

- Security of movement of money to/from/within the courthouse?
- Response in medical emergencies (prisoner, staff, judge, public, other)?
- Media handling, including communications during emergencies?

What is the level of security desired for each court location? Is the facility going to be “gun free?” Who is authorized to carry firearms in the facility? Is security screening for all or are some to be granted passes? Can the eight security zones be segregated physically, temporally, or procedurally? Are they cross-contaminated? Is funding available now? Or can security be phased in? Or is this as good as it gets? Is staff adequate to protect and preserve the judicial integrity of the justice system?

Your court security committee must review the results of steps one and two together, then jointly decide the committee’s course of action. Maintain your committee in perpetuity to ensure that when you reach your destination, your direction does not change. Security planning will always be a compromise between safety and budgetary constraints. Utilizing this simple three-step process will put you in the right direction and speed you toward your destination of a safer judicial community and the preservation of our American system of justice. **jsj**

## The Court Security Challenge: A Judicial Leadership Perspective

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In January 1990, when Judge Colin F. Campbell became a superior court judge for Maricopa County, Arizona, security was not a major issue for the Arizona courts. Other than a few sheriff’s deputies who roamed the court buildings, no one worried much about security. In June 2004, when Judge Campbell was presiding judge and Marcus Reinkensmeyer was the court administrator, security had emerged as one of the top issues for the court, consumed a significant portion of the court’s budget, and was part and parcel of many other administrative issues once thought unrelated to security. The heightened concern over security was attributable to the tragic events of September 11, 2001; a number of courthouse shootings across the nation; and potentially fatal security breaches at the superior court in Maricopa County.

In 2004 and early 2005, the Maricopa County Superior Court reevaluated its security policies and put in place, through Administrative Order No. 2004-031, a new policy to tighten court security, which was vigorously opposed by some. This article discusses how a court views “court security” in terms of the interest groups affected and how they may hinder or help court security, the range and depth of issues encompassed by court security, and, finally, the pressing need for the court to educate the public and other interest groups about critical security concerns.

**Interest Groups.** Court security affects more than the judges and the public. It affects a number of distinct interest groups who have their own views on court security. Acting politically, these groups attempt to influence court policy on security.

One of the most common attendees of court proceedings are the police; they come to the courthouse every day to testify in criminal, civil, juvenile, and family court proceedings and will on occasion carry weapons. A contentious issue in court security is whether police should be allowed to carry weapons into the courthouse, and into a courtroom. Maricopa County has twenty-three separate municipalities, each with its own police department, and a county sheriff. When we met with the various chiefs of police during the reevaluation of our security policy, the chiefs told us they wanted their officers to carry weapons in the courthouse because they did not feel safe in the courthouse. The chiefs believed court security was so porous, that is, had the potential for others to introduce deadly weapons into the courthouse, that they needed to be armed.

Trial lawyers, both public and private, frequently come to the courthouse. Public lawyers, such as public defenders and county attorneys, may come to the courthouse several times a day. In the past, security-bypass cards to lawyers would be routinely issued. When anecdotes of lawyers carrying weapons in their briefcases surfaced, coupled with some troubling conduct by some lawyers, we stated we would reevaluate whether lawyers should routinely receive the passes. As officers of the court, lawyers became the angriest and the most vocal group in asserting their traditional privilege to bypass security.

Court security costs money; it costs money for capital equipment for screening individuals and bags, for judicial security employee salaries and benefits, and for redesigning existing court buildings. Court security directly affects funding of the courts, and whether funding is from county or state government, the “court’s bank” has an interest and say in how much security is enough. From a global budget perspective, our court management also understands that funding requests for enhanced security directly compete with requests for other critical resources, e.g., new judgeships, probation officers, interpreters, and court staff.

Finally, another interest group impacted by court security is the court’s own employees and judges. If the debate about whether police should carry their weapons into the courthouse, and whether trial lawyers should get passes, is heated, just ask a judge if they would like to go through screening themselves! Even with anecdotes of judges themselves carrying weapons into the courthouse, judges resist screening.

A court security policy cannot be written without engaging these interest groups. In an imperfect world, compromises are often pragmatically made. Whether these compromises are based on a true cost-risk evaluation, or less-than-ideal court security, is debatable. The presiding judge/court administrator management team bear the responsibility to develop an effective court security program. In our experience, court security can be significantly improved through a concerted planning effort, adherence to some key guiding principles, and an effective communications strategy.

**What Is “Court Security”?** “Court security” embraces a wide range of issues. It stretches from physical protection of judges to education, and from workplace violence to data integrity to architecture.

