

Security at What Cost? A Comparative Evaluation of Increased Court Security*

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This article presents results from a pilot case study comparing the effects of court security in two modern and highly respected metropolitan county court systems. Although federal and state courts have paid increasing attention to security in their buildings and operations, little formal evaluation has been conducted of the effects of heightened security on court operations or court users, including judges, litigants, lawyers, jurors, and the general public. The present research identified four common areas of concern, including inadequate signage and covered waiting areas at courthouse entry stations; disparities between the public's expectations of security measures and the limits of implementation; inconsistent monitoring of security measures; and gaps between heightened public expectations of security and the realities of limited resources to accomplish these tasks. If even these courts presented issues of concern, there are likely additional courts that warrant greater attention to the effects of security.

“Court security is a balance. A courthouse is a place where people are supposed to come to find justice” (Murez, 2005).

Since the mid-1990s, federal and state courts have paid increasing attention to security in their buildings and operations. Bollards and magnetometers are now regular features in many courthouses, as the judiciary is adopting many of the same security measures common in other sensitive government facilities. In this understandable move to raise the bar for court security, however, little formal evaluation has been conducted of the effects of heightened security on court operations or court users, including judges, litigants, lawyers, jurors, and the general public. To be sure, the effects of security measures may be an informal component of the decision to purchase a new security system or adopt new security protocols. But given the special nature of the judiciary as an open arbiter for the general public, it is important that the measures adopted by the courts to protect themselves and their constituencies avoid harm to the courts' reputation for openness, impartiality, or prudence.

This article presents results from a pilot case study examining the effects of court security. The project systematically compared two respected metropolitan county court systems, using both observational and qualitative methodologies to examine the effects of security measures on court operations and constituencies. Both courts are among the national leaders in securing their facilities, and court officials have been responsive to organized objections to security measures when voiced by court staff and, in some cases, by attorneys. However, the research identified four

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common areas of concern, suggesting there is more that these and other courts can do in considering the effects of heightened security.

Problems begin at courthouse entry stations, where inadequate signage and a lack of covered waiting areas may inadvertently leave a poor impression on court users of the courts' responsiveness and competence. In addition, there appear to be disparities between the public's expectations of security measures and the limits of implementation in both courts; such discrepancies may unintentionally create a false sense of security among those who use and work in the courts. Conversely, the failure of court leaders to regularly monitor security measures and communicate about them may raise the anxiety level of some court users, who worry that courthouses are insufficiently secure. Finally, there are gaps between heightened public expectations of security and the realities of limited resources to accomplish these tasks, which may lower staff morale and lead to burnout.

This project was not intended to examine the merits or adequacy of security measures in these courts; thus, the article does not present recommendations for new or additional security measures. For that matter, the research methodology of two case studies necessarily limits the generalizability of these findings. However, when employed comparatively, the case method permits more detailed assessments of sites studied than if quantitative or some qualitative approaches were employed. Put another way, in sacrificing breadth of application, the pilot study garnered greater depth in appreciating the effects of security measures on these courts. Considering that the courts examined are among the most modern and respected across the country, the common problems identified between them likely warrant further consideration—either through additional research on the effects of court security or as a cautionary lesson to other courts as they examine their own security measures.

HISTORY

Nationally, the courts are relatively recent converts to heightened security in their operations. Although judges and court staff have long recognized the danger posed by some custodial defendants, only in the last fifteen years has the judiciary given intensive attention to other threats to its operations, whether from court users or outsiders who wish to attack their facilities.

In the late 1970s, participants at the Second National Conference on the Judiciary noted that “that ‘security in the courtroom and in the courthouse [had become] an increasing problem’” (Best Practices Institute, 2003); the result was the introduction of metal detectors and x-ray machines into courthouses (Wax, 1994). Within a decade, the National Sheriffs' Association had surveyed its membership to record courthouse incidents; the association's then-director remarked that “security in courts is in bad condition” (Wax, 1994). The growing concern for courthouse security crystallized in 1990, when the Commission on Trial Court Performance Standards released its standards for the effective operation of American trial courts. Standard 1.2 established a goal of safety, accessibility, and convenience in court per-

formance, with courthouse security intended to mean “the feeling of safety combined with the measures taken to provide that feeling of safety—against personal injury, property damage, and the loss of records housed in the courthouse” (Johnson and Yerawadekar, 1981).

