

COURT SECURITY GUIDE



National Association for Court Management

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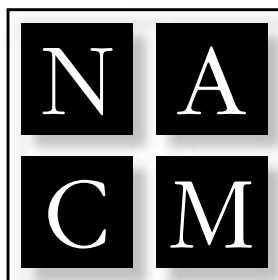
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I. Introduction

On Friday, March 11, 2005, an in-custody defendant on trial in Atlanta, Georgia, on several felony charges, including aggravated rape, was reported to have wrested a gun from a female deputy sheriff who was escorting him by herself to the courtroom. He shot her, wounding her critically, then traversed an above-grade bridge to the trial courtroom, where he shot and killed the judge and his court reporter. While exiting the building, he shot and killed another deputy sheriff. The previous day, he had been caught with two home-made “shivs” in his shoe, prompting the judge to ask for extra courtroom security for the balance of the trial. This incident followed the recent in-home killing of a Chicago federal judge’s husband and mother by a litigant in a medical malpractice case who thought the judge’s dismissal of his case was wrong and had ruined him.¹ He had snuck into the judge’s home, whose address was posted on a Web site maintained by a group associated with another case involving the judge, to kill her, but left before she returned home.

Both incidents are highly unusual in the annals of court security risks. Their viciousness, their proximity in time, and the issues they have raised about court security have given fresh impetus to all court leaders to review and, as necessary, upgrade court security, including the security of judicial officers when they are not in the courthouse. These incidents reinforced the long-standing awareness of court officials, particularly those in large urban jurisdictions, of the importance of court security; they also reinforced the concerns generated following the horrors of September 11, 2001, and the enhanced understanding caused by that event of a need for greater vigilance against many security threats to government institutions, including courts.

A comprehensive security plan and program for a court helps ensure an atmosphere of relative comfort and safety in which to conduct judicial business. Although the county sheriff or other law enforcement agency normally is vested with overall court security, everyone involved in the court’s business, including judges, staff, attorneys, litigants, and the general public, has a role. This role in security is exercised through cooperation, alertness to potential dangers, and knowledge of the security plan. Security plans can be envisioned as an umbrella covering perimeter, facility, and internal security measures plus a coordinated response to security incidents and treats.

Security plans and measures attempt to strike a balance between the rights of citizens in our open and democratic society and ensuring appropriate levels of security. “Security” as used in this guide, means “the safety or safeguarding of (the interests of) a state, organization, person, etc., against danger . . . the exercise of measures to this end” (*Oxford English Dictionary*, 2nd Edition). Court security is neither disaster recovery (although the two can overlap) nor department specific.² It is an ongoing responsibility as well as a duty to all working in and using a court. It addresses the need to prevent disturbances and acts of violence that can impede the administration of justice. Court disturbances threaten an orderly system of justice by interrupting the adjudication process and making

¹ The judge whose family was killed on February 28, 2005, was the last of three judges who had dismissed the litigant’s claim; she was doing so pursuant to an order of the Court of Appeals for the Seventh Circuit. At least one attorney involved in the litigation said the judge probably treated the litigant more humanely than any of the other judicial officers in the case, but apparently he did not see it that way.

² The National Association for Court Management will be producing a complementary mini guide within a year of publication of this guide that will cover assuring and restoring organization continuity, i.e., “disaster recovery.”

it difficult for a defendant in a criminal case or a party in a civil matter to obtain a fair resolution of their case. Disturbances also undermine public confidence in the court as an institution and respect for the legal process.

Although awareness of security issues currently is high, this level of awareness can fade with the passage of time and changes in personnel. Part of the responsibility of a court's leadership is to assure that neither the awareness nor the precautions slacken.

Court security includes the procedures, technology, security personnel, and architectural features needed to ensure the safety of people and property within the courthouse and nearby grounds and to protect the integrity of the judicial process. Court security is more than a modern building with the latest equipment, however. It encompasses an understanding of the role court security plays in the justice system, an evaluation of threats to that system, and plans for an effective response to those threats. By taking a few precautions, security can be maintained in court buildings and court-based activities in outside facilities such as probation offices and mental health hospitals. Even if no incidents have occurred to date, every jurisdiction should undertake security planning and preparation and establish a comprehensive security system.

What is the court's proper role in administering a security program, particularly where, in many courts, executive branch agencies have legitimate responsibility for various facets of security? Further, many courts are located in "shared" government facilities that also house nonjudicial agencies, which can further complicate security management. This guide is premised upon the concept of strong judicial branch leadership and ownership of the court's security program. Throughout the guide, however, there also is an emphasis on collaborative planning and on a partnership between the court, security officials, and law enforcement agencies.

