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Reno, Nevada 89557

# JUDICIAL SECURITY

## 2014 SURVEY REPORT

*Analysis of personal and on-site security measures as identified by a self-selecting cohort of National Judicial College judicial alumni.*

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# Acknowledgements



The National Judicial College thanks the National Center for Judicial Security, U.S. Marshals Service, Judicial Security Division for its ongoing dedication to raising awareness and providing technical assistance around judicial safety and security. Their efforts in developing this survey and analyzing the results were instrumental to the completion of this project.

## ABOUT THE NATIONAL CENTER FOR JUDICIAL SECURITY

In Fiscal Year 2008, the U.S. Marshals Service established a National Center for Judicial Security which is operated, staffed, and managed by employees and contractor staff of the Judicial Security Division. The Center provides educational, operational, and technical functions that are designed to serve various needs of a national, and in some cases, an international constituency. They also provides a wide range of support and services to municipal, city, county, state, federal, and international jurisdictions related to the security operations of their respective court systems and the protection of members of the judiciary and extended court family.

# Executive Summary

In fall 2014, The National Judicial College (NJC), in partnership with the U.S. Marshals Service, Judicial Security Division (USMS), asked over 10,000 NJC alumni to participate in a survey regarding their personal experiences with communications, threats, and system responses. This report tabulates the survey results and was written to identify perceived security vulnerabilities and the security measures which can be utilized to mitigate them. It illustrates the judges' views on their current state of security both in and out of the courthouse and provides insight into the factors that influence a judge's behavior as a result of perceived and real risks. It is hoped that the information within this report will be used by judges, court administrators, security providers, and those with a vested interest in security to provide a foundation for further dialogue with the judiciary on overall security matters. It is also hoped that this survey is used as a catalyst to further research and identify systemic, personal, physical and legal risks to the justice system. Judges shared their experiences in the following areas:

## INAPPROPRIATE COMMUNICATION AND THREATS

Judges responding to the survey indicated that they had received an inappropriate communication either at home, at work, or in transit, regardless of their jurisdiction or docket.

## REPORTING OPPORTUNITIES

Judges who had received an inappropriate communication or threat had a formal outlet for a report, either law enforcement or security personnel. Others chose to report informally to colleagues or family. A minority chose not to report at all.

## EXISTING SECURITY MEASURES

Many judges reported personal and institutional security measures including courthouse security, home security, and safety plans.

## FAMILY SAFETY

Several judges noted that family had been threatened as a result of their position as judge, and judges work with their families to include family members in safety planning.

# Introduction

## IMPETUS FOR SURVEY

The impetus for this survey was twofold:

1. A lack of threat and security based data, especially among certain types of judges, and
2. An observed inconsistency in the standard of security procedures throughout all types of judicial and administrative institutions.

Of paramount concern is the lack of threat- and security-based data which would assist security personnel with obtaining and establishing better security standards for judges in their jurisdictions. This lack of data makes it challenging for court administrators to request additional funding for security upgrades because there is little or no evidence to support the necessity of safety enhancements. The data in this report can be utilized to assist in closing security gaps, mitigating risk to personnel, and as a means to secure additional funding for security improvements.

The second concern is the inconsistency in the standard of security procedures throughout all types of judicial and administrative institutions. Not all judges, states or institutions share the same security, funding or emergency preparedness. Some jurisdictions employ strong security measures while others have limited access to the resources required to maintain a minimal level of safety and security.

As the National Center for State Courts instructs, it is essential for judges and court administrators to understand why incidents occur and what incites inappropriate communications and threats.<sup>i</sup> The awareness gleaned from “understanding” will allow judicial security professionals to better instruct the courts on what actions to take in the event of emergency.

## METHODOLOGY

The NJC disseminated a survey to state, local, tribal, military and administrative judges across the country on a variety of security related questions that can impact judicial decision-making across the United States.<sup>ii</sup> The survey consisted of 30 questions that were provided to over 10,000 NJC alumni. Questions focused on threats and inappropriate communications received from litigants as well as the respondent’s views on the current state of security both in and away from the courthouse. Interest in completing the survey was great – 1,281 (about 10% percent) of those queried responded to the survey. Judges were permitted to skip all questions except for the first question, which asked about judge type. All non-judge survey respondents were automatically disqualified from completing the survey.

This report can be used by security providers, judges, court administrators and those with a vested interest in security to provide a foundation to further dialogue with the judiciary on overall security matters. It is also hoped that this report is used as a catalyst to further research and identify systemic, personal, physical and legal risks to the justice system.

For the purposes of the survey, the NJC and the USMS used the following definitions: An **inappropriate communication** is any contact beyond the normal course of business, whether written, verbal, or behavioral, that conveys a threatening, harassing, or unsettling message. They range from explicit threats of harm to questionable or bizarre language or references. Suspicious behavior, such as stalking, pseudo-legal court filings, and unreasonable solicitations should be considered inappropriate communications. Defining a communication as inappropriate is subjective and contextual, but an effort should be made to distinguish between communications of a truly inappropriate nature and free speech that may be disagreeable but not improper. **Threats** are inappropriate communications that express, explicitly or implicitly, the intent or desire to cause harm, or the belief that harm will be done. Threats are not necessarily direct or obvious.

## ANALYSIS

Each of the thirty questions was analyzed in light of existing data on judicial security kept by the NJC, the USMS, or other organizations that provide technical assistance to courts. Survey responses are displayed in graph form, and suggestions are given to resolve possible gaps in security for each question.

# Question One – Type of Judge

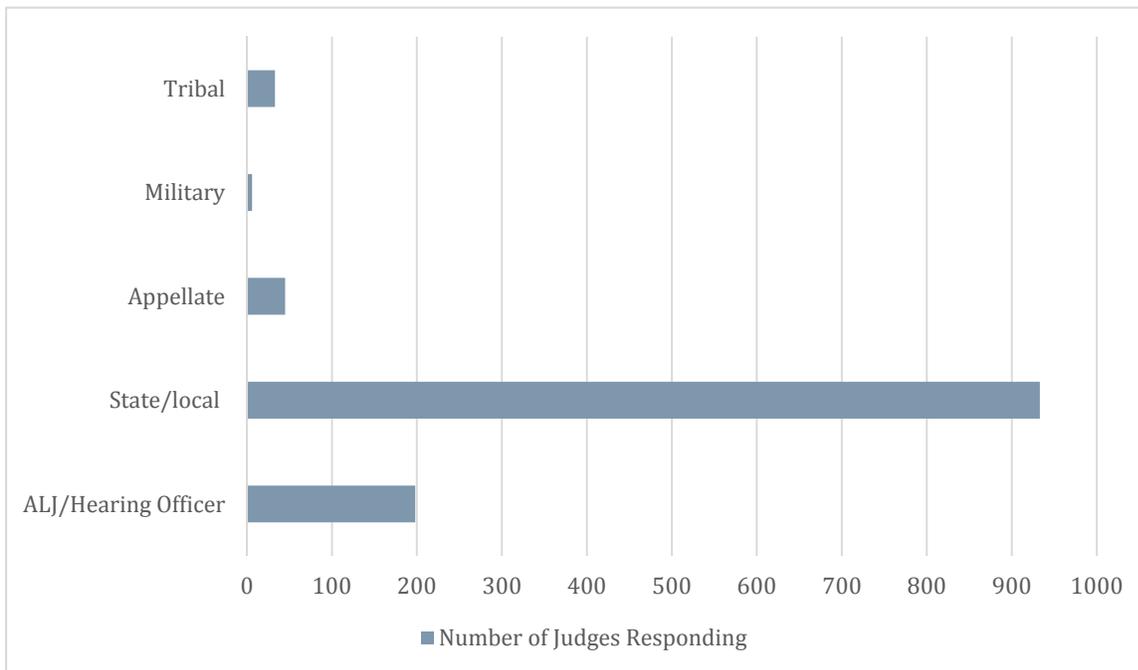
## WHAT TYPE OF JUDGE ARE YOU?

Judges were asked about the types of cases over which they preside to conduct a more accurate and in-depth look at the security challenges each judge type faces in his or her unique environment.

The data in question one reflects the types of judges and judicial officers who responded to this survey. Responding were 1,281 judges; 33 tribal judges (2.58%), six military judges (.47%), 48 appellate judges (state appellate or supreme courts, 3.75%), 198 administrative law judges and hearing officers (15.46%), and 933 state and local court judges (72.83). There were 63 individuals who attempted to take the survey but were disqualified because they were not judicial officers.

## QUESTION 1 – TYPE OF JUDGE

ANSWERED: 1,281 SKIPPED: 0



## Question Two – Inappropriate Communication

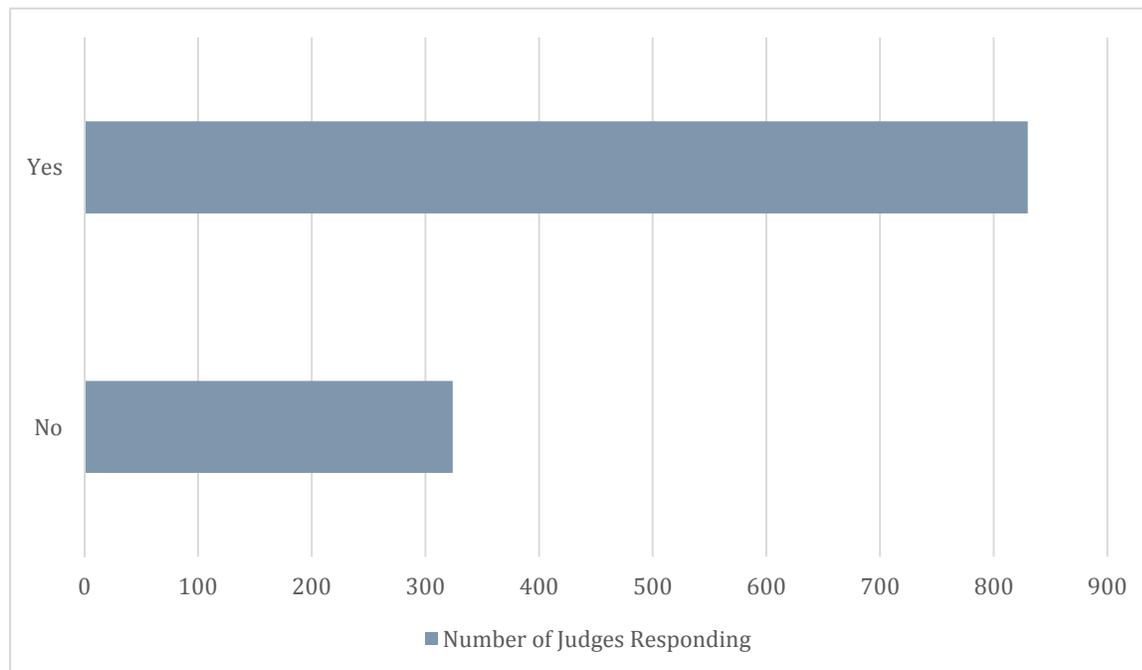
HAVE YOU EVER RECEIVED AN INAPPROPRIATE COMMUNICATION AS A RESULT OF YOUR POSITION AS A JUDGE? (I.E., THE INAPPROPRIATE COMMUNICATION CAME FROM A LITIGANT, SOMEONE ASSOCIATED WITH A CASE BEFORE YOU, OR A DECISION YOU MADE.)

Inappropriate communications are often inherent in the profession of a judicial officer and are not uncommon, as evidenced by the responses in Question Two. Almost three-quarters of the judges (71.92%) noted that they received an inappropriate communication from a court related decision. The USMS statistics echo these findings. In fiscal year 2013, The Office of Protective Intelligence assessed, mitigated and deterred 1,115 threats and inappropriate communications involving the judiciary.<sup>iii</sup> Moreover, a 1999 survey of 1,029 Pennsylvania state court judges found that 51.8% percent reported being the target of an inappropriate communication. In the same report, it was noted that more than 25% of the state court judges that were surveyed were also physically approached.<sup>iv</sup>

Providing judicial security personnel and judicial officers with a common knowledge base will help judicial officers identify what behaviors are indicators of future violence escalation. This is especially important when a judicial officer receives a threat or inappropriate communication.

### QUESTION TWO – INAPPROPRIATE COMMUNICATION

ANSWERED: 1,154 SKIPPED: 12



## Question Three – Place of Inappropriate Communication

IF YES, WHERE/WHEN WAS THE COMMUNICATION RECEIVED? CHECK ALL THAT APPLY.

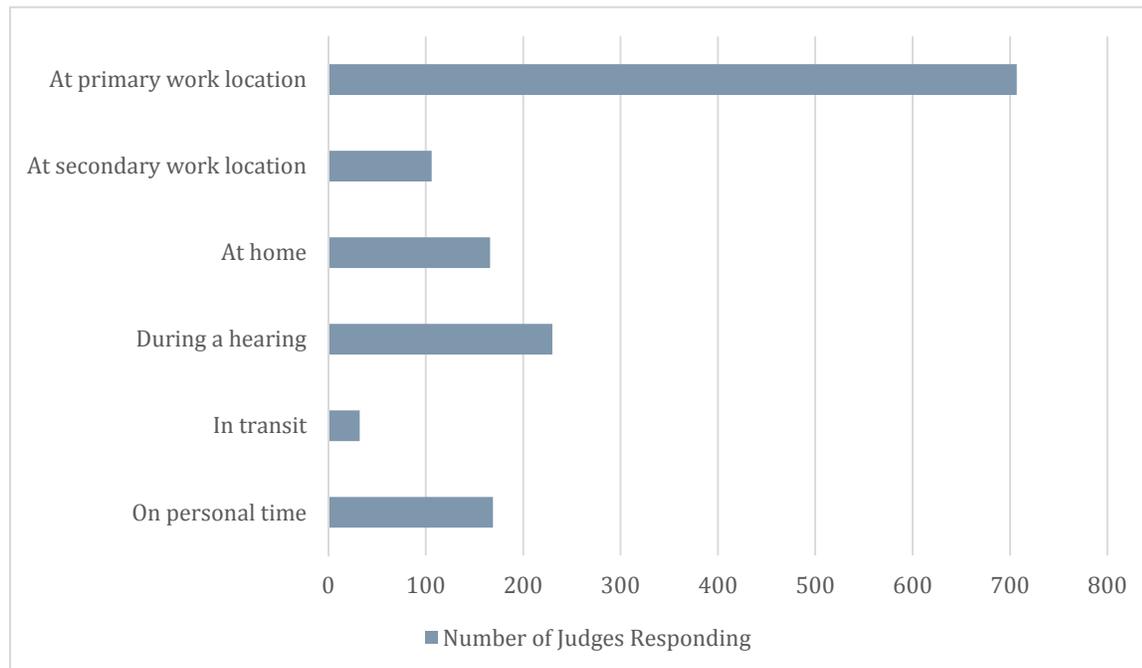
Threats and inappropriate communications can be seen at and away from the courthouse and present the potential for impending danger to judges, their family and staff. Question Three asked judges to identify where and when these communications were received in order to identify where and when judges and judicial officers are most vulnerable. Judges could provide multiple responses if multiple communications were received and many did; 814 judges provided 1,410 instances of inappropriate communication.

