4 million American Indians covering over 56 million acres of tribal lands in the lower 48 states.
- On tribal lands, 1.3 officers must serve every 1,000 citizens, in comparison to the 2.9 officers per 1,000 citizens in non-Indian communities with populations under 10,000.
- A minimum of 4,290 sworn officers are needed in Indian Country in order to provide the current level of coverage as afforded by most communities in the United States.
- Among the most important challenges facing tribal officers and departments is the provision of 24/7/365 (around-the-clock) law enforcement coverage to their communities.

- Tribal departments rarely have more than one officer on duty at any given time, and their officers often work without adequate backup.
- The challenge is to create workable, nation-specific policing institutions and approaches formed by traditional customs that offer the best foundation for improving safety, preventing crime, and promoting the practice of effective policing in Indian Country.

On May 3, 2011 Elbridge Coochise, Chief Justice, Retired and a member of the Independent Tribal Courts Review Team, testified before the House Commerce, Justice, Science, and Related Agencies Appropriations Subcommittee for the Fiscal Year 2012 Bureau of Indian Affairs Appropriations. Key excerpts of his testimony follow:

- *The Bureau of Indian Affairs (BIA) within the Department of Interior (DOI) provides funding to Tribal governments to supplement their justice systems for a broad array of activities including courts. Tribal courts play a “vital role” in Tribal self-determination and self-governance as cited in long-standing federal policy and acts of Congress. Funding levels from BIA/DOI to support Tribal justice systems have not met Federal obligations and responsibilities.*
- *For the past 5 years, the Independent Court Review Team has been traveling throughout Indian Country assessing how Tribal Courts are operating. During this time, we have completed approximately 73 court reviews. There is no one with more hands-on experience and knowledge regarding the current status of Tribal Courts than our Review Team.*
- *We have come into contact with every imaginable composition of Tribe; large and small, urban and rural, wealthy and poor. What we have not come into contact with is any Tribe whose court system is operating with financial resources comparable to other local and state jurisdictions.*
- *Among the six critical items E. Coochise noted in the teams justification for an increase in funding were: (1) the hiring and training of court personnel; and (2) security systems to protect court records and privacy of case information. He added that most Tribal Courts do not even have a full time bailiff, much less a state-of-the-art security system that uses locked doors and camera surveillance. E. Coochise made a point of saying that this is a tragedy waiting to happen.*

- *Assessments have indicated that the Bureau of Indian Affairs only funds Tribal Courts at 26% of the funding needed to operate. Tribes who have economic development generally subsidize their Tribal Courts. On the flip side, Tribes who cannot afford to assist in the financial operations of the Court are tasked with doing the best they can with what they have even at the expense of decreasing or eliminating services elsewhere. This while operating at a disadvantage with already overstrained resources and underserved needs of Tribal citizens. The assessment suggests that the smaller Courts are both the busiest and most underfunded.*

**Courts in the U.S. Territories of: American Samoa, Guam, Northern Mariana Islands, Puerto Rico, and U.S. Virgin Islands**

**American Samoa** - The High Court of American Samoa is the highest court, below the United States Supreme Court, in American Samoa. The High Court is located in the capital city of Fagatogo, Samoa. It consists of a Chief Justice and Associate Justice, who are appointed by the U.S. Secretary of the Interior. The High Court of American Samoa also has several Samoan Associate Judges who sit with the Chief Justice and Associate Justice. Normally, two Associate Judges will preside with the Chief Justice/Associate Justice on every case. The United States established American Samoa's judicial system when the island became a U.S. territory. The High Court of American Samoa is the court of general jurisdiction for the territory. Congress has given the high court federal jurisdiction in a number of areas, but it still lacks jurisdiction in a number of important matters, including bankruptcy and federal crimes listed in Title 18 of the United States Code. Court security is provided by local law enforcement with assistance from marshals.

**Guam** - In Guam, there is a two-tier hierarchy of local courts: The Supreme Court of Guam is the highest judicial body of the Territory of Guam. The Supreme Court hears all appeals from the Superior Court of Guam and is subject to original jurisdiction only in cases where a certified question is submitted to it by a U.S. Federal Court, the Governor of Guam, or the Guam Legislature. The Supreme Court of Guam is the ultimate judicial authority on local matters, and an appeal of its decisions can only be heard by the Supreme Court of the United States. The Supreme Court resides at the Monessa G. Lujan Memorial Courtroom, Guam Judicial Center, in Hagnata, Guam. Guam has a person in charge of court security which

functions under the auspices of their supreme court. The Supreme Court also relies on assistance from resident U.S. Marshals in court security assessment and training.