At the time, court security was largely envisioned to address disgruntled litigants or potential escapees. A survey by the Supreme Court of Ohio and its Judicial Conference from the period underscores this point. Asked to recount violent incidents at state courthouses, staff reported the following incidents in declining order of prevalence: escape or escape attempt, physical assault, hostage situation, bomb threat or explosion (Jones, 2003:vii-ix).

The nature of court security would soon change with the 1993 bombing of the Alfred P. Murrah Federal Building in Oklahoma City and the 9-11 attacks of 2001. Coupled with a series of natural disasters in recent years that shut down court operations in Louisiana (hurricane), Florida (hurricanes), and California (earthquakes), the term “court security” has broadened to encompass emergency prevention and management. No longer do courts limit their attention to incidents that occur inside their buildings (Wax, 1994); now they are urged to prepare for external threats as well (Birkland, 2004; Siegal, Cooper, and Hastings, 2005; Wasby, 1998). As Judge Jane Roth, former chair of the federal Judicial Conference Committee on Security and Facilities, has explained, “The Judiciary has always been at risk from those who come before us in both criminal and civil cases and who disagree, sometimes violently, with our decisions and with the judicial process. Since 9-11, we have added the risk of terrorism. Because of this increased risk, our security has been tightened” (Roth, 2003).

The growing attention to court security uncovered a discrepancy in the level of courts’ preparedness. A 1997 survey by the American Judges Association (AJA) found that the vast majority of its respondents had security in place in their courts, but the meaning of the term varied considerably, from full perimeter security to a judge who happened to be armed. Recognizing these disparities, a number of respected and well-minded organizations stepped forward to advance the level and reach of security in the nation’s courts. “In 1995, the National Association for Court Management [NACM] produced the *Court Security Guide*, and several states followed with their own security manuals” (Best Practices Institute, 2003:1).

The NACM publication was followed by the “9-11 Summit,” held in September 2002; this meeting “brought together court leaders from across the country to discuss emergency management and pool the knowledge of court professionals who experienced emergencies firsthand” (Best Practices Institute, 2003). Among the results from the summit was the release of best practices for courts in managing emergency situations. Other groups have published guidelines “for trial courts—particularly those in rural areas—that are beginning the process of developing emergency preparedness and response plans” (Justice Programs Office, n.d.). Finally, in 2005, the National Center for State Courts and the National Sheriffs’ Association “jointly convened the National Summit on Court Safety and Security and Follow-Up Meeting to

collectively “identify critical court security needs and discuss realistic solutions” (Casey, 2006:1). The meetings brought together over 100 justice officials, ultimately creating “an ambitious plan to address court security in a collaborative, coordinated, and integrated approach” (Casey, 2006).

ATTENTION TO THE EFFECTS OF COURT SECURITY

In the concern for increased security, however, the courts have paid relatively little attention to the effects of that security. Much of the reason is undoubtedly that justice leaders are still trying to convince legislators, and some courts themselves, that stepped-up security in the courts is needed. One might also presume that the effects of security are naturally included in the calculus about the appropriateness of security.

To be sure, the courts recognize that heightened security necessarily touches on the judiciary’s constituencies, and, like any service industry, the courts are concerned about the needs and circumstances of their employees and users. In one of the best practices stemming from the 9-11 Summit, courts are urged to “prepare a list of individuals who might be affected by a court emergency and determine the best way to communicate with them” (Best Practices Institute, 2003:8). So too, the report from the 2005 National Summit notes the “multiple audiences” subject to “court security efforts,” including “court staff . . . attorneys, community service providers, volunteers, and other individuals regularly in the courthouse” (Casey, 2006:6).

These groups are mentioned, however, in the context of adopting “targeted training to ensure the safety of all courthouse users” (Casey, 2006), not in considering the effects of the security measures adopted. *Security: A Guide for Post 9-11 Environments* (2003) provides more than 300 pages of recommendations to the courts on security procedures to adopt, but no section addresses the likely effects of increased security on court users or other constituencies. A 2005 report from the AJA identified six important issues for courts to tackle in securing their facilities, but, again, the recommendations largely failed to address the needs or reactions of court users other than by advising courts on how to “handle opposition to the installation of security measures.” In framing court security in this way, the AJA, perhaps unintentionally, gave the impression that judges and court leaders know best how to balance the needs and effects of heightened security and that the constituencies who use their facilities must simply accede to these directives without concern for externalities.