The following comments from judges highlight the seriousness of threat and creativity of the threatener:

1. “Homemade billboard on house and pickup.”
2. “A defendant approached me while I was attending my regular place of worship. I notified the Judicial Threat Section that was in place.”
3. “Dead bats placed on my vehicle windshield at home and work.”
4. “A dead cat signifying what will happen to me, also related to removal of a child from a mentally ill person.”
5. “On my email, via cell, texts, at the grocery store, home phone, etc. this is a very small community and people seem to think the judge is approachable all the time.”

### QUESTION 3 – PLACE OF INAPPROPRIATE COMMUNICATION

ANSWERED: 814 SKIPPED: 467



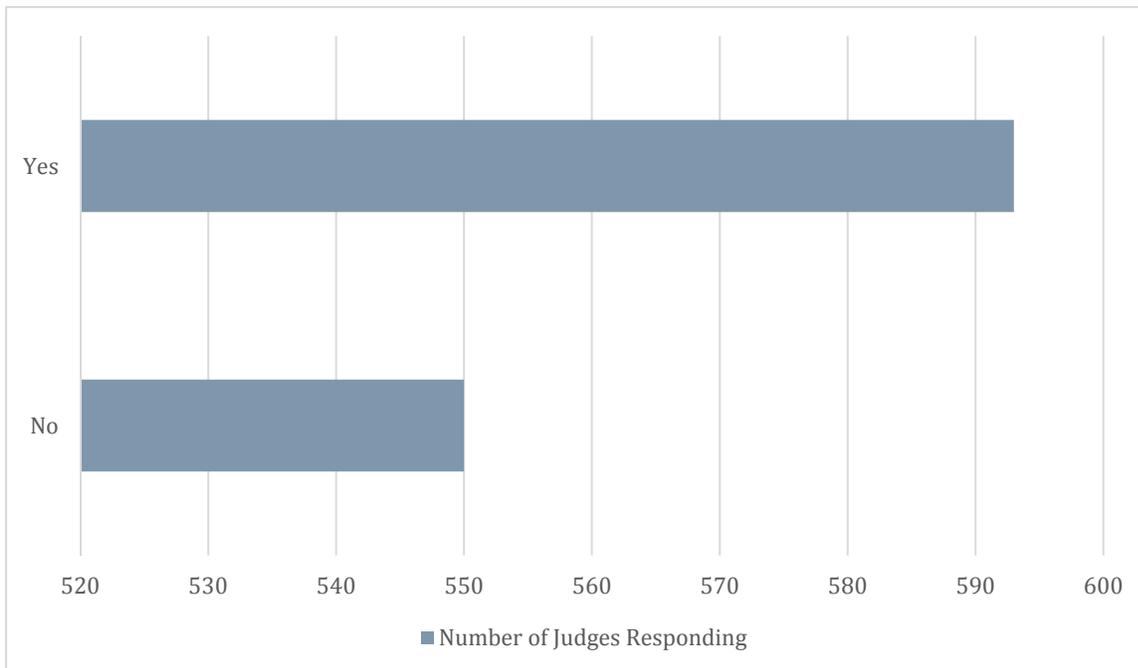
## Question Four – Threats to the Judge

HAVE YOU EVER BEEN THREATENED AS A RESULT OF YOUR POSITION AS A JUDGE? (I.E., THE THREAT CAME FROM A LITIGANT, SOMEONE ASSOCIATED WITH A CASE BEFORE YOU, OR A DECISION YOU MADE.)

Out of the 1,143 judges responding to Question Four, 593 (51.88%) said they'd been threatened as a result of their position as a judge. Many also gave additional beneficial information in Question Five about where specifically these inappropriate communications and threats were taking place. They noted such places as letters, through third parties, and many other sources. While there is a measure of danger inherent in the position of a judge, this danger can be managed by providing personal security education, properly assessing threats and inappropriate communications, and establishing threat management techniques to monitor on-going threat investigations.

### QUESTION FOUR – THREATS TO THE JUDGE

ANSWERED: 1,143 SKIPPED: 138



## Question Five – Means of Threat

IF YOU HAVE BEEN THREATENED, BY WHAT MEANS WAS THE THREAT CONVEYED? CHECK ALL THAT APPLY.

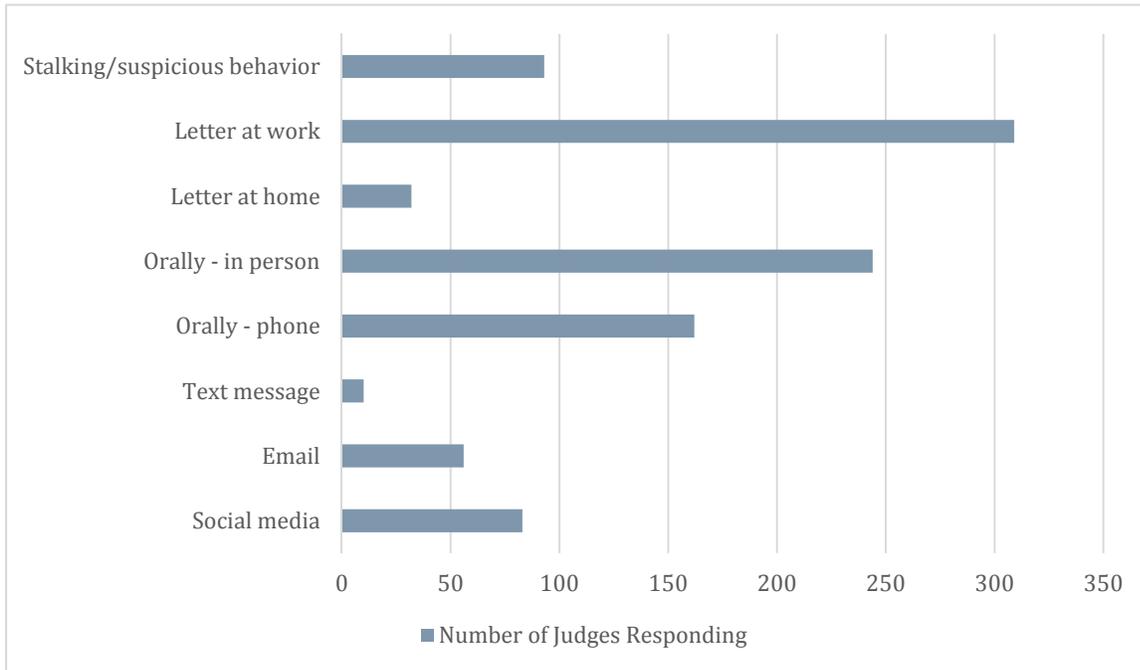
The judges' responses revealed one concept that is crucial to understand during the 21<sup>st</sup> century: inappropriate communications and threats are constantly being conveyed through technological advancements such as text messages (1.83%), email (10.28%), and social media (15.23%). As the modes of communication change so will the ways that threats are communicated. With the advancements of the 21<sup>st</sup> century also comes the opportunity for litigants to threaten judges even while they are within the confines of their own home. It is essential for security officials to expand judges' protection to meet the requirements of the 21<sup>st</sup> century, but more importantly, to always have an available source for judges to report to and prevent more court-targeted acts of violence.

The following comments from judges highlight the seriousness of threat and creativity of the threatener:

- “After finding a defendant guilty and sentencing him. The next morning when we came to work we found a bullet hole through the front door; a filing cabinet stopped the bullet.”
- “Communication received from VA psychiatrist after veteran committed and admitted to 2 weeks of stalking and plan to place bomb on personal vehicle.”
- “Liquid plumber bomb with roofing nails placed on my front porch. Also had another incident years apart where a dry ice explosive was thrown out beside my home.”
- “I was almost murdered by a litigant. He killed his ex-wife's husband, tried to kill her but she managed to escape. He then shot himself when he couldn't find her. He had a list in his possession with my name, home address, courthouse address where I was presiding that day, guns, ammo, and the makings of Molotov cocktails. Had his ex-wife not escaped, he clearly was coming after me next. In furtherance of his master plan he had rented a car and disguised himself with a wig. I had last had any contact with him 12 years earlier when I presided over their divorce.”
- “Intimidation by going after family member.”

### QUESTION FIVE – MEANS OF THREAT

ANSWERED: 545 SKIPPED: 736



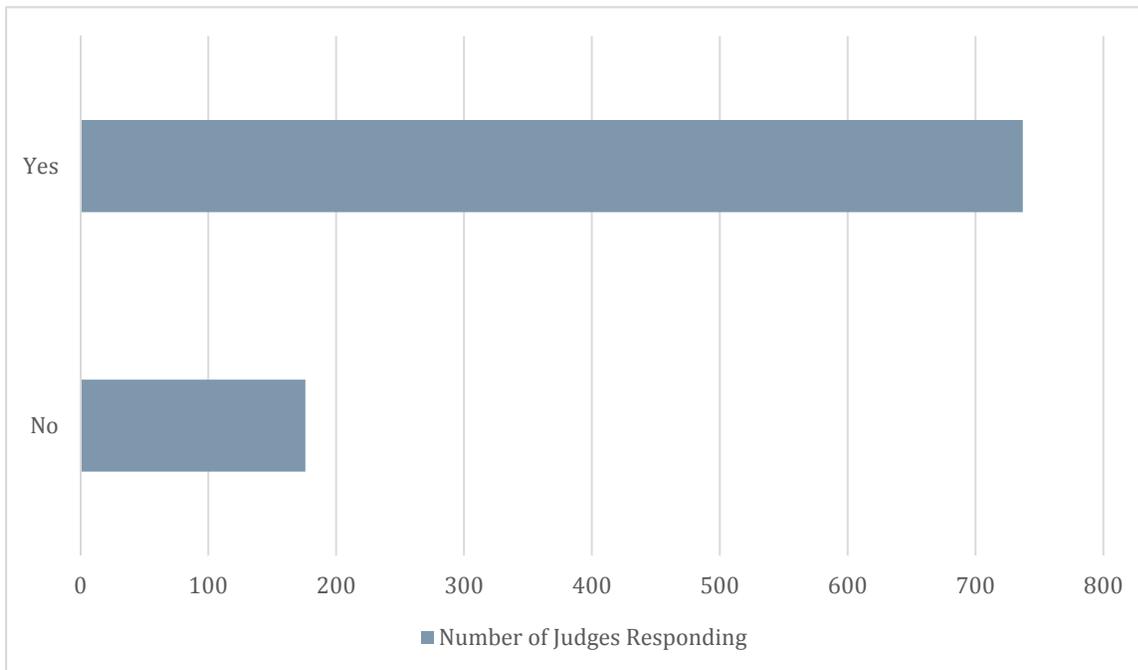
## Question Six – Threats Related to Specific Case

IF YOU HAVE RECEIVED AN INAPPROPRIATE COMMUNICATION OR THREAT, WAS IT RELATED TO A SPECIFIC CASE?

A revealing, but not surprising, bit of data was whether an inappropriate communication or threat was related to a specific case. Most appeared to be: 737 (80.72%) judges indicated that they were related to a specific case. As Judge Chuck Weller said in his Judicial Studies Program doctoral thesis *Statutory Response to Court Security Concerns*, “In the case of court-targeted violence directed toward judges, the perpetrator of violence and the judge usually are familiar with each other, as a result of having interacted in the courtroom.”<sup>v</sup>

### QUESTION SIX – THREATS RELATED TO SPECIFIC CASE

ANSWERED: 913 SKIPPED: 368



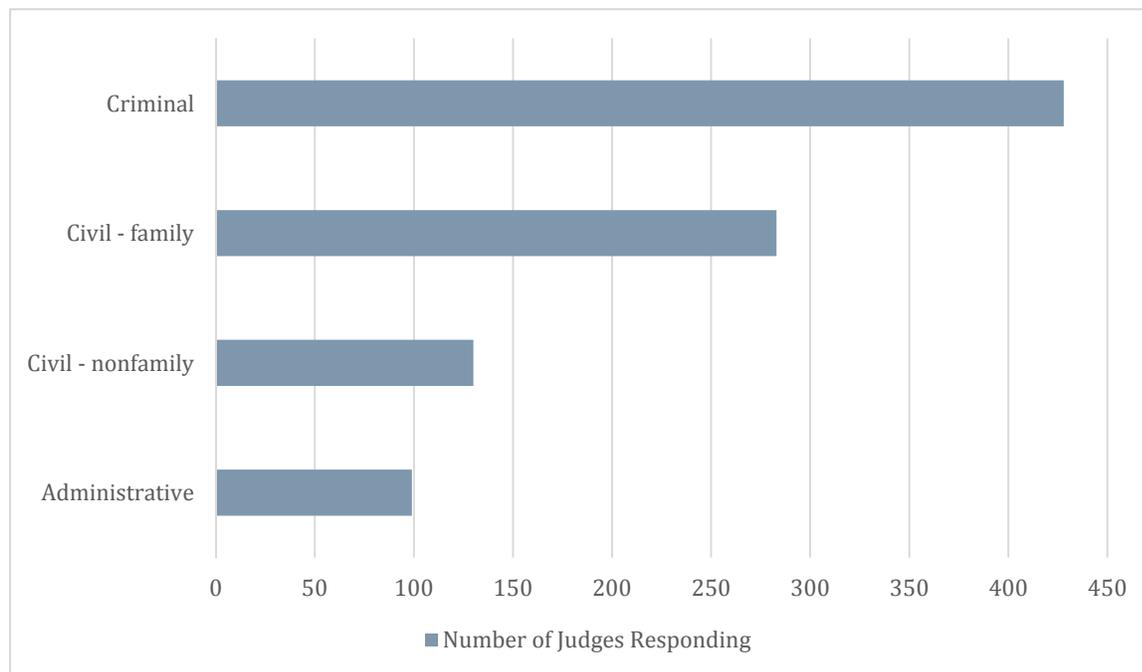
## Question Seven – Case Type for Threat

IF YES, WAS THE CASE...