The Supreme Court is composed of three justices who are appointed by the Governor of Guam and confirmed by the Guam Legislature. Justices serve life appointments but are subject to a retention election every ten years. The three justices issue judgment on all cases brought before them and they all sit on the Judicial Council of Guam, which is ultimately in charge of the administration of the Guam Judiciary. The Superior Court of Guam is a court of general jurisdiction, and the seven judges and one hearings officer preside over criminal, civil, juvenile, probate, small claims, traffic, and child support cases brought before them. The Courts and Ministerial Division, within the Superior Court, is the first point of contact for people seeking the services of the courts of justice, as this division accepts the filing of all legal pleadings, and is responsible for processing and distributing documents appropriately.

**Commonwealth of the Northern Mariana Islands (CNMI)** - The Supreme Court is the appellate court for the Islands, with jurisdiction to hear appeals from final judgments and orders of the CNMI Superior Court. All appeals from the CNMI Supreme Court go directly to the United States Supreme Court. The CNMI Supreme Court consists of three Justices appointed by the Governor for a term of eight years. A justice wanting to serve another term must receive voter approval in a retention election. Local law enforcement provides court security on the islands.

The CNMI Superior Court is the Commonwealth's trial court, with general jurisdiction over civil and criminal proceedings. Five Commonwealth Superior Court judges preside in courtrooms at the Judicial Building in Susupe, Saipan; with proceedings also being conducted periodically at courthouses in Rota and Tinian. Judges are appointed by the Governor and confirmed by the Commonwealth Senate. The term of office is six years. After the first and subsequent terms, a judge wishing to serve additional terms must receive voter approval in a retention proposition presented on a general election ballot. Commonwealth Superior Court proceedings are largely governed by Commonwealth court rules applying in various types of proceedings (e.g., the Commonwealth Rules of Criminal Procedure).

**Puerto Rico** - The Supreme Court of Puerto Rico is the highest court of the Commonwealth of Puerto Rico, having judicial authority within Puerto Rico to interpret and decide questions of Commonwealth law. As the highest body of the judicial branch of the Puerto

Rican government, it is analogous to the state supreme courts in the U.S. The Supreme Court of Puerto Rico holds its sessions in the city of San Juan, Puerto Rico. Puerto Rico has a well organized marshals model service that is employed, trained, and supervised by their Office of Court Administration. The boost of an integrated CCTV security camera system functions in courthouses across the island's 13 regions and two appellate courts.

The Puerto Rican Judicial System is directed by the Supreme Court. The Supreme Court is formed by seven judges (a chief justice and six associate justices) appointed by the Governor and confirmed by the senate of Puerto Rico. The structure of the Judicial System includes a Court of Appeals, Superior Court, a District Court (civil & criminal), and Municipal Court. There are 13 judicial districts called regions in Puerto Rico.

**Virgin Islands** - The Supreme Court of the Virgin Islands is the highest court in the territory of the U.S. Virgin Islands. There are three Supreme Court justices who are each appointed by the Governor and confirmed by the Legislature for a ten year term. Reappointments are for life. The Supreme Court consists of a Chief Justice and two Associate Justices. There is no intermediate court of appeals. Appeals of Supreme Court decisions are heard by writ of certiorari by the United States Court of Appeals for the Third Circuit during the Supreme Court's first fifteen years unless the U.S. Congress acts to shorten the oversight period. Thereafter, appeals from the Virgin Islands Supreme Court will be to the United States Supreme Court. The Supreme Court employs court security personnel and works with the island's law enforcement personnel.

The Virgin Islands Superior Court is the Trial Court of general jurisdiction for the U.S. Virgin Islands. Judges are appointed by the Governor and confirmed by the Legislature. There are two divisions (St. Thomas/St. John and St. Croix) within the Superior Court.

The Superior Court has broad jurisdiction in addressing the legal needs of the Virgin Islands community. The Superior Court hears all local trial matters including civil, criminal, family, probate, landlord-tenant, small claims, and traffic cases. It also acts as a court of appeals for decisions of all governmental officers and agencies. The Supreme Court reviews decisions of the Superior Court. Parties may however seek further review by the United States Court of Appeals for the Third Circuit; with final review authority resting in the United States Supreme Court.

## **References**

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