This mini guide, produced by the National Association for Court Management, updates the June 1995 publication, "Court Security Guide." What has changed in the last 10 years? For one thing, there has been a national and even global increase in awareness of and in concern about security due to international and domestic terrorism. Gang activity, organized crime, and tragic incidents across the nation arising out of family disputes also have heightened awareness that security must be a concern daily and not merely a response to a specific special event or incident. Over this past decade, security technology has advanced dramatically, from video monitoring to electronic locks and biometric identification systems. Technology is only one element of security, of course. The other components are personnel and procedures. All must work together to be effective. This guide

outlines the factors to take into consideration and some possible responses.

This guide is more checklist than blueprint. It identifies issues and suggests approaches; each court then must develop its own specific blueprint in accordance with its local environment, culture, and needs. The best security is ever vigilant, comprehensive, only partially visible, and never taken for granted. This guide is offered to assist courts in meeting those goals.



II. Responsibility

The responsibility for securing courthouses is both focused and general. The ultimate responsibility for courthouse security usually is focused by law or practice on one person. Either way, it is best that one person have the final responsibility. Whether the chief judge, the sheriff, or the court administrator, this person's mission is three-fold: to match resources with need; to set policy goals and monitor the degree to which those goals are met; and to create awareness on the part of all those working in and entering the courts about the need to maintain a secure facility.

	Are you aware of any security incident at a nearby court in the past five years?			
		Yes	No	Unsure
Has your court dealt with an incident relating to security in the past five years?*	Yes	34.76% (81)	20.17% (47)	11.59% (27)
	No	7.73% (18)	18.03% (42)	1.29% (3)
	Unsure	1.72% (4)	2.58% (6)	2.15% (5)
* Based on 233 responses received in 2004.				

In some jurisdictions, security is the legal responsibility of a sheriff or local police department but the judges and court employees expect the court administrator to be knowledgeable and involved, at least at the policy level. In such cases, the administrator should establish regular communication with the legally responsible entity and expect an equal role in setting policy and approving the security plan. Large courts often appoint a security liaison to interface with the security agency daily.

Courts often share facilities with other government agencies. In these circumstances, building-wide security may be possible, but it may not be. In the latter instance, security for the court's portion of a building has to be provided within the context of a building that is not secure. The ultimate responsibility for court security would not change, but the approach needs an additional element. A coordinating committee consisting of representatives of all entities in the building is essential for effective security. This committee can assist in developing and overseeing the security plan and also assure that other tenants in the building are aware of the court's needs and plans. It also allows the other entities to develop their plans in the event that a security incident in the court impacts other parts of the building.

Operational responsibility rests on security personnel, be they deputy sheriffs, marshals, or private security personnel. They must have the requisite training and daily responsibility for implementing the security plan. Lines of communication between these personnel, their supervisors, court personnel, the court administrator, and the person with final responsibility within the court, if that is not the administrator, have to be delineated and understood by all involved.

All court employees share responsibility for security. Employees know what is common and uncommon, they observe public and work areas that may not be monitored by security personnel, they may be in the best position to see suspicious behavior by visitors or litigants, and they may be immediately affected by a security incident. It should be reasonably easy, therefore, to get staff's support and assistance.

Placing the burden on staff has potential pitfalls, however. First, complacency may set in. If security is everyone's concern, it may become no one's concern, as each person becomes convinced

another will do the job. Equally risky, if there are no incidents over months or even years, staff may come to believe that none will occur; the institution might be most vulnerable when staff come to believe security is unneeded. Also, employees may not feel comfortable with the idea that they bear some burden for security, feeling it should rest with trained professionals. The issue of consciously or unconsciously deferring responsibility to others should be addressed through training programs involving both court management and trained security personnel. The training must emphasize that responsibility for a secure environment is shared with those in law enforcement or protection management and that only constant vigilance, even in extended times of quiet, assures security.

Those who enter the courthouse on a regular basis (such as attorneys), from time to time (law enforcement, social service agency personnel, a variety of others), or even rarely (general public) also can assist with security. Their responsibility and the capacity to inform or educate them, however, are limited. Security personnel and employees can create an atmosphere indicating security consciousness that sensitizes the public. The “atmosphere” can be reinforced by signs asking people who see a suspicious package to contact security or a member of the court’s staff or in the relatively simple placement of a secure phone and contact numbers throughout the building. For the Bar, letters from the chief administrative judge and/or occasional comments at Bar meetings can reinforce the need for all to be alert.

III. A Security Plan

What is a security plan?