Now that the survey identified when and where the inappropriate communication or threat occurred, by what means it was conveyed, and whether it was related to a specific case, the survey then asked judges to identify the type of case that the communication or threat stemmed from. No one case type dominated the responses. Out of the 753 responses, 512 (43.16%) of the cases were civil and administrative and 428 (56.84%) were criminal.

### QUESTION SEVEN – CASE TYPE FOR THREAT

ANSWERED: 753 SKIPPED: 528



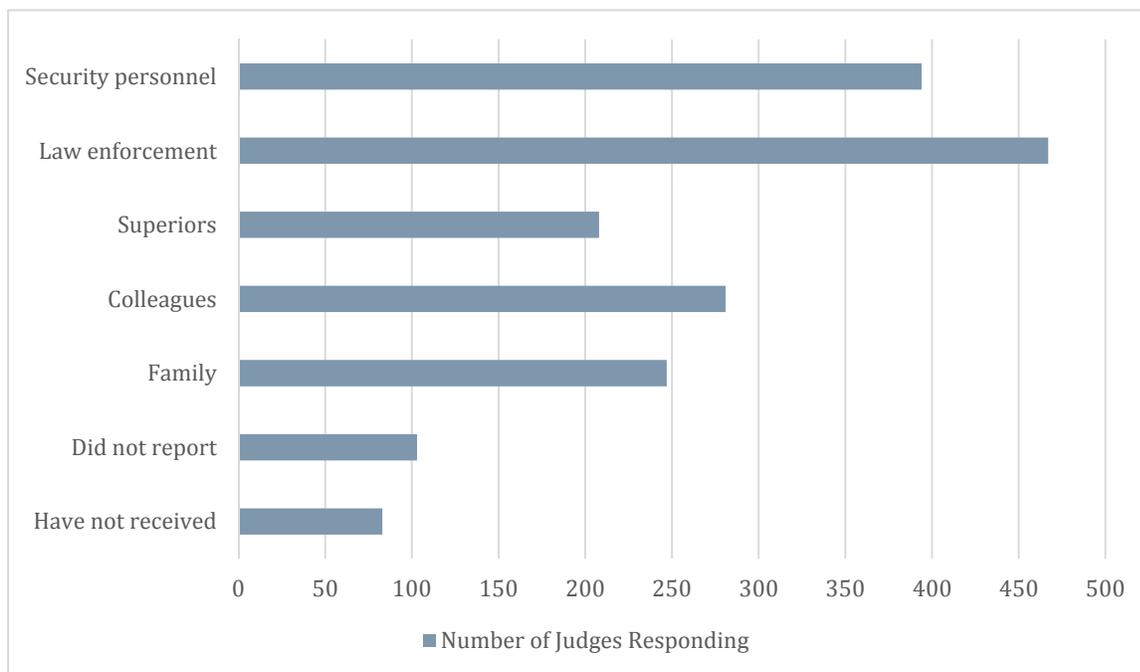
## Question Eight – Reporting Threats

WHEN YOU HAVE RECEIVED A THREAT OR INAPPROPRIATE COMMUNICATION, TO WHOM DID YOU REPORT? CHECK ALL THAT APPLY.

These court-targeted acts of violence or attacks on state and local judges have continued to grow within the recent years. Data from the National Center for State Courts shows a steady climb in inappropriate communication and threats.<sup>vi</sup> With such a high number of incidents occurring at and away from the courthouse, most judges find some way to report the conduct. Question Eight shows that a high percentage of judges (96.63%) are reporting threats/inappropriate communications to law enforcement officers and security personnel. Although most judges report these incidents, there are still some not reporting at all. Security professionals such as the National Center for Judicial Security strongly urges these judges to start reporting and “join your court’s security committee and if one does not exist, create one.”<sup>vii</sup>

### QUESTION EIGHT – REPORTING THREATS

ANSWERED: 891 SKIPPED: 390



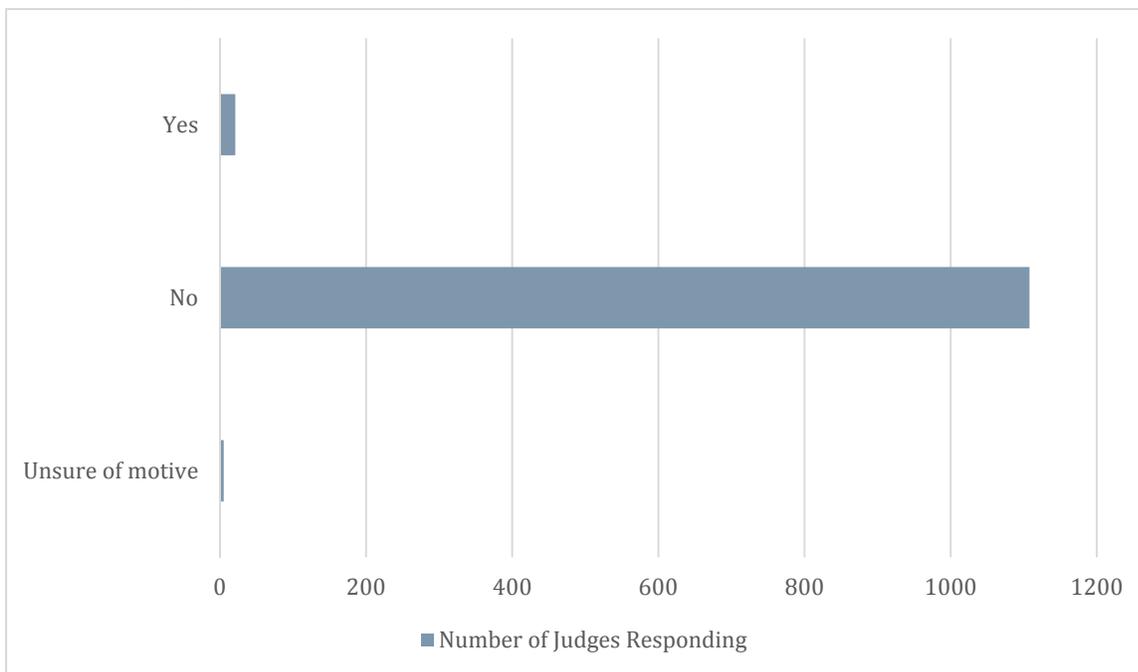
## Question Nine – Physical Attacks

HAVE YOU EVER BEEN PHYSICALLY ATTACKED BECAUSE OF YOUR POSITION AS A JUDGE? (DO NOT INCLUDE ASSAULTS UNRELATED TO YOUR POSITION.)

While the vast majority (97.79%) of judges noted that they had not physically attacked because of their position as a judge, 21 judges (1.85%) had been physically attacked. Even one attack on a judge is too many. These responses further stress the need for proper security staff and equipment.

### QUESTION NINE – PHYSICAL ATTACKS

ANSWERED: 1,133 SKIPPED: 148



## Question Ten – Effect on Decision-Making

HAS CONCERN FOR YOUR SECURITY EVER CAUSED YOU TO HESITATE BEFORE TAKING CERTAIN ACTION IN A CASE?

All judges are tasked with the responsibility to accurately interpret the law in a variety of circumstances. Judges' decisions directly impact the lives of the citizens they serve or as the administrator for the National Center for Judicial Security instructs, "It is a simple, indisputable fact: [in court,] you determine who wins and who loses."<sup>viii</sup> Interviews with many suspects who conducted violent attacks against judicial officers reveal that they felt disrespected and that they were not given a chance to have their voices heard. Judges are often instructed on procedural fairness to limit the potential for them to feel that they were treated unfairly.

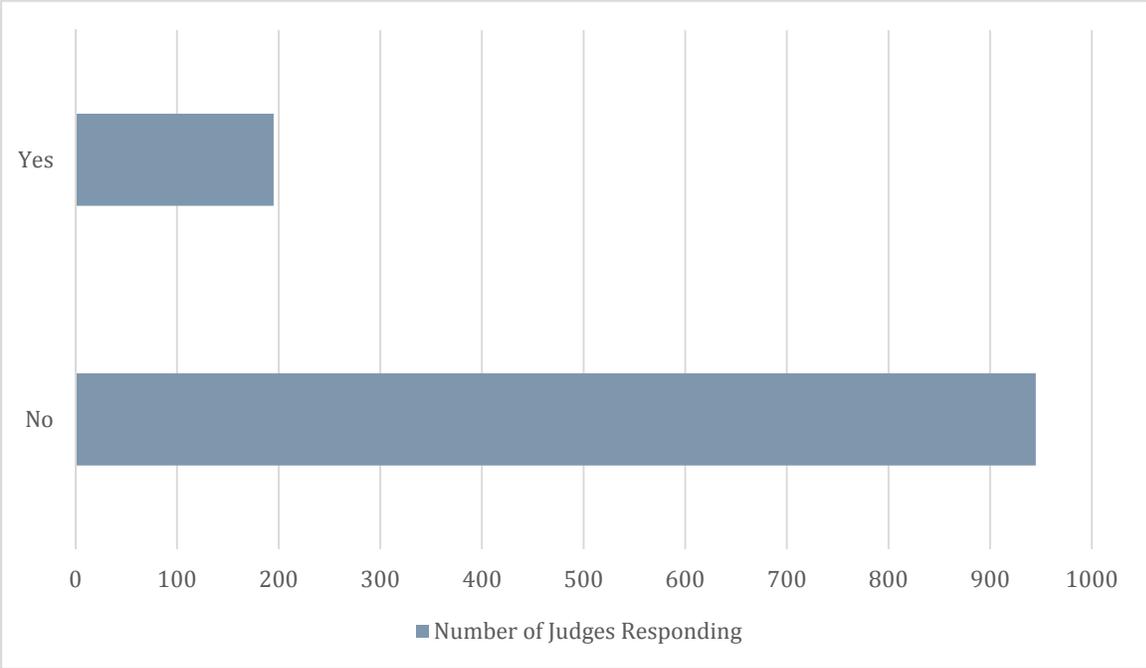
Although it is essential that judges always strive to remain impartial both in reality and in the litigants' eyes, their concern for their personal security should never be a stumbling block that hinders a potential decision. Question Ten was asked to see exactly how many judges hesitate before taking certain action in a case due to safety concerns. Out of the 1,140 judges that responded, 945 (82.89%) of them responded that safety concerns did not have an effect on decision-making. However, 195 (17.11%) responded that their concern for security has caused them to hesitate. These figures help to portray how detrimental the lack of security can be to both the judge and the citizens whom they serve.

Comments from survey participants:

- "Yes. I had a case wherein the individual appearing before was mentally ill and had previously been convicted of aggravated stalking. He began to send bizarre letters to me (e.g., promising that when the case was over he was going to take me to an Island that Donald Trump had given him, where we would have three sons and live happily ever after). I felt it was necessary to recuse myself from the case and it was assigned to a male colleague."
- The "Sovereign Man" issue remains on the primary reason I have delayed a ruling only because of the 'real threat' they pose. Local communities and county government minimizes the threats we deal with. I have no fear of doing the things we need to do just not in the courtroom but in writing when I didn't have to do it before. I worry very much about the staff or others in the room for court. They are masters of amplifying the mental stress nobody should have to face and it I don't see it diminishing anytime soon. We are very vulnerable!!! Anyone who is not following the law and resorts to outside sources (made up law) should have no standing in our court rooms and we should not need to live in fear in court or outside of it as well."