Where the effects of heightened court security surface these days, it is often in the context of aesthetics. In Worcester, Massachusetts, for example, the bollards surrounding a federal courthouse were replaced with barriers that are less of an “eyesore” and more “aesthetically pleasing” (Kotsopoulos, 2006:B1). *Architecture Record*, too, has noted the tension between necessary security in courthouses and the public’s desire for a sense of “openness” in their government buildings (Loeffler, 2006). More recent reports have considered the messages sent by perimeter security. An appendix to the report of the 2005 National Summit stressed the importance of magnetometers or other measures that are “less intrusive and more effective in screening,” recogniz-

ing that some “inconveniences of access . . . are not acceptable” (Casey, 2006:14). Similarly, a 2004 report from the National Center for State Courts cautioned against “overt security measures [that] evoke an image of justice held hostage.” Although “general court security measures remain a prudent necessity . . . security measures should remain as unobtrusive as possible” (Hardenbergh, 2004).

As prescient as these cautionary asides may be, the effects of increased security on the courts and court users are still largely “a matter of conjecture, not fact” (Wax, 1994). Few, if any, courts have conducted a systematic evaluation of the consequences of heightened security measures on courthouse operations or the experience of constituencies who work in or use the courts.

PILOT RESEARCH PROJECT

Between October 2005 and February 2006, a two-person team undertook a comparative case study of the effects of heightened security measures on court users and constituencies. The project’s goal was to estimate how court security, especially those measures adopted since 9-11, affected people participating in day-to-day court business. The research did not test a hypothesis, although the study began with a suspicion that the recent rush to secure courtrooms and courthouses, while undoubtedly necessary, may have failed to consider the needs or interests of some court users. This, in turn, may have inadvertently lowered the public’s impression of judicial openness and competence.

The project examined any protocols, equipment, or systems adopted by the courts to provide security in their courthouses. Although initial interest in the subject was spawned by the courts’ response to Oklahoma City and 9-11 and to recent natural disasters, the study was not limited to those measures adopted after 1993, the year of the Oklahoma City bombing. First, it was often difficult to separate the effects of those measures adopted previously, such as x-ray machines, from those implemented more recently, like explosive scanners. Second, the majority of court security measures have, in fact, been adopted since the mid-1990s. Finally, the study was focused on the overall effects of court security on court users, which is likely an amalgam of reactions to measures adopted both before and after the early 1990s.

“Court users” or “constituencies” included those who either work in the courts or who have legitimate reasons to visit courthouses or participate in court business. Thus, the research encompassed judges, courtroom staff, litigants (whether civil or criminal, in custody or released), attorneys, jurors, and members of the public present either to observe a court proceeding or to attend to business elsewhere in a courthouse.

Researchers followed the case study method, using both observational and qualitative approaches, to examine two highly professional and well-respected county court systems. The selected courts were recommended by a panel of national leaders as efficient and effective, and as employing most, if not all, of the security protocols advised by national professional organizations. Of course, a focus on “elite” courts

may affect the results of the study, but it is an influence that likely works in favor of the courts selected. One may presume that they would not have allowed access unless they were confident of their operations. Thus, to the extent that the research identified issues of concern, those problems are likely magnified among other courts that may not be as experienced or attentive to these issues.

The project was divided into several stages. Researchers began by interviewing the presiding or administrative judge at each court and by meeting with members of the courts' security committees to learn the history of the security operations at the court and how these individuals envisioned the nature and likely problems of the security measures they employed. Depending on the court, these meetings involved representatives of court staff and the respective sheriff's department in addition to one or more judges.

Following these introductory meetings, the bulk of research was observational; researchers monitored perimeter security, courtroom operations, mailrooms, detention facilities, hallways, and general public space. Observation had three objectives: to describe the security measures employed and note the circumstances of their use; to record any reaction of those in contact with the measures; and to anticipate how the situation might unfold under different but reasonably anticipated circumstances. For example, standing outside a courthouse on a Monday morning, researchers noted the number, type, and designated lines for metal detectors at a courthouse's entry; they recorded the number of people waiting to enter and the approximate time it took them to make it through security; they noted both voiced and nonverbal reactions of persons who came in contact with the magnetometers, distinguishing where possible between the behavior of court staff, who had identification cards, and members of the public; and they sought to predict how the situation would be different if the weather had been raining or snowing. Wherever possible, observers attempted to "blend in" to avoid disturbing the normal order of business. In some cases, as for example when they observed lockups, they had to be escorted by staff. In these cases, observers tried to linger longer and watch.