*Judicial Officers.* In our large Arizona urban courts, physical threats against judges have increased, both inside and outside the courthouse. Verbal and written threats to judges have become common. One judge in this jurisdiction received a handwritten letter telling her she would be dead within two months; another received a letter with a picture of her house and a notation, “we know where you live.” One judge was served at home in the middle of the night with a lawsuit from a “constitutionalist” private court; another had a mentally ill litigant walk into her backyard during a Girl Scout meeting. Simple physical protection of judges, both inside and outside the courthouse, has become a central concern of court security.

*Potential Threats.* The courthouse and all of its occupants have become potential targets. Bomb threats are a frequent occurrence in our modern urban courts. We work closely with our local police bomb squads to evaluate threats and assess whether evacuation is required. Our court faced an attempted arson on an unoccupied floor that was being reconstructed in 2000. Lastly, physical violence remains a concern. In one of our regional courthouses, a family court litigant walked to the main entrance of the court with a weapon in one hand and another weapon in a briefcase. Seeing a security officer, the litigant committed suicide at the entrance. The presence of two weapons raised concerns that the litigant initially intended to strike at people in the courthouse.

Since the anthrax attacks in 2001, biohazards have become a concern. One of our municipal courts was closed for three days while a powder that was introduced into the court building was assessed; an entrance to another courthouse was shut down when powder was released into a screening station. Threats to the courthouse and its occupants from biohazards need to be assessed and planned for. We now train every court employee to be aware of their surroundings and report suspicious people. We screen mail for biohazards. We have asked the sheriff, who has armed officers in our buildings, to always be in reasonable proximity of all of our public entrances.

*Screening and Bypass.* Maricopa County began public screening for weapons for people entering the courthouse in the early 1990s after a criminal defendant shot himself in a restroom after a sentencing. The goal, of course, was to preclude people from bringing weapons into the courthouse. From the beginning of the program and over time, many persons sought and obtained bypasses from screening. By the early 2000s, judges, employees, lawyers, paralegals, investigators, outside contractors, and many county employees had court-screening-bypass privileges. We conducted a survey of how many people we screened and bypassed each day and were shocked to discover we actually bypassed more people than we screened.

In our reevaluation of security screening, we sharply reduced bypass privileges. Police have bypass privileges and weapons-carrying privileges only if they are in court with a subpoena to appear as a witness and on duty. If they are present for any type of court proceeding as a party, they are screened as any member of the public and can-

not wear a uniform. Initially, despite strong protests from the trial bar, we did away with all lawyer bypasses. Since then, we have opened up express lanes, by Administrative Order (2006-078), for lawyers who must undergo criminal background checks and still be subject to entry screening. All court employees undergo random screening. If an employee has a pending court case, however, then the employee must undergo screening as any member of the public. Electronic card readers at each entrance ensure that court employees with bypass privileges are in good standing (free of litigation and not under administrative suspension) and that discharged staff do not have unscreened courthouse access.

*Panic and Communication.* How people react to threats is part of court security. Unfortunately, we have learned this the hard way. When an arson occurred in one of our high-rise court buildings, we discovered a breakdown in the automated communication system, which hindered evacuation of the building. When a powder was released in one of our screening stations, one employee went on e-mail to the entire court staff asking if everyone knew that a biohazard was being released into the building. The powder turned out to be harmless. When the police suspected a terrorist vehicle was parked across the street from our largest downtown courthouse two months after 9/11, the local police SWAT team arrived, ignored the court chain of command completely, ordered an immediate evacuation of the building at double time, and scattered employees and management away from the building.

Court security requires careful planning for how to react to events to avoid panic, how to communicate to decision makers and employees, what technologies are needed to ensure system-wide communications, and how to ensure the orderly evacuation of buildings. In Maricopa County, a central command room has been set up for emergency situations, drills are regularly run to simulate possible events, and procedures are continuously updated based upon findings from our evacuation drills.

*Criminal Proceedings and Escape of Defendants.* In the criminal courts, in-custody defendants are brought to court proceedings every day. As the courthouse shooting in Atlanta demonstrates, escape of in-custody defendants or prisoners is a major security concern. In our courthouse, in-custody defendants sit in the jury box until their case is called. Once, a gun was found taped under one of the juror chairs, presumably by a member of the public.

Certain criminal proceedings themselves present special security concerns. Proximity of a victim's family with the defendant's family in the courtroom and the hallways can spark a confrontation. Trials of prison gang members, like the Mexican Mafia, create heightened concerns for safety. We have had trials of gang members where other members of the gang will come and stare at jurors. Protection of jurors from intimidation and threats then became a concern.