**QUESTION TEN – EFFECT ON DECISION-MAKING**

ANSWERED: 1,140 SKIPPED: 141



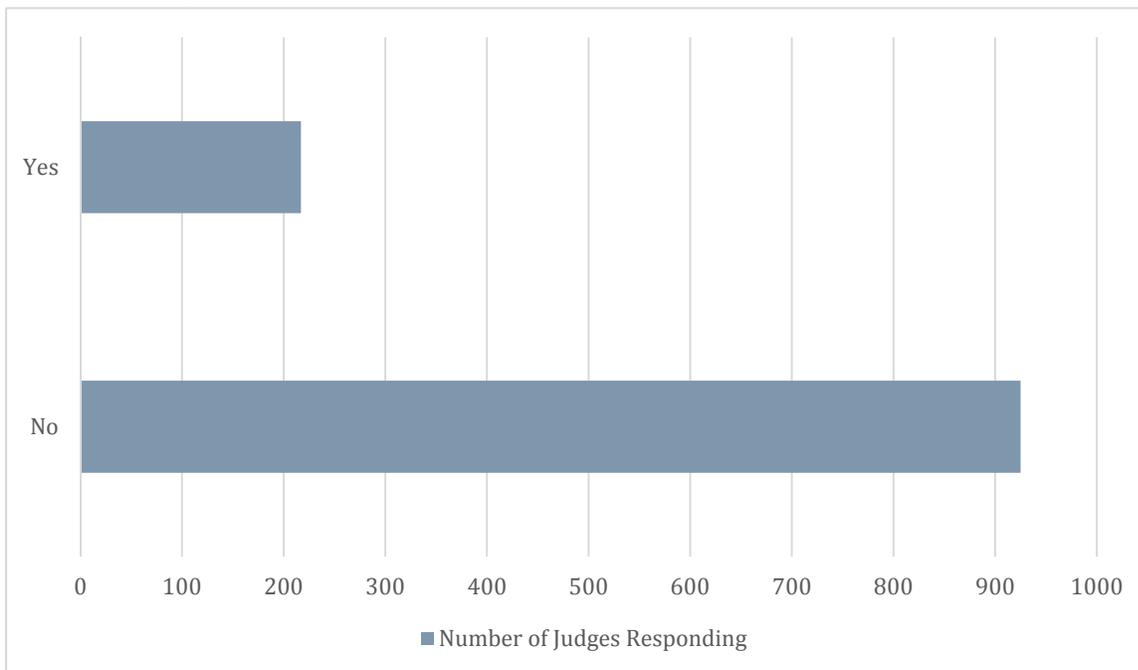
## Question Eleven – Effect on Personal Conduct

### HAS A CONCERN FOR YOUR SECURITY CAUSED YOU TO CHANGE YOUR PROFESSIONAL CONDUCT?

A lack of security can prove detrimental to a judge’s ability to ensure that justice is administered. This lack of security coupled with a concern for personal safety can cause a judge to change his or her professional conduct. Out of the 1,142 judges that responded, 925 (81%) of them indicated no change, while 217(19%) indicated that they had changed their professional conduct. While the extent of the change is not represented here, it can range anywhere from routinely requesting additional security during a sentencing hearing to the extreme measure of carrying a firearm while on the bench.<sup>ix</sup> In each instance, a concern for safety is the impetus for the action. As one judge replied to this question, “I used to be friendlier with people in court to put them at ease. Now I am more reticent to engage in any friendly banter or chit chat in court.”

### QUESTION 11 – EFFECT ON PERSONAL CONDUCT

ANSWERED: 1,142 SKIPPED: 139



## Question Twelve – Security of Family Members

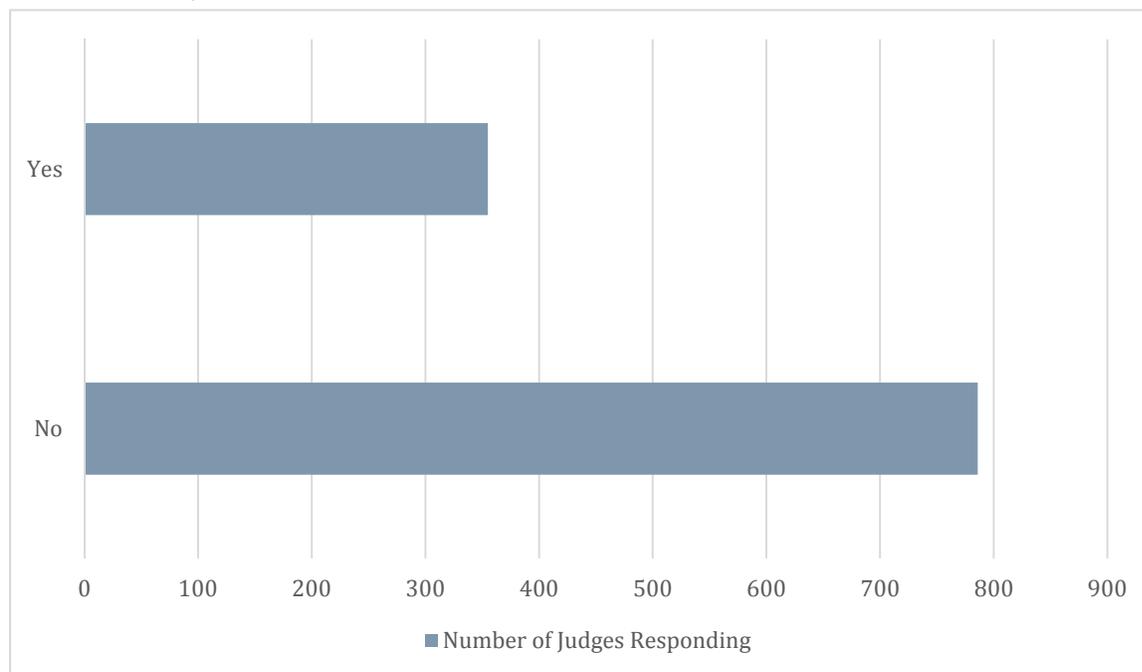
Individuals who hold the honored position of judge often find themselves making high-impact decisions that possess the potential to upset a large number of people. Although violence is not always a result of a litigant’s disfavor over a judge’s decision, it is a possibility that can cause judges and their families concern. Questions 12-14 were designed to illustrate how both judges and their families experience safety anxieties.

### HAS ANY FAMILY MEMBER EVER FELT UNSAFE BECAUSE OF YOUR POSITION AS A JUDGE?

According to the 1,141 judges that responded, 786(68.89%) answered that their family members have never felt unsafe. However, 355 (31.11%) judges answered that their family members have felt unsafe because of their position as a judge. Having a sound security plan (which is communicated to the judge and his or her family) can help security personnel manage the fears of those that they protect.

### QUESTION 12 – SECURITY OF FAMILY MEMBERS

ANSWERED: 1,141 SKIPPED: 140



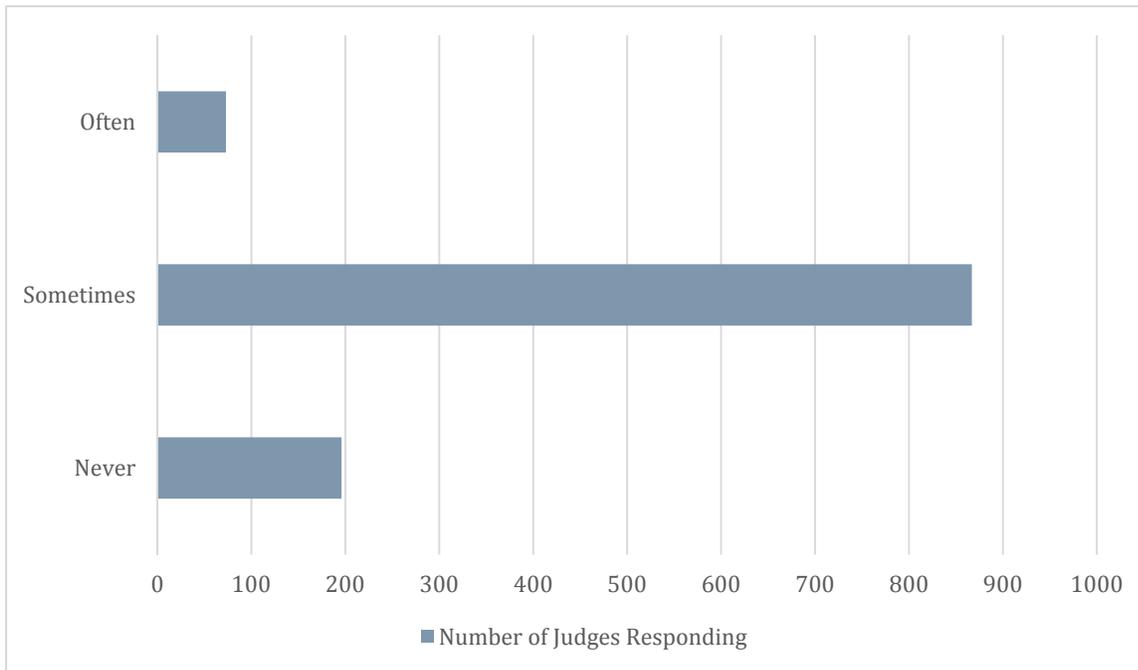
## Question Thirteen – Safety Worries

### DO YOU WORRY ABOUT YOUR SAFETY BECAUSE OF YOUR POSITION AS A JUDGE?

The majority of responses (over 80%) indicate that judges sometimes or often worry about their safety because of their position as a judge. Providing judicial security-based education will help judges and other judicial officers manage their fears by providing security tips and practices to keep them safe.<sup>x</sup>

#### QUESTION 13 – SAFETY WORRIES

ANSWERED: 1,136 SKIPPED: 145



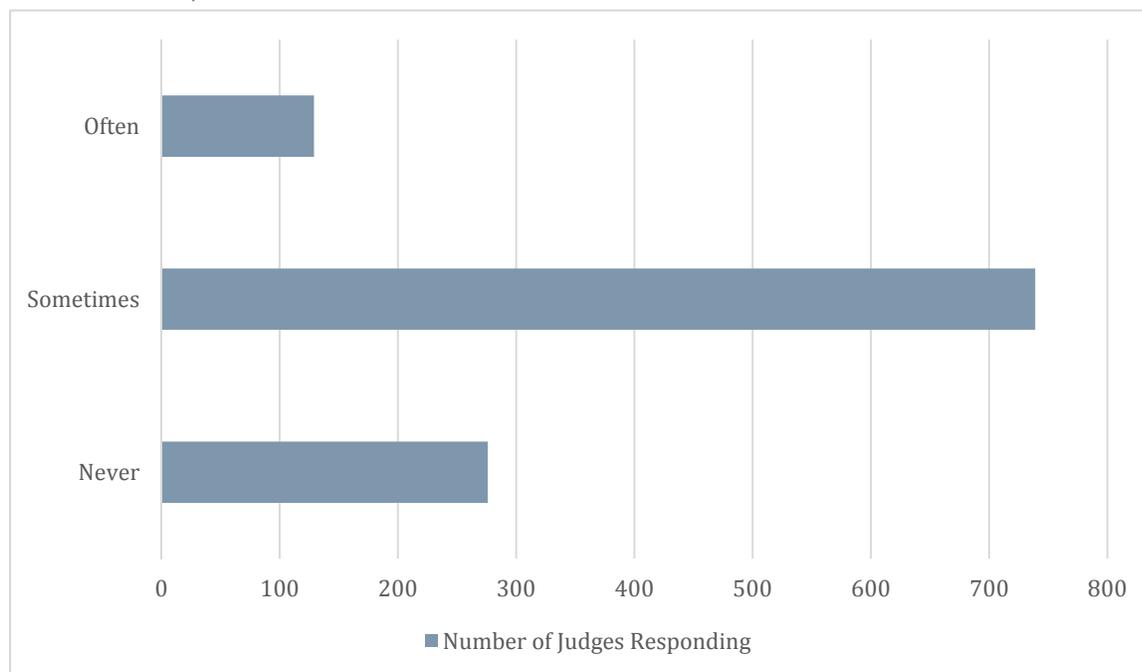
## Question Fourteen – Worries about Family Safety

### DO YOU WORRY ABOUT YOUR FAMILY’S SAFETY BECAUSE OF YOUR POSITION AS A JUDGE?

As in Question 13, a majority of judges worry about their family’s safety in addition to their own; 868 out of the 1,144 responses answered that they do worry about their family’s safety because of their position. This question should especially interest judicial security professionals around the country when they compare it to the responses in Question 13. Judges’ responses to these two questions show that their position causes them to worry more often about their individual safety compared to their families’ safety. This is not because they care more about themselves than they do their families; it is because they understand that angry litigants conduct these attacks or threats to seek revenge in direct response to their decisions. Judicial security professionals must constantly adapt to combat the challenges these litigants present and ultimately provide a safer, more secure environment for these judges to live and work.

### QUESTION 14 – WORRIES ABOUT FAMILY SAFETY

ANSWERED: 1,144 SKIPPED: 137



## Question Fifteen – Safety of Courthouse/Building

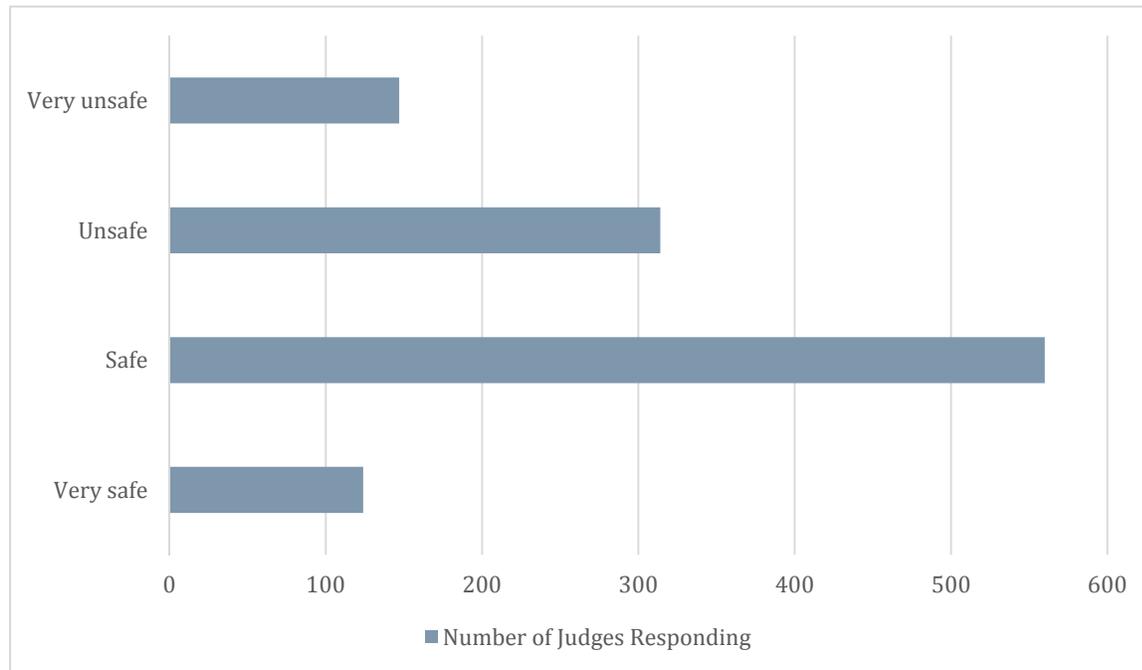
IN GENERAL, DO YOU FEEL THAT YOUR COURTHOUSE/OFFICE BUILDING IS:

Judges were split on this question. A small majority felt that their courthouse or office building was safe or very safe (59.74%), but almost half (40.26%) felt that their courthouse or office building was unsafe or very unsafe.