Researchers also interviewed court users; they ranged from structured interviews with judges, sheriffs' deputies, and court clerks to informal discussions with attorneys, litigants, and members of the public. A formal structure was not employed for interviewing litigants, attorneys, or members of the public, so while conclusions about the effects on judges, sheriffs' deputies, and court staff are based on systemic responses from those individuals as well as observations, findings about the effects on other court users come from more-limited sources.

THE TWO COURTS

The study offered anonymity to the court systems and individuals involved, so the two courts are described here as "Southville" and "Northville." Both court systems are among the busiest county courts in their states. Each covers urban, suburban, and

collar communities and serves multiracial and multiethnic constituencies. Southville includes a sizable city within its county borders, while Northville directly borders a major city. Although Southville has a considerably larger court system than does Northville, both are considered among the largest in their states, and they receive heightened attention and greater resources from state officials as a result.

Southville County Court. Southville County covers over 1,000 square miles and has more than 1.5 million residents. It is a wealthy county, with a median household income topping \$70,000. The county is 50 percent white, with the other half divided among Asian, Hispanic, and African-American residents, in order of their proportion of the population.

Southville County Court is a unified trial court and among the five largest in its state. The court employs more than ninety appointed judges and commissioners in several courthouses across the county. In a given year, more than 300,000 cases are filed in the Southville court.

Northville County Court. Northville County's population nears 1 million, spread over a 500-square-mile area. Median household income for the county approaches \$60,000. Over two-thirds of the residents of the county are African-American or Hispanic, with just a quarter of the population identified as white.

Northville County Court is the second largest circuit court in its state's system, which uses state-run general-district courts for misdemeanors and county circuit courts for more serious matters. Northville County Court employs approximately twenty publicly elected judges, all presiding in one building that has been expanded over the years to accommodate the increasing caseload. More than 35,000 cases are filed each year in the Northville County Court.

SECURITY IN SOUTHVILLE COUNTY COURT

Security first reached the Southville County Court's agenda in the mid-1980s, when its presiding judge gave up that position and took over as chair of the court's security committee. Security is provided for the court by the county sheriff's office, although a joint security committee of twelve judges, a captain and lieutenant from the sheriff's office, and the court's director and assistant director of security create security policy for the court. Participants claim it is a friendly and collaborative process, unlike that described by many of their brethren around the state.

Magnetometers were first installed in Southville courthouses in the late 1980s, although security did not become a priority until the early 1990s after an incident in the family division where a litigant brought a gun to one of the county's courthouses and sought to kill his ex-wife. Recent shootings in Atlanta and Chicago have drawn attention and raised concerns, but 9-11 did not seem to have a large effect on the court's security, other than to speed up the then-existing process to provide perimeter security at all of the courthouses. While a majority of the county's courthouses had magnetometers in 2000, all do today, including x-ray machines and detectors for organic material at courthouse entrances. The county provided the court special

funding for improved perimeter security, some of which was used to purchase mail scanners shortly after the anthrax scare in 2001. The scanners also necessitated a change in mail delivery. Today, all mail destined for the Southville court is delivered to a central facility, where, the security committee claims, letters and packages are scanned for explosives and biohazards before being delivered to the various courthouses. However, as explained later, a site visit to the central mail facility found otherwise. The scanners can only be used for mail, not parcels; they can detect explosives but not organic material; and, most significantly, they were not used. Private express delivery (e.g., Federal Express) can be delivered directly to the courthouses, where parcels are scanned through the x-ray machines and organic detectors.

When metal detectors were first installed, court staff balked at being scanned, claiming that the imposition of this requirement was a violation of their collective-bargaining agreement and, thus, an improper change in their conditions of employment. As morale was already low and the staff had threatened to strike over other issues, the court decided not to require staff to go through the detectors. Today, staff and judges may use key cards to enter through separate, designated doors and avoid the detectors. The court's security director says there is a problem of staff holding the doors open for others, which the security committee plans to address by stationing a sheriff's deputy at staff entrances in the morning and after lunch to give staff a "friendly reminder" not to let others into the building when they open doors themselves.

Attorneys also complained when the magnetometers were first installed and they were forced to use them. Since then, the courts have allowed attorneys with valid bar cards to go the front of the line, but they must still pass through the detectors. Since 9-11, court staff say, attorneys' complaints have subsided. The county's security committee claims that seated jurors displaying a badge are allowed to bypass the lines, but this did not appear to be the case at most courthouses visited.