As a matter of policy, county transportation officers who transport in-custody defendants and prisoners into court do not wear weapons. Extra security precautions in certain trials, such as screening before entering a courtroom, are available. Extra sheriffs are available to sit in on trials where security concerns exist. In planning new

court facilities, the court is requiring separate circulation patterns for judicial personnel, jurors, in-custody defendants, and the general public.

*Workplace Violence.* The Maricopa County Superior Court, which includes the probation department within the judiciary, has over 4,000 employees. In the past, court employees were bypassed from security screening. It does not take more than a cursory reading of the newspapers, however, to realize that employee workplace violence poses a major security concern. Whether it is an unknown workplace romantic relationship, or the ire of a terminated employee, workplace violence is a security concern that cannot be ignored. In viewing the computer use of one terminated employee, we ran across Internet visits to sniper sites by the employee. Of all the interest groups affected by added screening, court employees voiced the least dissatisfaction with being subjected to a random search and an electronic badge verification.

*Judge and Employee Security Education.* We have gone from the days when we gave no security training, to where we give security training at initial orientation for both judges and employees and in continuing judicial education. Judges, in particular, need to be alerted about hazards to their safety outside the courthouse and how security needs to be assessed. Employees need to be trained to be alert and become our first line of defense in raising security issues. To enhance awareness of these issues, we have included security presentations by the U.S. Marshals Service, the Sheriffs' Department, and Court Security Department at the court's annual Judicial Education Day and bench meetings.

*Data Systems and Data Integrity.* In recent years in Maricopa County, we have gone from a paper court to an electronic court. Dockets and paperwork are accessed electronically, and case filings are shifting completely to e-filings. Damage to our data systems or the integrity of the data filed with the court would literally shut down the courthouse, also destroying the "official court record." Court technology departments must be concerned with backup computer systems and backup of data in multiple sites; network security; and security of laptops, computers, and PDAs.

To address these concerns, we are moving our computer room to a new secure facility, creating a backup-system computer room with the ability to switch to the backup in real time, and maintaining multiple data-backup discs. Other measures to ensure data system security have included a substantial investment in "firewalls," network security, virus-detection software, and network-vulnerability audits.

*Architecture of the New Courthouse.* Most courthouses in our county built before 2000 were not designed with security as a critical architectural concern. Old courthouses do not have a large central public entrance with multiple lanes for screening to provide for prompt but secure public entrance into the courthouse, or employee entrances, which provide for similar screening. Old courthouses often have multiple entry points that need to be shut down to secure the building. Old courthouses do not have multiple camera locations and a space for a central security monitoring facility. Old courthouses do not have bulletproof glass, windows that do not provide sight lines to judicial officers, locked electronic access to court chambers, secure ventila-

tion systems, or secure parking for judicial officers. This poses a real challenge for the judicial leadership, who must spearhead courthouse renovation projects to enhance physical security. All of our new court structures are now built with security issues at the forefront of design.

**Public Relations.** Key to any court's security program is public relations with affected interest groups and the public at large. In dealing with the reevaluation of our security program, many interest groups displayed a remarkable nonchalance about security issues affecting the courts. Generally speaking, courts have not done a good job of educating the public and interest groups about court security issues. Court committees on security must regularly keep players advised as to security concerns, and the courts through community relations need to do a better job of educating lawyers and the public. Convened by the court, a multiagency committee can help garner enhanced support and cooperation from law enforcement, the bench and bar, government-funding entities, and emergency first responders. Although this collaborative approach is essential, it must be understood that security committees are advisory to the presiding judge who must ultimately make the "tough decisions" and set court security policy.

Without effective public relations and community education, the courts will struggle to gain support for enhanced security. Through ongoing bench-bar dialogue and proactive media relations, a court's judicial leadership can successfully "make the case" for a comprehensive court security program. A fully informed bench and court staff can also help with the education campaign, explaining the pressing need for security. In our view, it is the obligation of court leadership to develop and continuously enhance court security for the safety of court personnel, litigants, and the public, which we serve. **jsj**

#### REFERENCES

- Superior Court of Arizona, Maricopa County. Administrative Order No. 2004-031. [www.superiorcourt.maricopa.gov/adminOrders/2004/admin2004.asp](http://www.superiorcourt.maricopa.gov/adminOrders/2004/admin2004.asp)
- Administrative Order No. 2006-078 [www.superiorcourt.maricopa.gov/adminOrders/2006/admin2006.asp](http://www.superiorcourt.maricopa.gov/adminOrders/2006/admin2006.asp)