Courtroom violence has risen in the past twenty years. The Center for Judicial and Executive Security conducted a courtroom violence study and found that court room violence has risen incrementally from 1970 to 2009.<sup>xi</sup>

### QUESTION 15 – SAFETY OF COURTHOUSE/BUILDING

ANSWERED: 1,145 SKIPPED: 136



## Question Sixteen – Security Personnel

DOES YOUR WORKPLACE HAVE SECURITY PERSONNEL? CHECK ALL THAT APPLY.

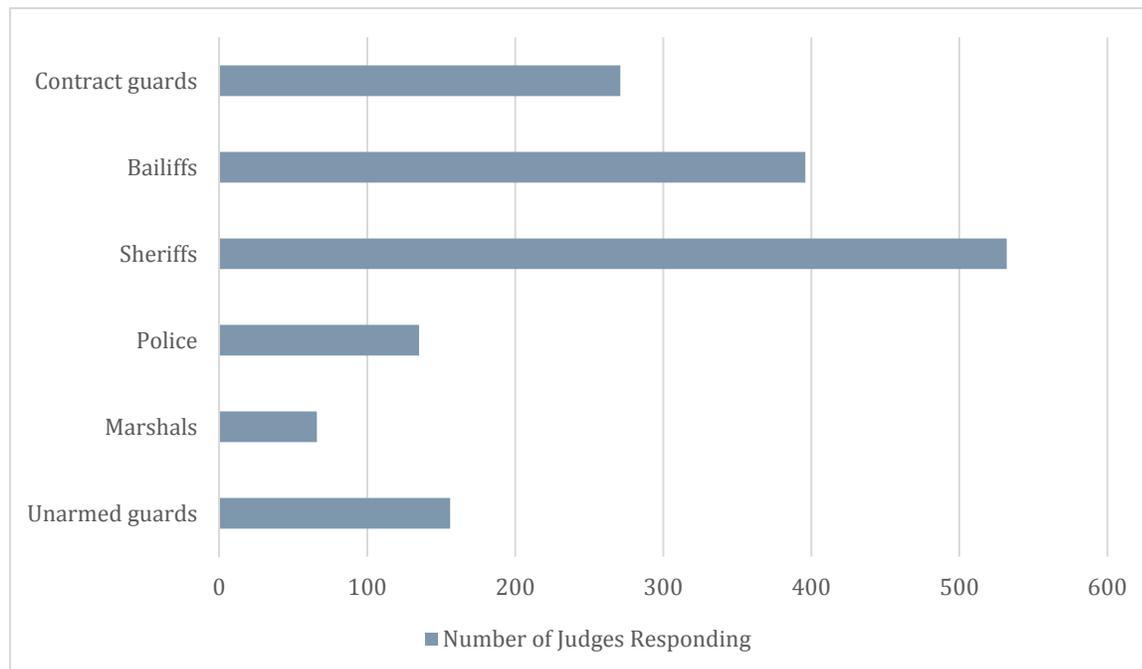
Security personnel such as sheriffs, police officers, bailiffs and unarmed guards secure persons including juries, judges, witnesses, office staff and citizens inside courtrooms and office buildings. Their responsibility is to prevent and protect justice by ensuring the safety of the public and personnel from potentially violent incidents.

In the comments section of Question 16, 115 judges explained that they did not have any security personnel in their buildings and their only means of contact with security personnel was through phone calls or panic buttons. This in part may be a result of budgetary constraints which limit the hiring of security personnel. Additional comments were:

- “I keep a firearm, pepper spray, and a bullet proof jacket in my office vehicles, and home.”
- “Depends on the Courthouse. I work in 5 courthouses only 2 of which have security. One has none at all, and two have one security guard for the entire complex but no metal detector.”
- “1 officer for 11 courtrooms on 2 floors; a couple of judges have concealed carry weapons.”

### QUESTION 16 – SECURITY PERSONNEL

ANSWERED: 938 SKIPPED: 343



## Question Seventeen – Exit Near Bench

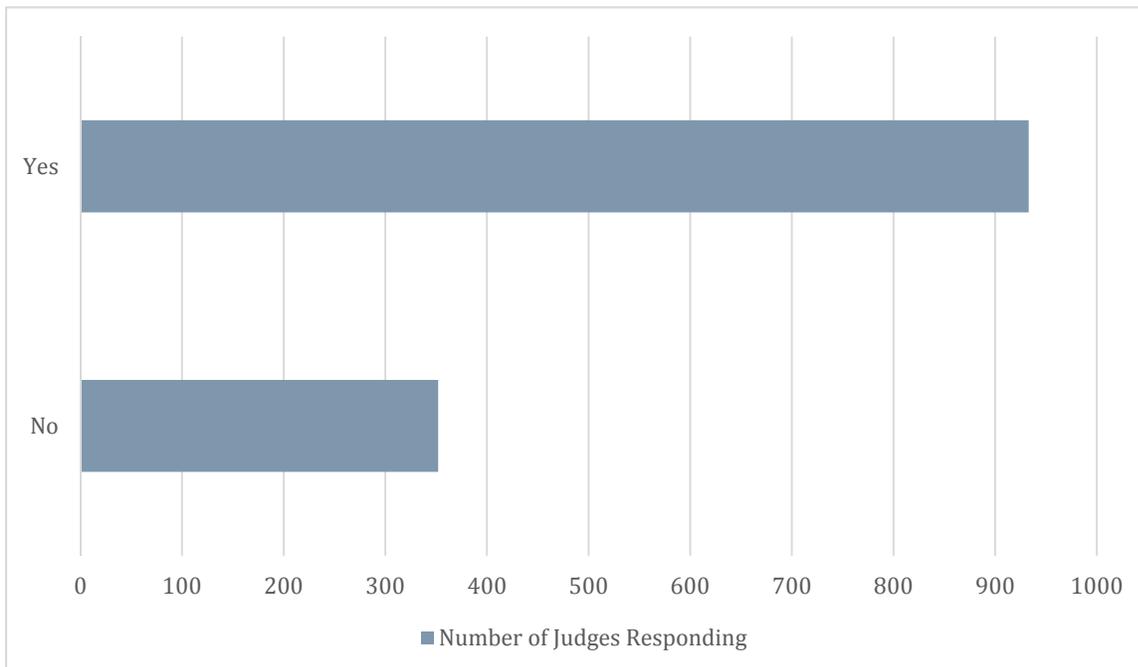
DOES YOUR COURT/HEARING ROOM HAVE AN EXIT NEAR YOUR BENCH THAT IS NOT ACCESSIBLE TO THE PUBLIC?

More risk of violence is presented as the public can easily access the judges' bench. Nearly one-third of the judges (30.69%) indicated that they did not have an exit near their bench that was not accessible to the public.

Some courtrooms or hearing rooms can be redesigned to afford the judge ample time to remove themselves from the bench in event of an emergency situation. If possible, judges should place themselves nearest to the primary exit door. Tables can be placed between the judge and parties in order to provide an extra barrier and time to move away from the threat either to public space or secure space.

### QUESTION 17 – EXIT NEAR BENCH

ANSWERED: 1,147 SKIPPED: 134



## Question Eighteen – Escape Plan Established

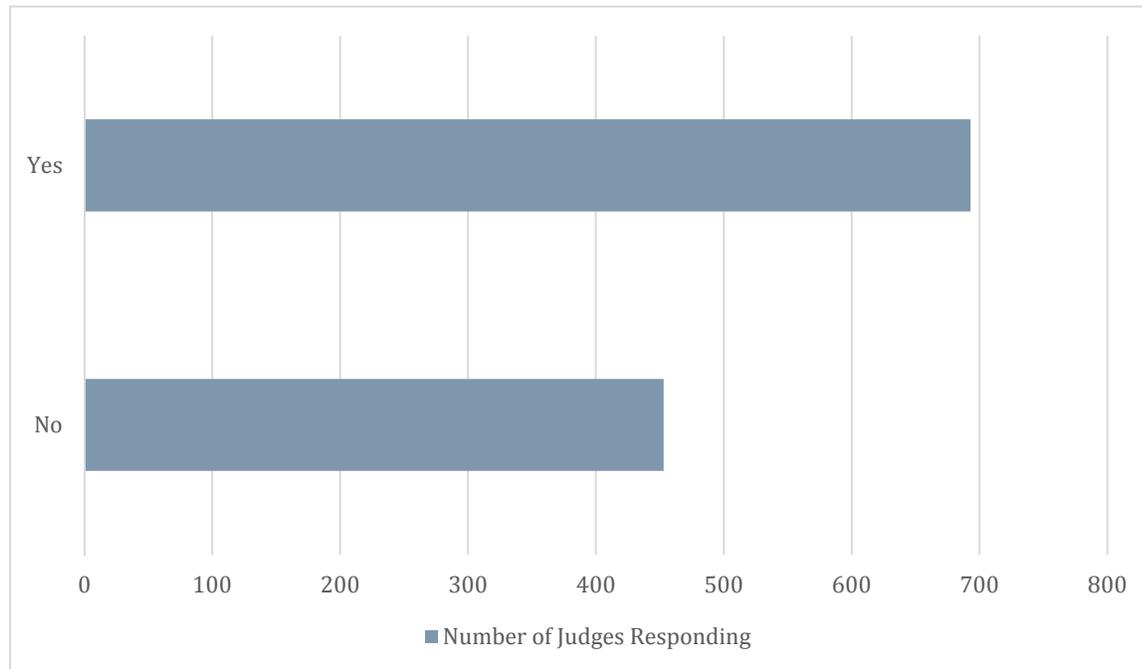
DO YOU HAVE AN ESTABLISHED ESCAPE PLAN IN CASE OF AN EMERGENCY IN YOUR COURT/HEARING ROOM?

Judges and other judicial personnel should have emergency plans established in case of assaults, active shooters, fires, natural disasters, bombs and other crises. Creating emergency plans and practicing emergency procedures are ways that judges can keep themselves safe. Emergency plans may include maps, photographs and written instructions. Written instructions must instruct personnel what to do in the event of an emergency.

Workplace personnel should understand emergencies happen when least expected and one must be prepared. “If your courthouse has been free of violence for the past 50 years, that is no assurance that it will not become the scene of violence tomorrow.”<sup>xii</sup> All personnel should be prepared when an emergency strikes.

### QUESTION 18 – ESCAPE PLAN ESTABLISHED

ANSWERED: 1,146 SKIPPED: 135



## Question Nineteen – Public Access to Chambers/Office

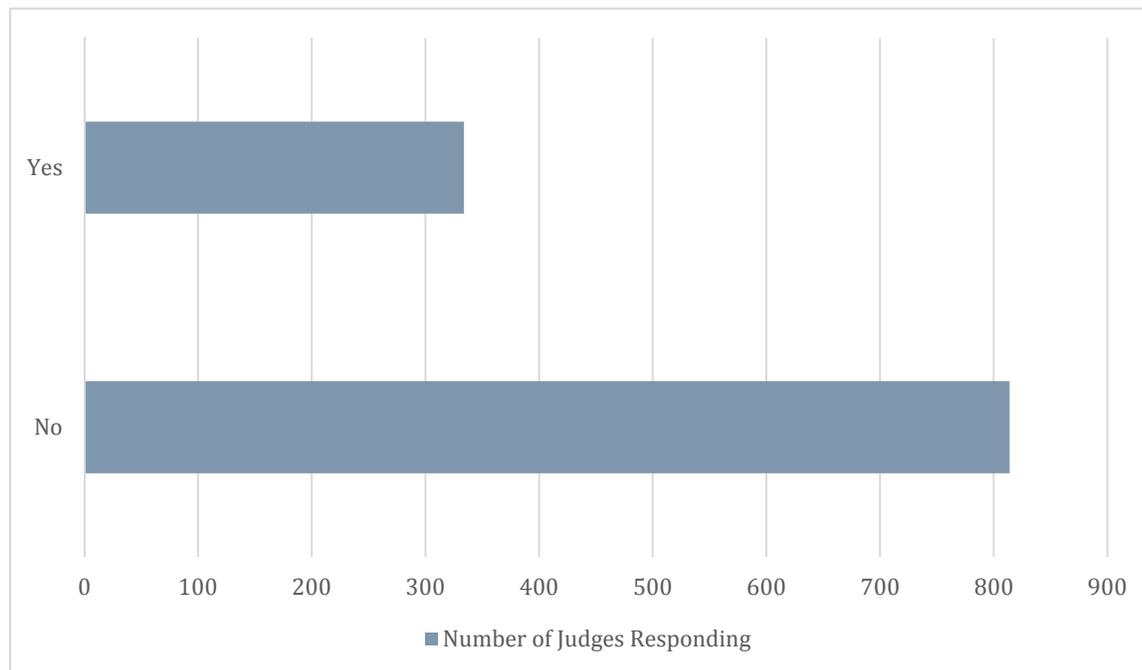
### DOES THE PUBLIC HAVE ACCESS TO YOUR CHAMBERS/OFFICE?

Work place personnel are in danger when the public has full access to their chambers or offices. Question 19 revealed that 334 (29.09%) of judges' offices or chambers were accessible to the public. Persons choosing to attack judges take the time to plan, research, and act; they plan who, where, when and how the act will occur, they research online security plans and most effective violent attack methods; and they carry out their plans if they can. Restricting access by the public is one important step in an overall safety plan.

Judges must be concerned for their safety and the safety of others. Judges should be aware of their surroundings as they walk from location to location. They must watch for suspicious activity and report any instances of inappropriate communications and threats to authorities immediately. Judges should consider re-assessing their courtrooms and offices for risks and vie for additional funds for security in the form of personnel, cameras, x-ray machines, bench exits that are not accessible to the public and other means of bolstering security.