Many of the Southville courthouses have closed-circuit television cameras (CCTV), but they are generally limited to outside doors, lack audio, cannot pan, and are rarely monitored outside of the central courthouse because of a lack of technicians. The theme of limited resources permeates much of the county's consideration of court security. The sheriff's office, which provides deputies for court security, has seen its budget for these purposes reduced, so deputies are regularly moved around to different functions in each courthouse when a particular courtroom "goes dark" or there is a lull in a deputy's regularly assigned activities. Each morning, the sheriff's office conducts a "security assessment" of the hearings and defendants to be dealt with that day. If there is a particularly well known case, or if a defendant is especially violent, extra measures may be taken, including adding a second level of security screening at the entrance to a courtroom, providing additional deputies in the courtroom, or moving a case from one of the county's satellite courthouses to its main building.

Entry-level sheriff's deputies begin in the courts and then are rotated out to street patrol before being offered the opportunity to return to the courts. At least one deputy is assigned to each judge's courtroom. Judges sit behind bulletproof benches

and have “panic buttons” at their knees. Judges continue to park in open, unsecured areas, although secured parking is a current priority for the security committee, along with additional bollards at all of the county’s courthouses, better CCTV coverage and monitoring, and a policy on judges’ possession of firearms. According to many respondents, a number of judges arm themselves both in court and outside, although the practice is generally conducted “on the down low.”

SECURITY IN NORTHVILLE COUNTY COURT

The Northville County Court is located in a single building in a relatively untrafficked part of the county. The county court shares space with limited-jurisdiction district courts administered by the state, as well as a clerk’s office, the district attorney’s office, and a few state offices. The county has expanded the courthouse recently and anticipates adding more space in the foreseeable future.

Security is supervised by a safety committee composed of the administrative judge of each court, along with representatives of the county sheriff’s office and the other tenants of the building. Because of disagreements between the two courts, with the county court generally seeking higher security than does the district court, the sheriff’s office will often break the tie and decide which security measures are warranted for the building. Judges tend to defer to the sheriff because of his public-safety responsibilities. However, if the public complains about security procedures, the county judges—who are elected—have been known to step in to change policy.

Magnetometers came to the courthouse in the late 1970s, with x-ray machines following, although even today the latter are limited to metal detection and cannot identify explosives or organic material. For a one-year period in the late 1980s, court staff were required to pass through the metal detectors, but after several complaints from staff, the safety committee removed this requirement. Court staff, and anyone else who works in the building and has an identification card, can use their identification cards to enter through the employees’ door from the staff parking lot; alternatively, they are permitted to walk around or through the metal detectors at the two public entrances by flashing their identification cards. Staff are not required to pause if the magnetometer beeps.

The magnetometers are staffed by civilians and a sheriff’s deputy, with deputies assigned to other stations in the building as well. These stations include each courtroom, a central control room to monitor building alarms, the holding cells, and defendant transport, with occasional forays outside to patrol the parking lots. Sheriff’s deputies rotate through courthouse duty and street patrol, with their average stay in court security being about a year.

In addition to the court clerk and stenographer, each county courtroom is staffed by a civilian bailiff, who serves as a staff assistant, and one or two deputies who are armed and provide security. In a district courtroom, a single bailiff provides both functions, but only some are armed. In an unusual arrangement, the sheriff’s office is responsible for the holding cells and inmate transport; this means that county

deputies bring defendants upstairs from the holding cells and turn them over to the district court bailiffs in those courtrooms. For county court, deputies retain responsibility for custodial defendants throughout the entire process. The sheriff's deputies do not think much of the district court bailiffs, describing some as "old retired cops."

The Northville courthouse has CCTV, with the new wing even boasting a motion-activated digital-video-recording (DVR) system. However, recording is not currently performed, nor are there sufficient monitors in the control room to observe the cameras, which so far are mainly unused. There is a bomb-sniffing police dog assigned to the court; the dog can be brought out at times like gang trials to give the appearance of heightened security, even though the dog is not trained for crowd control. The county attorney's office will notify the sheriff's office when a notorious case is scheduled for circuit court, and the sheriff's office will often assign additional deputies to that courtroom as a result. There is extra wandering outside courtrooms for high-profile cases.

All mail for offices in the Northville courthouse enters the building through one of the x-ray machines, with letters and parcels then distributed to the respective offices through the mailroom. There is no capacity to scan for explosives or biohazards, only for metal objects. In fact, Northville lacks resources to upgrade the technology in its security systems, either for improved and additional screens to monitor CCTV or for more-regular upkeep. The financial situation is getting better, some staff said, as long-simmering disputes between the county and district courts and between leaders in the county administration and the sheriff's office decline with changing leadership, which has provided the county court with new funding that it can dedicate to security. In addition to the motion-activated DVR system in the new wing of the courthouse, employee-identification cards have been programmed to limit access for each employee to those areas in the building in which the individual has reason to work. Unfortunately, the new funding has not significantly improved the salaries of security personnel, and turnover remains an issue, particularly among those civilians that assist with monitoring access.

Judges have "panic buttons" in their courtrooms and, like the rest of the staff, may park in a designated, underground parking lot. There is an additional parking lot for judges, restricted by a gate and key access, but this sits adjacent to the main street, with the result that the judges are visible to the public no more than ten yards away. For this reason, most judges choose to park in the underground, albeit ungated, lot. The administrative judge, who parks outside, summed up the dilemma when he spoke of the county judges' dual roles as jurists and community leaders who must stand for election. "We can't just hide," he said. People expect to have access to Northville judges, whether in the courtroom or at community events.

ISSUES OF CONCERN

Notwithstanding their differences in court structure and security systems, the effects of security in these two courts systems present many of the same concerns. Initially,

both courts have been receptive to complaints from court staff and users about the effects of courthouse security. When staff complained about the magnetometers, officials in both court systems exempted them from passing through the metal detectors. Southville also acceded to the concerns of attorneys, who said that the lines at the magnetometers delayed them from reaching court and that being subjected to search was an affront to members of the bar who should be trusted. Attorneys there may now move to the head of the line at a metal detector by showing their bar cards. In addition, security committees in both courts amended rules prohibiting cell phones when it became apparent that the technology had become so essential to the lives of lawyers, litigants, and even court staff that it was a serious inconvenience to be without a cell phone while in court. Today, cell phones are permitted in the Southville and Northville courthouses as long as they are not camera phones.

Interestingly, it took collective complaints from court staff or users to move the courts into changing their security policies, for in general these courts appear more reactive than proactive in considering the effects of increased security on court constituencies. Court officials did not push back against the complaints, insisting, for example, that staff use the metal detectors like everyone else because rogue employees with building passes could pose a threat to the courts. Instead, they acceded to the demands, largely to “keep the peace” with court staff. Court leaders in these two jurisdictions have been willing to balance the effects of security against the need for protection when faced with collective criticism from those who either work in their buildings (staff) or access them regularly (attorneys).

Information Needs and Comfort of Court Users. Although the Northville and Southville courts have been receptive to organized demands, they have not been as proactive in anticipating or routinely monitoring the effects of security on court operations or constituencies. The concern begins at perimeter security, where the courts could do more to anticipate the information needs and comfort of some court users. Judges and court administrators acknowledge that there are often long lines at the entrance stations to many courthouses, especially on Monday mornings when new jurors are summoned, but neither court system has attempted to track waiting times. Informal reports suggest lines may last as long as fifteen to twenty minutes, and these are often at courthouses that lack overhangs or covered areas to protect jurors or litigants from inclement weather. The situation leaves a poor impression on court users, the majority of whom said in interviews that they had expected to wait a few minutes to enter the courthouses but were angry at delays that approached fifteen minutes. To the extent that the lines are sizable, the delays may stall court proceedings. A few judges interviewed complained of having to start court late in the mornings or immediately after lunch to accommodate delayed jurors, witnesses, and attorneys.

In addition, none of the courthouses observed provided adequate signage either to prepare people for the items, most particularly camera phones, that are prohibited in the buildings, or to offer explanations in Spanish, Korean, or Vietnamese to serve the significant minority populations who come to those courts. This was especially a

problem at the Northville court, where many court users park in a lot one-half mile from the courthouse and take a shuttle bus to the building. Although the court explains its security measures when issuing jury notices, there are no signs in the parking lots to remind jurors or others to leave camera phones and other prohibited items in their vehicles. The result is that a number of people reach the magnetometers only to turn around and return to their cars. The delays that follow not only slow court processes that depend on the presence of these individuals but may also lower the public's opinion of the courts.

Inconsistencies Between the Expectations and Realities of Court Security. For all of the considerable attention paid to security in the two court systems, there were several serious discrepancies between the rhetoric and expectations of those who set security policy and the implementation of those directives by deputies and court staff charged with providing security. Perhaps the most troubling was in Southville, where the presiding judge and members of the security committee reported that all mail directed to the courts was being scanned for weapons, explosives, and biohazards in a central facility. However, a visit to that mailroom found two scanners stacked in the back of the room. Mail staff explained that they no longer used the equipment and that, in any case, the machines only scanned for explosives. In Northville, the administrative judge reported that deputies regularly patrolled the outside of the courthouse for suspicious activity, but the deputies themselves said patrols were limited to a couple of times each day. CCTV was a problem in both courts, as the number and conspicuousness of cameras might lead court users to believe that they are regularly being watched and protected, when many of the cameras still have yet to be set up, and the number of screens and technicians are still too few to provide adequate monitoring.