### QUESTION 19 – PUBLIC ACCESS TO CHAMBERS/OFFICE

ANSWERED: 1,148 SKIPPED: 133



## Question Twenty – Workplace Security Measures

DOES YOUR WORKPLACE HAVE ANY OF THE FOLLOWING? CHECK ALL THAT APPLY.

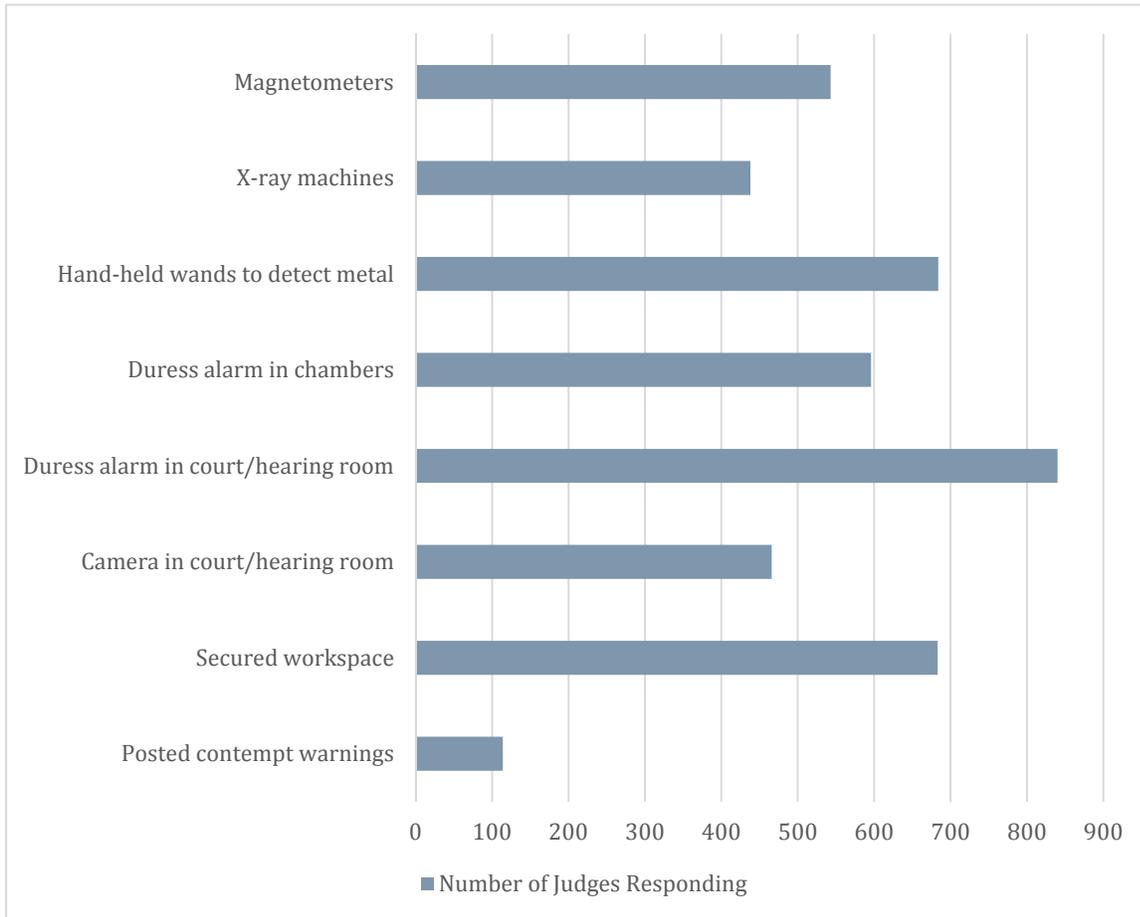
Security measures are established to protect all personnel from dangerous situations. Workplaces may have magnetometers, x-ray machines and hand held wands to detect metal, duress alarms, warning signs indicating contempt of court is possible if a violation of court rules occurs, cameras in court/hearing rooms, and workplaces that are secured from general public access. Other security measures mentioned by judges in this survey are secured parking, bullet proof benches, sound monitors in the courtroom, firearms carried by the judge, bullet proof vests, handheld radios for court staff, cameras in all unsecured areas and hallways, windows to see who is on the premises, panic alarms, and pepper and wasp spray. The data does not share what method is best in the event of extreme emergencies as x-ray machines, hand held wands are used as preventative measures and cameras capture acts in progress.

Duress alarms were the most popular smaller security feature used by judges (79.70%). The duress alarms alert designated personnel to sweep courtrooms or offices. Other measures noted by judges were:

- “I carry an institutional walkie-talkie with emergency button.”
- “We carry guns.”
- “Although there are duress alarms installed in my courtroom and chambers, I am uncertain where they are.”
- “Many of our hearings are at school district facilities that do not have these same protections.”
- “My office is not open to the public but is accessible thru the clerk's office and they keep their door open.”

**QUESTION 20 – WORKPLACE SECURITY MEASURES**

ANSWERED: 1,054 SKIPPED: 227



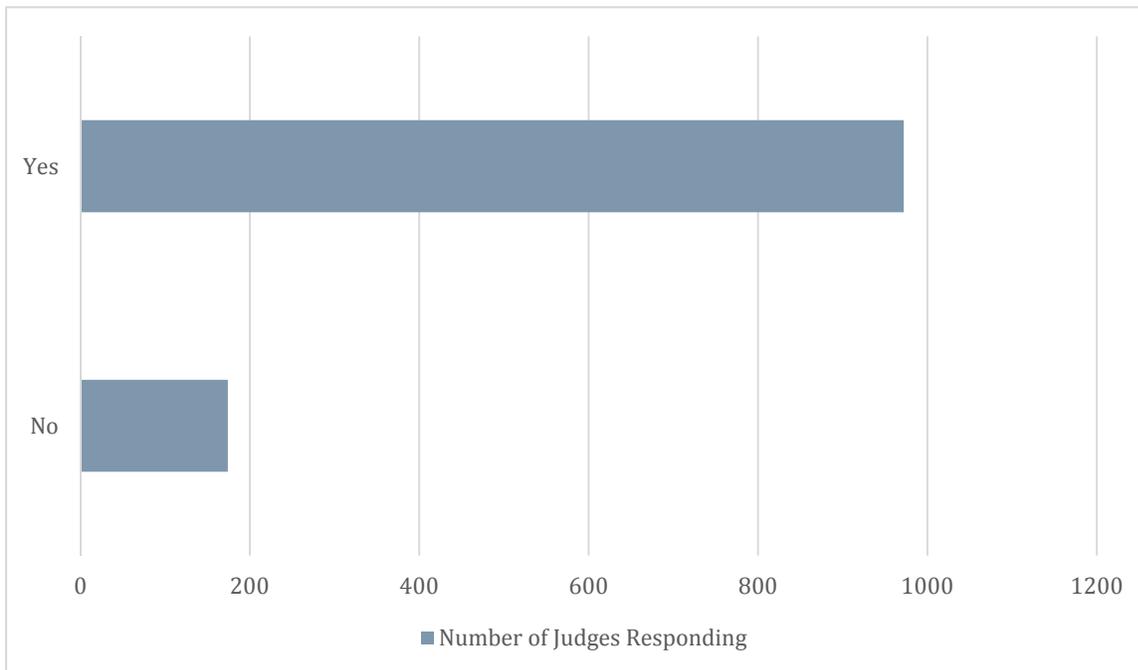
## Question Twenty-One – Contempt Power

### DO YOU HAVE THE POWER TO HOLD SOMEONE IN CONTEMPT OF COURT?

Contempt of court can be used as a tool to uphold the integrity of the courtroom as well as reinforce respect for the judge and the judicial process. The vast majority of judges taking the survey (84.82%) reported that they do have the power to hold someone in contempt of court. As important as this power is it is equally important to have an officer available to carry out such an order in a timely fashion.

### QUESTION 21 – CONTEMPT POWER

ANSWERED: 1,146 SKIPPED: 135



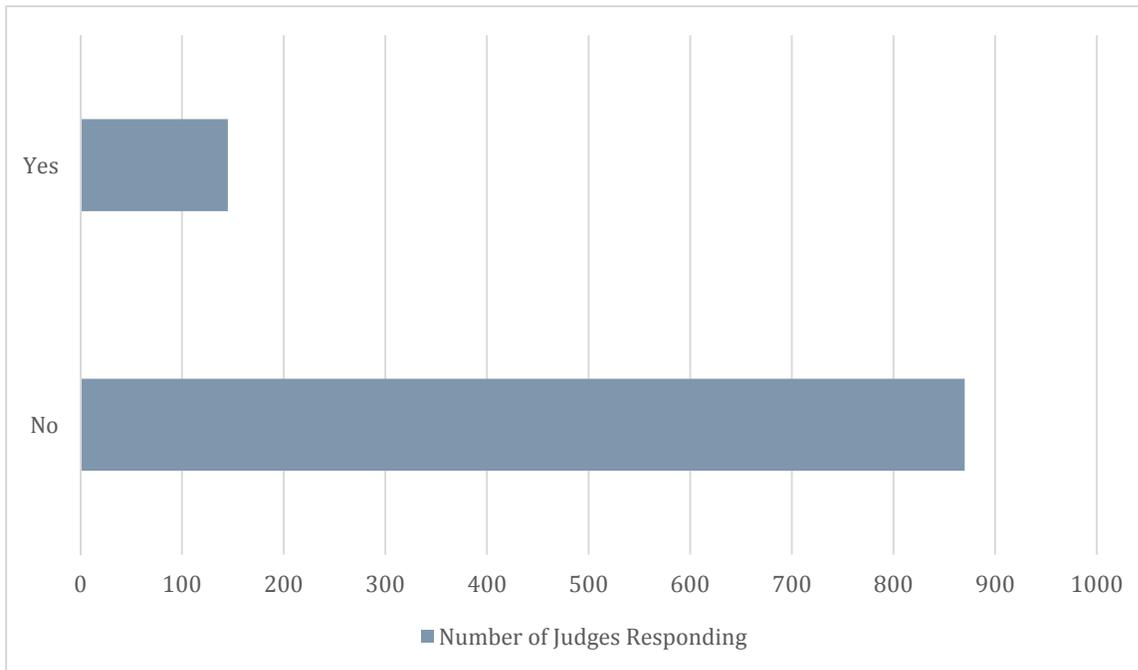
## Question Twenty-Two – Use of Contempt for Security Violation

### HAVE YOU HELD SOMEONE IN CONTEMPT OF COURT FOR A SECURITY VIOLATION?

Question 22 illustrates the reality that out of the 1,015 judges that answered the question, 870 (85.71%) answered they have not. Regardless of whether judges actually exercise certain powers, it is essential for them to have the ability to do so in order to further protect themselves as well as all courtroom actors.

### QUESTION 22 – USE OF CONTEMPT FOR SECURITY VIOLATION

ANSWERED: 1,015 SKIPPED: 266



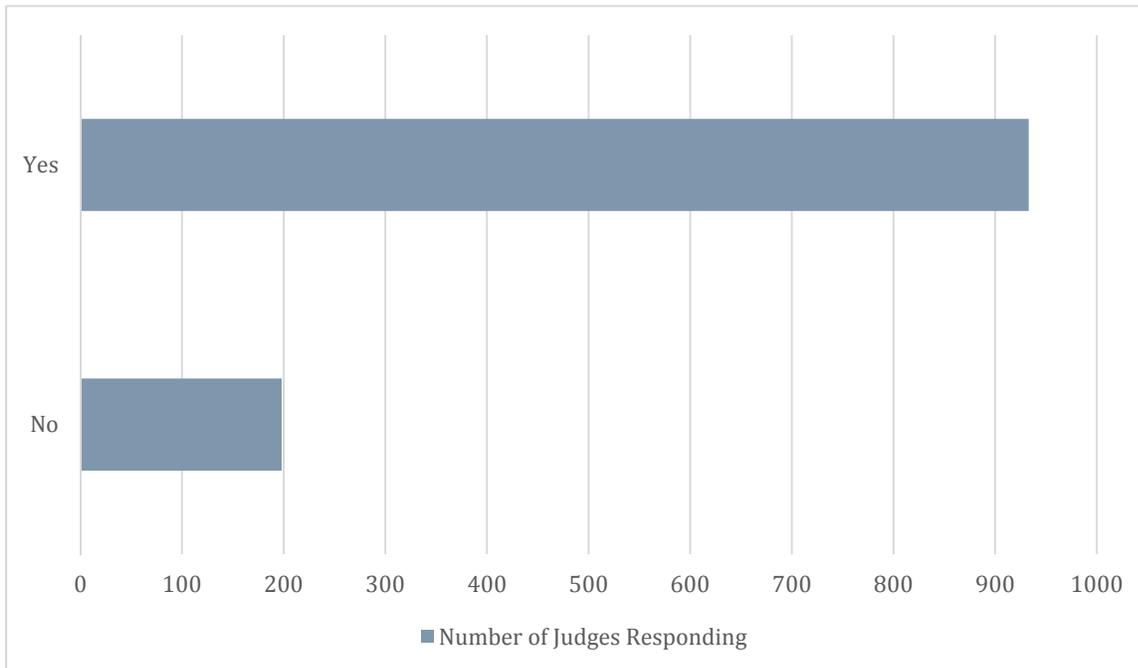
## Question Twenty-Three – Ability to Move Hearing

DO YOU HAVE THE ABILITY TO MOVE A HEARING (BECAUSE OF SECURITY CONCERNS) TO A MORE SECURE COURT/HEARING ROOM?

Nearly half (46.29%) of the judges were not able to move their hearing location. Policies should include the authorization to move hearing locations to other courtrooms in emergency situations.