It could be argued that there is little harm to court staff or users in believing that they are more secure in these courthouses than they really are; in effect, what they do not know cannot hurt them. However, the judiciary, the government branch most concerned with fairness and impartiality, has an obligation to be as honest as possible with its constituencies. That does not mean providing access to the details of security systems, but it may imply the avoidance of giving false impressions.

More critically, there is a policy concern when the implementation of court security does not match the expectations of those who have designed or approved it. Perhaps those plans were overly ambitious and the realities of implementation warrant scaled-back aspirations, but those are facts that individuals responsible for court security protocol must know. Otherwise, a court labors under the significant threat of an unknown security breach, one that could conceivably endanger court facilities and users.

A Misimpression that Security Is Less Effective Than It Is. Both of the observed courts have several layers of security for their buildings and operations. However, while the leaders of these courts are strongly supportive of the security protocols, the failure to emphasize the importance of security routinely and monitor practices

repeatedly unwittingly permits breaches that may lead court users, including litigants, jurors, and even judges, to doubt the effectiveness of security measures.

A good example is in Northville, where, according to many sheriff's deputies and court staff, the interest in court security waxes and wanes with news stories of terrorist attacks and courthouse assaults. At the time of observation, interest was said to be low, and complacency had set in. Researchers received several reports of employees who held the secured door open for others they recognized, although protocol does not permit this practice. Of course, the risk that this behavior will lead to an attack is likely low—provided staff admit only those individuals they recognize as court employees—but when complacency leads to carelessness, a serious security breach may well follow. Perhaps more important, a gradual rise in noncompliance seems to worry those staff members who follow the rules. “Are we really that safe?” was an expression heard several times from court clerks and even sheriffs' deputies in both court systems, who recounted the number of incidents in which they had seen people scurry through open doors. When asked what they did when confronted with the situation, most staff said, “Nothing,” as they believed that it was not their job to “tattle” or get a coworker in trouble. Still, the fact that court employees witnessed such breaches, and that the breaches went unpunished, sowed doubts in their minds about the efficacy of the security measures in place.

Apart from prohibited practice, the Northville court system seems unaware of the signal it sends when, in view of the public, court staff are permitted to pass through the magnetometers while the machines beep. To be sure, court staff are required to wear an identification card to receive this privilege, and sometimes they are directed to their own line a few feet away from the general public; however, the scene still appeared troubling to members of the public observed, who questioned why someone should be permitted to enter the courthouse if the magnetometer detected an irregularity. Their concern was not so much that staff were permitted to enter without enduring the metal detectors—for, as some said, they are accustomed to key-card access in other businesses—but that staff were allowed to pass blithely through, and in full view of the public, if the magnetometers sounded to a possible abnormality. Court users might feel more confident about court security with Southville's method, in which judges, court staff, and other courthouse employees are allowed to bypass the magnetometers but do so outside of public view. This is not to say the buildings are significantly less secure when employees are allowed to bypass the magnetometers, but perimeter security may *appear* less safe to other court users when they are confronted with stark examples of the exceptional policy.

In Southville, there was another ironic situation: judges who were unaware of court security measures seemed at times to be paranoid about their own safety in court. Several judges did not know their desks were made of Kevlar, could not explain the roles of the many sheriff's deputies who accompanied custodial defendants to their courtrooms, and did not know whether the deputies were armed in court. By and large, these were also the judges who worried most about their person-

al security in the courtroom. Members of the court's security committee said that judges were regularly briefed on these matters, but the chair of the committee reported that many of his colleagues "do not take the time" to pay attention to these issues. It is unclear whether this results from apathy on the part of some judges or a failure of the security committee to communicate on these matters. Among other things, the committee meets Wednesdays at noon at the county's main courthouse, about a forty-five-minute drive from one end of the county, where judges who participate in the committee must return by 1:30 p.m. for afternoon court. Yet the lack of information and understanding seemed to feed the security worries of some judges.