### QUESTION 23 – ABILITY TO MOVE HEARING

ANSWERED: 1,145 SKIPPED: 136



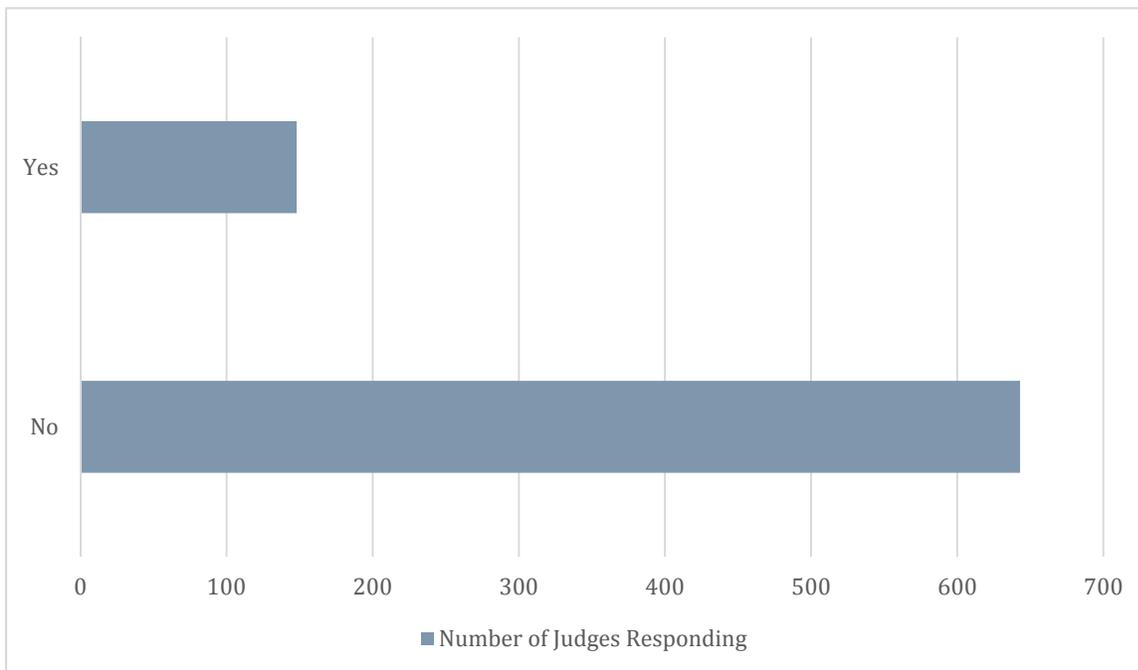
## Question Twenty-Four – Moving a Hearing

### IF YES, HAVE YOU EVER HAD TO DO SO?

In Question 24, 148 (18.71%) of the judges had to move their hearings for security reasons. The question does not explore the specific reasons for moving the hearing. Even so, it illustrates the fact that nearly 19% of judges needed to move a proceeding due to security; in Question 23, almost 47% of judges don't have this option. Providing alternate locations for court proceedings should be considered by jurisdictions who currently don't have a system in place.

### QUESTION 24 – MOVING A HEARING

ANSWERED: 791 SKIPPED: 490



## Question Twenty-Five – Hearing Locations

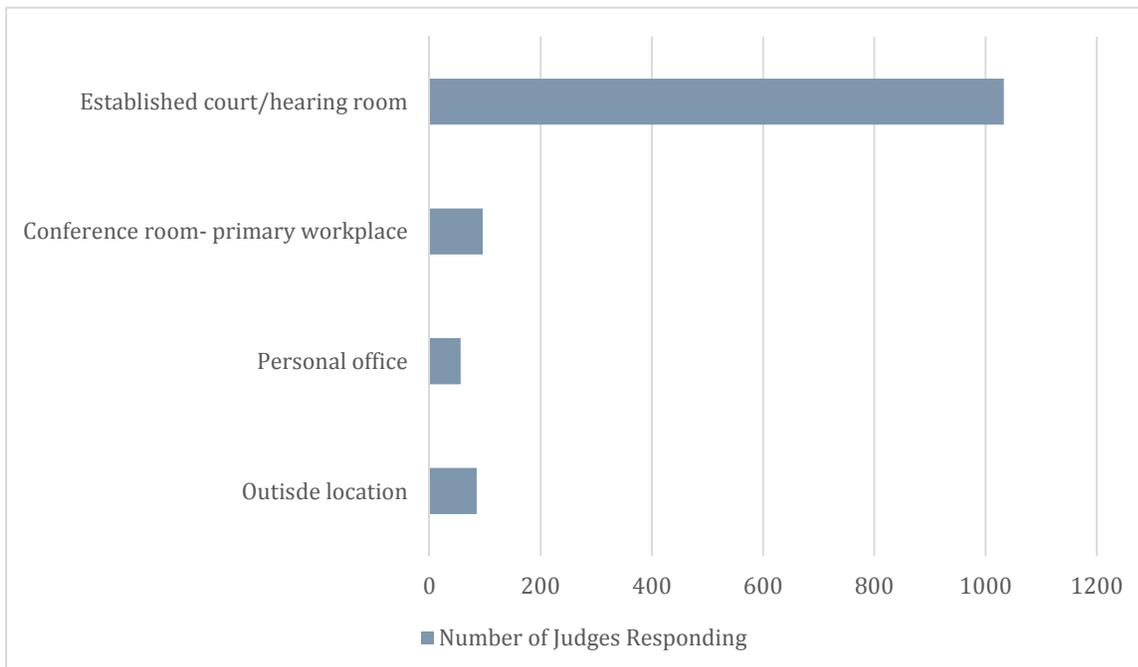
WHERE DO YOU CONDUCT MOST OF YOUR HEARINGS? CHECK ALL THAT APPLY.

Hearings may take place in established court rooms, conference rooms at primary places of work, personal offices, and locations outside of the primary place of work. Offsite hearing locations may include school districts, community colleges, state bar offices, fire halls and jail courtrooms.

To secure a courtroom or other hearing room, persons and their belongings should be scanned before entering the office or courtrooms. Cameras and sound monitors should watch and listen for suspicious activity in the building. Security personnel if possible should be stationed inside the courtroom or outside of the courthouse. The use of properly maintained security instruments and well trained personnel enhances judicial security.

### QUESTION 25 – HEARING LOCATIONS

ANSWERED: 1,148 SKIPPED: 133



## Question Twenty-Six – Personal Safety Measures

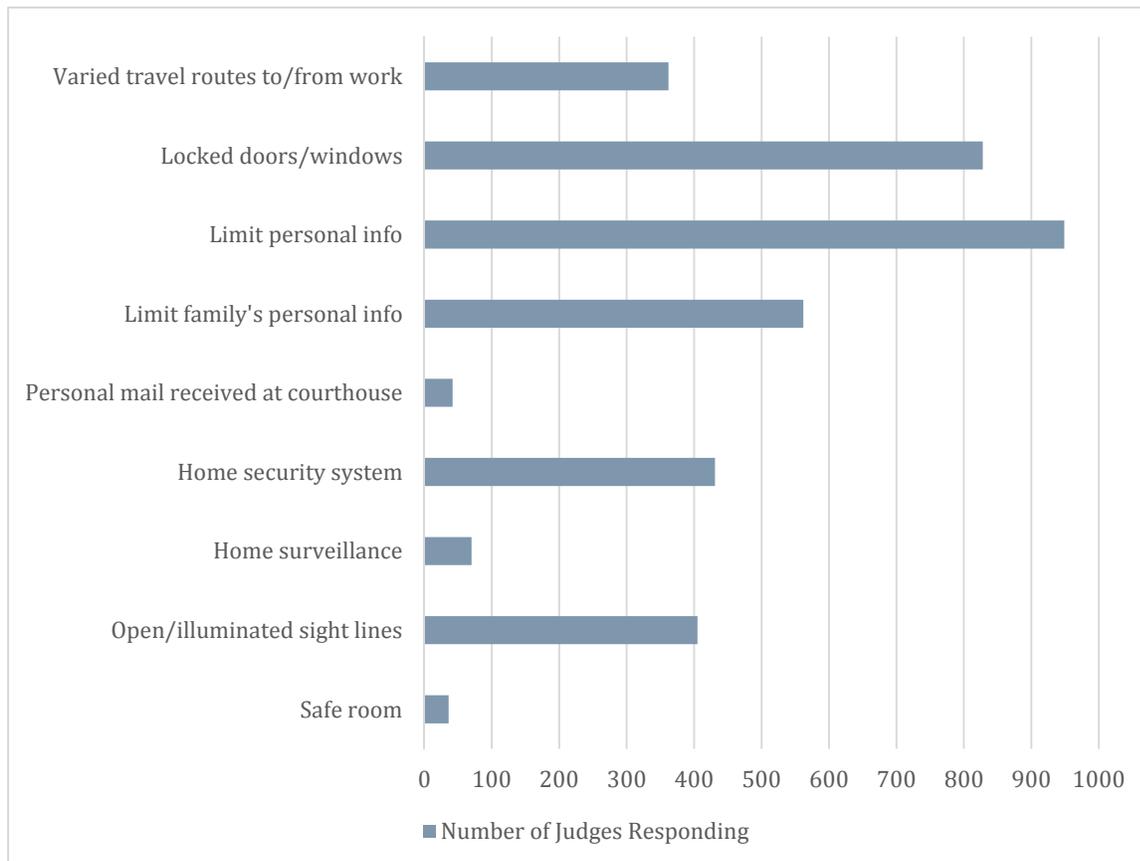
DO YOU DO/HAVE ANY OF THE FOLLOWING? CHECK ALL THAT APPLY.

Security measures are meant to keep personnel in the workplace safe. Small preventative measures like varying routes between home and work, locking doors and windows (including garage), utilizing a home security system, installing open and illuminated sight lines around the home, creating safe rooms and limiting information on the Internet will increase security.

Varying routes on streets and highways is a safety practice which allows judges to identify if they are being followed. Judges must be aware of their surroundings as they move from place to place. Planned route stops such as libraries, banks, post offices, and grocery stores should be added to an overall sense of awareness. Developing a security-conscious mindset in conjunction with practicing some proactive steps will help minimize complacency and lower the risk of dangerous encounters.

### QUESTION 26 – PERSONAL SECURITY MEASURES

ANSWERED: 1,096 SKIPPED: 185



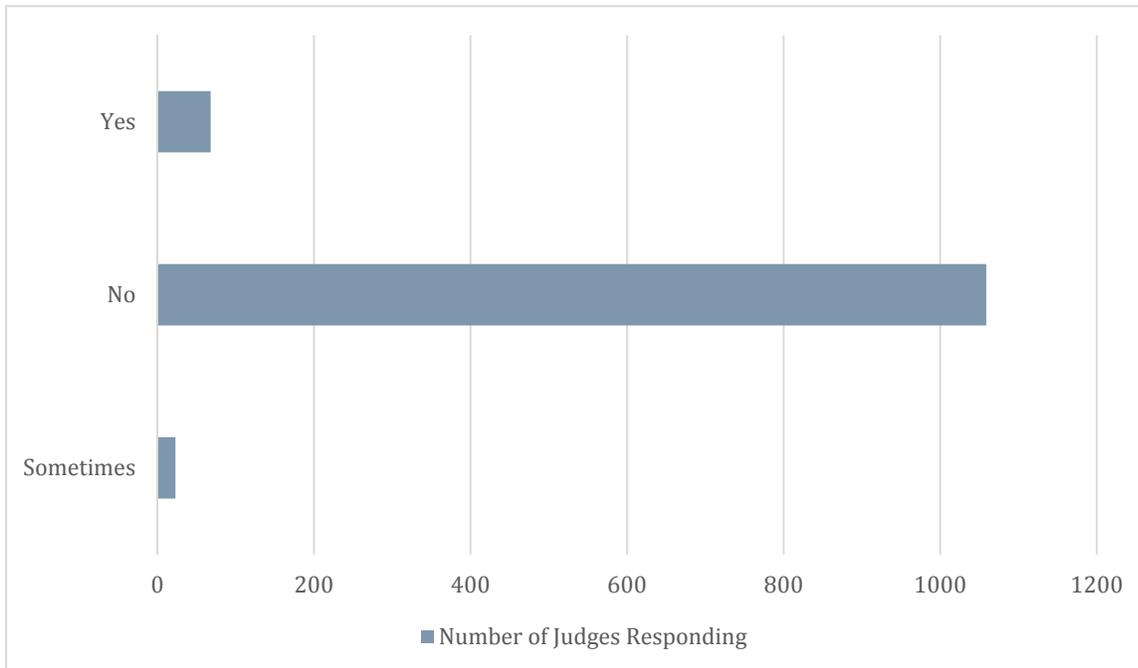
## Question Twenty-Seven – Personal Vehicle

DO YOU DRIVE A VEHICLE THAT IDENTIFIES YOU AS A JUDGE (VEHICLE MARKINGS, GOVERNMENT TAGS, VANITY PLATES, ETC.)?

Only a very small number of judges surveyed indicated that they drove a vehicle that identified them as a judge. Judges can greatly mitigate the risk of potential attackers identifying them by not driving a self-identifying vehicle. While a small percentage of judges in this survey have access to vehicles with such vanity plates it should be noted that such easily identifiable tags and vehicle markings allow for easier targeting.

### QUESTION 27 – PERSONAL VEHICLE

ANSWERED: 1,150 SKIPPED: 131



## Question Twenty-Eight – Offsite Hearing Security Measures

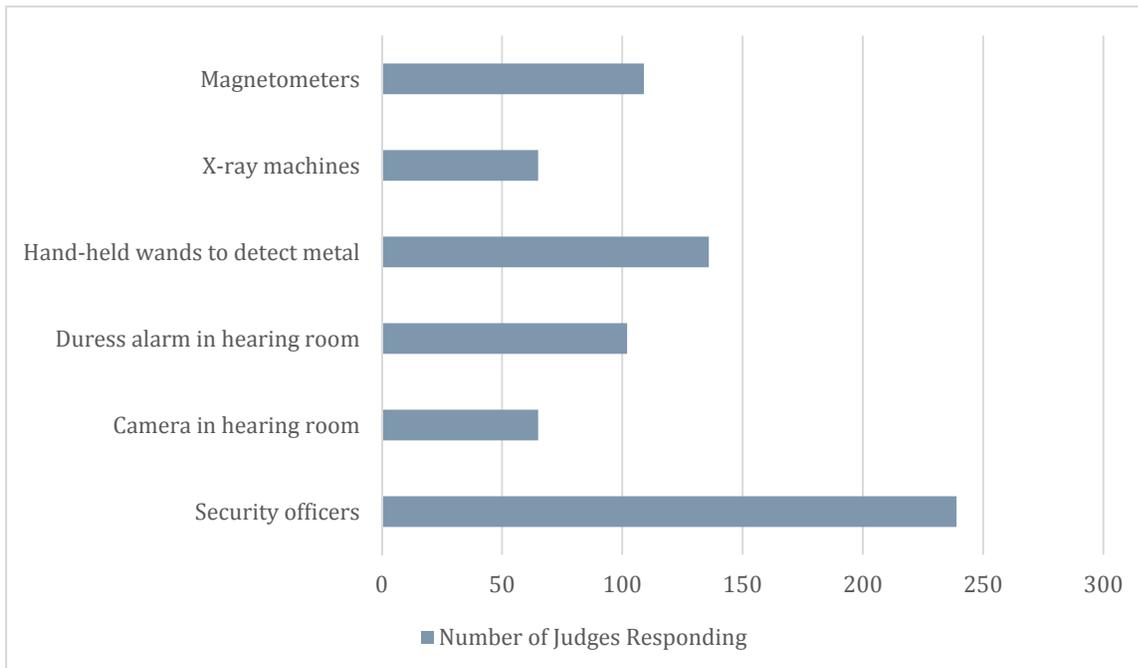
WHEN YOU DO CONDUCT OFFSITE HEARINGS, DOES THE HEARING LOCATION USUALLY HAVE ANY OF THE FOLLOWING? CHECK ALL THAT APPLY.

Cameras are crucial as they “deter disruptive or violent behavior” and capture “apprehenders or convicted perpetrators” in the act. When cameras are installed, “one should face the public gallery and the other, the bench.”<sup>xiii</sup> Funding will have to be requested for this security feature. Data from the survey does not conclude prices of the cameras, the number of the cameras and where the cameras were located in the offsite location.

- “NOTHING!!”
- “Depends on location. I can request federal protective service if necessary but must pay for service.”
- “We can get security officers but they are not routine.”
- “About 50% of our locations have security features.”

### QUESTION 28 – OFFSITE SECURITY MEASURES

ANSWERED: 325 SKIPPED: 956



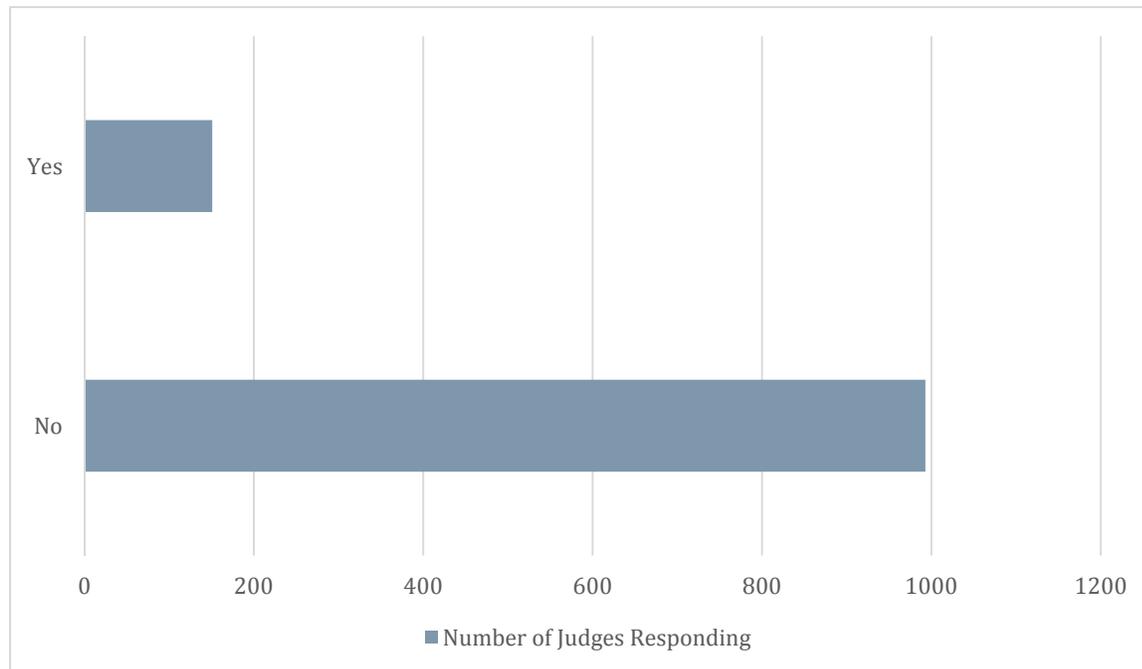
## Question Twenty-Nine – Family Safety Plan

DOES YOUR FAMILY HAVE AN ESTABLISHED EMERGENCY PROCEDURE IN THE EVENT AN INAPPROPRIATE COMMUNICATION IS RECEIVED AT HOME?

Judges should establish a family emergency procedure plan. Question 29 illustrates the number of families that do not have an established emergency procedure plan. There are many useful publications provided to judges such as the National Center for Judicial Security's *Offsite Security Guide*.<sup>xiv</sup> This guide presents judges with a detailed step-by-step list outlining practices to employ when away from the courthouse. Judges should use guides like this to augment current emergency procedures and to enhance comprehensive safety. Judicial officers should communicate security concerns with their security personnel, staff and family in order to further improve overall safety practices.

### QUESTION 29 – FAMILY SAFETY PLAN

ANSWERED: 1,144 SKIPPED: 137



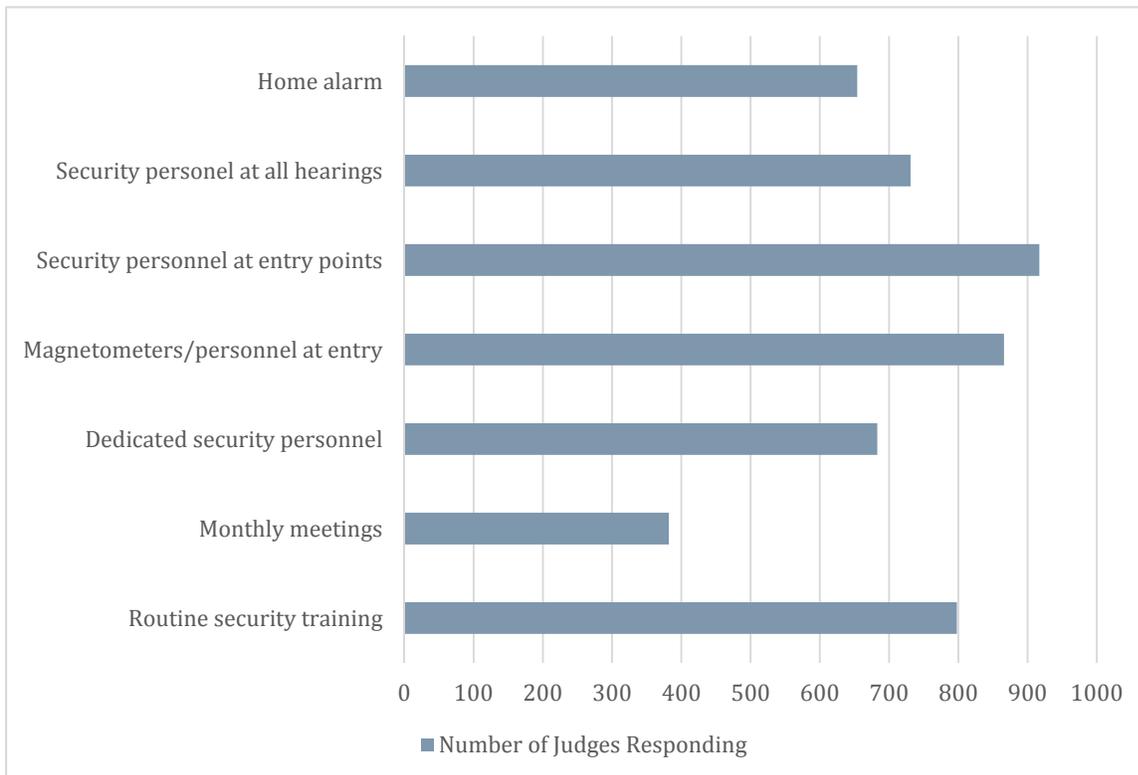
## Question Thirty – Components of Comprehensive Program

IN YOUR OPINION, WHICH OF THE FOLLOWING FEATURES MUST BE INCLUDED IN A COMPREHENSIVE SECURITY PROGRAM? CHECK ALL THAT APPLY.

It is recommended that a comprehensive security program include security personnel, magnetometers, monthly security meetings/briefings, or routine security trainings and drills. Good communication is the foundation of any thriving relationship. Regular meetings should be required for all workplace personnel in order to assess security current security related incidents, to brainstorm new ideas of security measures, to discuss security budgets, and to make overall security updates for office and judicial personnel.

### QUESTION 30 – COMPONENTS OF COMPREHENSIVE PROGRAM

ANSWERED: 1,130 SKIPPED: 151



## Conclusion

The survey conducted in 2014 echoed earlier findings of inappropriate contacts and threats to judges as part of inherent in their positions as decision-makers. Policymakers, court security staff and others may not be able to eliminate threat, but threat can be managed and mitigated both in and out of the courthouse. Personal safety planning, family safety planning, and thoughtful courthouse security measures can reduce risk and bolster peace of mind for judges.

The National Judicial College wishes to thank the judges who participated in this survey and shared their experiences. Understanding the nature of inappropriate communication and perceived threat is critical to risk mitigation. We encourage continued dialogue on matters of safety, and are committed to providing the space, opportunity, and assistance to do so.

## Endnotes

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<sup>i</sup> The National Center for State Courts, *Security Planning and Security*. Last retrieved from [www.ncsc.org/Services-and-Experts/Areas-of-expertise/Emergency-planning-and-security.aspx](http://www.ncsc.org/Services-and-Experts/Areas-of-expertise/Emergency-planning-and-security.aspx) on December 4, 2014.

<sup>ii</sup> The NJC and the USMS wish to thank Judge Charles Weller (NV), Judge Susan Conyers (OK), Judge James Brandlin (CA), Judge Christy Yoshitomi (WA), John F. Muffler, Chief Inspector (B.A. Temple University, M.S., St. Joseph's University), Heather Walker, Senior Inspector (B.A. Florida A&M University; M.S. Florida International University, M.P.S. degree in Safety and Security Leadership), Robyn Anderson, Assistant Chief (B.A. Iowa State University; MBA Georgia State University), Adam Mank, Intern (B.S., Liberty University Emylee Bogart, Intern, B.S., Liberty University) and Andrew Loucks, Intern (B.S., Arizona State University) for their efforts in developing the survey and the accompanying report.

<sup>iii</sup> See generally, The National Center for Judicial Security website, [www.usmarshals.gov/judicial](http://www.usmarshals.gov/judicial). Last visited December 4, 2014.

<sup>iv</sup> Neil Alan Weiner, Donald J. Harris, Frederick S. Calhoun, Victor E. Flango, Donald Hardenbergh, Charlotte Kirschner, Thomas O'Reilly, Robert Sobolevitch, and Bryan Vossekuilhttp, American Judges Association, *Safe and Secure: Protecting Judicial Officials*, Court Review Issue 36-4 (Winter 2000). Last retrieved from <http://aja.ncsc.dni.us/courtrv/cr36-4/36-4SafeSecure.pdf> on December 9, 2014.

<sup>v</sup> Hon. Charles Weller, Ph.D., *Statutory Response to Court Security Concerns*. Last retrieved from [pqdtopen.proquest.com/pqdtopen/doc/1496773512.html?FMT=ABS](http://pqdtopen.proquest.com/pqdtopen/doc/1496773512.html?FMT=ABS) on December 4, 2014.

<sup>vi</sup> The National Center for State Courts, *Courthouse Security Incidents Trending Upward: The challenges Facing State Courts Today* from *Trends in State Courts* (2012). Last retrieved from [www.ncsc.org/sitecore/content/microsites/future-trends-2012/home/Better-Courts/1-1-Courthouse-Security-Incidents.aspx](http://www.ncsc.org/sitecore/content/microsites/future-trends-2012/home/Better-Courts/1-1-Courthouse-Security-Incidents.aspx) on December 4, 2014.

<sup>vii</sup> See Note iii, above.

<sup>viii</sup> U.S. Marshals Service, *Practices to Employ When Away from the Courthouse: A U.S. Marshals Service Guide Judicial Security Division* (Publication 94, revised 12/2008). Last retrieved from <http://www.judicialsecuritypa.com/doc/ResourceMateralVolume2.pdf> on December 9, 2014.

<sup>ix</sup> For firearm considerations, see John Muffler, *Protecting you from the Madness in the Shadows: Ten Steps to Making You More Secure*, Case in Point (2009). Last retrieved from [http://www.judges.org/pdf/caseinpoint\\_2009.pdf](http://www.judges.org/pdf/caseinpoint_2009.pdf) on December 9, 2014.

<sup>x</sup> There are many resources for this type of education. Both the National Center for Judicial Security and The National Judicial College offer educational programming on judicial security. The Center offers technical assistance to court personnel.

<sup>xi</sup> See note i, above.

<sup>xii</sup> *Id.*

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<sup>xiii</sup> T. Fautsko, S. Berson & Steve Swensen, The National Center for State Courts, *Status of Court Security in State Courts: A National Perspective* (2013). Last retrieved from <http://ncsc.contentdm.oclc.org/cdm/ref/collection/facilities/id/184> on December 9, 2014.

<sup>xiv</sup> See note viii, above.