Expectations for Heightened Security but Limited Resources to Do So. In both court systems, the sheriffs' offices have been asked to increase courthouse security substantially over the last decade, but other than a one-time allocation from their county governments, judges and sheriffs' deputies say that resources are still inadequate to staff the courthouses as fully as they think appropriate. Of course, there are always questions about appropriate staffing levels, and it is possible that these court systems seek more positions than they need to cover their buildings properly. However, observations confirm the multiple assignments expected of sheriffs' deputies and help to explain why the courts and sheriffs' offices believe their security units are understaffed.

In Southville, the state has recently cut the court's security budget, requiring the sheriff's office to rotate and share deputies between positions in the courthouse. As a result, some responsibilities like outside patrols are left undone when the courts are busy. In Northville, the reliance on bailiffs in district court, who cost less than a sworn deputy, shocks many of the sheriff's deputies, who believe the state has traded a small cost savings for a more significant threat to courthouse security. Interviews regularly found security personnel who believed they were overworked, especially as compared to the same assignments five years ago, and who said their morale had dropped as a result. Perhaps their previous assignments were too comfortable, but courts ought to be aware that in seeking to "do more with less," there are repercussions among the personnel assigned to provide security.

Remaining Security Risks. Although this study was not intended to assess the efficacy of security measures employed in both courts, several serious security risks remain in these courts. These deficiencies are troubling on three levels. First, even after the emphasis given to security over the last decade, it is disturbing that these court systems—two of the most respected in the nation—still have yet to address obvious, and in some cases known, threats. Second, the fact that these risks are conspicuous, particularly to the public, may lead some court users to doubt the competence of the judiciary to protect them while in court. Finally, where the risks are known, they create greater anxiety for those charged with security, because in many cases these officials lack the appropriate resources to address the problems.

Two examples warrant mention. At one Southville courthouse, custodial defendants are paraded outside in a daisy chain from the court's sally port to the main lobby. As many as seven defendants are accompanied by one or two officers, who are

outside of plain sight and CCTV for about ten yards when walking around the side of the building, and whose appearance in the main lobby surprises and in some cases worries other court users, who are suddenly confronted with a chain of orange-clad inmates in handcuffs. In another Southville courthouse, as many as fifty custodial defendants are brought into a single courtroom for arraignment with as few as four deputies present. To be sure, the charges are misdemeanors, and the most violent defendants are in handcuffs and sometimes in leg irons. However, defendants sit in rows by classification level, meaning that someone who is in protective custody in the jail can be seated twenty feet away from the very person he is supposed to avoid. This is particularly problematic when an interpreter must be used and all the people who speak that language are moved to a separate row.

Southville officials profess awareness of these security risks, but they do not have the resources to address them, whether by retrofitting courthouses or hiring more deputies. Northville officials, too, complain of limited resources that prevent them from improving court security, including regular perimeter patrols of the courthouse during daylight hours. Although trade-offs may be inevitable with resources that are limited, the growing emphasis on security seems to have attuned officials in these two court systems to deficiencies in their protective schemes, while simultaneously worrying them about the ability to correct these weaknesses. Barring the provision of additional resources for these purposes, the emphasis on heightened security may actually have raised anxieties about courthouse security.

CONCLUSION

Northville and Southville are two modern, well-respected court systems. They have been leaders in a number of areas of court administration, from technology to training to caseload management. Each has also undertaken a number of measures to protect its facilities, staff, and users and has a long experience with security systems and procedures.

Leaders of both courts profess concern for the experience of those who work in or interact with their courts, and their emphasis appears genuine. Indeed, each court has been responsive to organized complaints from court staff and users about the effects of courthouse security. As much as these courts have emphasized the need for heightened security measures, evaluative research suggests there is more each court can do to ensure that the security protocols enacted neither send unintended, unfavorable messages to court staff and users, nor fail to take account of the special circumstances of those who enter court facilities to do business with the judiciary. Safety measures are undoubtedly important, but the judiciary—perhaps more than the other branches of government—has an obligation to ensure that the externalities of security do not mar the courts' sense of openness and impartiality.

Although the research is based directly on the two courts studied, the implications of the study's findings likely extend to other court systems. Northville and Southville are courts of high repute, with leaders who were willing to open up their

doors to outside researchers. If even these courts presented issues of concern, there are likely other court systems that warrant greater attention to the effects of security. Additional evaluation research is needed, whether using quantitative, qualitative, or observational methods, lest potential problems go undiagnosed and ferment. The courts have made great strides over the last decade in securing their facilities. It is equally as important now to consider the effects of those measures on court operations and constituencies and to make modifications where appropriate. **jsj**

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