Many states by statute or court rule require the development of a security plan. A security plan has two purposes: a plan and general guide for staff and policy makers and an operations manual for security personnel. It addresses how the court will address specific issues, particularly those discussed in this guide. A security plan need not be massive. Instead, in the most concise manner possible, it should advise staff and judicial officers how to prevent security incidents and what to do should they occur. A second volume or appendices can provide the myriad details for scenarios that the court’s security department would need to know but staff would not.

The plan should address three elements of securing the court and those who use it.

- Daily, general securing of the facility
- Procedures for handling continuing security concerns such as prisoner transport, the theft of documents or personal items, and minor medical emergencies
- Contingency plans for major security concerns such as hostage situations, weapons use, bomb threats, fights, demonstrations, major medical conditions, fires, and special high-security defendants and notorious cases

Within these three elements, there are three areas to consider:

- Operations
- Technology
- Architecture

Operations includes policies, procedures, and personnel. Personnel embraces both the number and type of security personnel and assuring that all other court staff have familiarity with security plans that might affect them. Technology helps to detect security threats and to take preventive actions. Often you want the technology to be apparent, such as fire alarms, electronic locks on doors, and magnetometers, while other technology is not visible, such as motion detectors and possibly closed circuit TV. Architectural elements involve both the exterior of the building – protecting it from vehicles and other external threats – and space planning and security materials (e.g., laminated, shatter-proof glass and fire-rated stairwells and corridors) that limit damage inside. Following 9/11, several groups have reviewed technological and, especially, architectural codes and standards. If you are designing a new building or a major addition, or merely upgrading a portion of an existing building, you may wish to ensure that you or your architect consults:

- U.S. General Services Administration
- United States Marshal Service
- National Sheriff's Association
- New York City Department of Buildings
- Art Commission of New York City (for how art can be used to enhance, particularly, exterior security)
- National Capital Planning Commission (in D.C.) and
- Local engineering and architectural associations regarding local codes and standards

A written statement of policy and procedures provides security personnel as well as both new and veteran court staff with clear directions regarding their responsibilities and how to deal with the numerous situations that may arise. It also serves as a handy reference when a contingency or emergency situation occurs.

The creation of a security policy should be of primary concern and immediate importance. Obtaining copies of plans from other courts that already have such plans may ease the development process. Courts with multiple locations and constituencies may require more effort and time to produce a plan, as the planning committee would be larger and certain factors may have to be addressed separately for each facility. The time required should not lower the importance of the task, however. A security breach is never acceptable after the fact; often only advance planning will enable a court to avoid such a breach. Consideration also should be given to keeping people in nearby buildings informed.

	Has your court dealt with an incident relating to security in the past five years?*			
		Yes	No	Unsure
Does your court have written security policies?	Yes	43.4% (101)	15.9% (37)	7.3% (17)
	No	9.4% (22)	11.6% (37)	6.0% (14)
	Unsure	2.6% (6)	1.7% (4)	2.2% (5)
* Based on 233 responses received in 2004.				

Developing the plan

Developing a plan involves several steps:

1. Establish a court security management planning committee.
2. Set objectives and goals, both short- and long-term. For example, one broad goal may be to protect life, property, and the judicial process. Each broad goal would have deliverables, target dates, and quantifiable statements about how you will know if the goal is being achieved.
3. Identify known problems.
4. Conduct a staff, equipment, and facility audit to identify and clarify problems.
5. Prepare a written report.
6. Develop an action plan to resolve problems.
7. Develop written policy and procedure statements.
8. Document and distribute the plan.
9. Conduct appropriate training.

There are three groups almost universally included on the planning committee: law enforcement (usually sheriffs), the chief judge(s) in each court facility, and the court administrator and clerk of court. It also is wise to include the prosecutor, public defender, and local bar associations. Many courts also include members of the legislative body responsible for authorizing funding for the plan, court staff, one or more senior managers, and even members of the general public. If representatives of fire and emergency services are not part of the drafting committee, they at least should be consulted while the plan is being developed. Courts housed within private buildings or buildings that are home to other government agencies should seek input from building management and fellow building tenants; as major security incidents also can affect all tenants, failure to include their representatives may cause hard feelings and even could put their staff and customers at risk when the time comes to execute contingency plans.

Judicial input and support for the plan is critical to ensure not only that judges understand and adhere to the policies, but that there is backing for required funding. Law enforcement agencies have access to funds that may not be readily apparent to those within the courts. The attorney members of the planning committee may be able to press the local bar into accepting elements of the plan that impact attorneys and may even help during budget negotiations. Finally, by including public input and concerns in the planning, it becomes that much easier to seek their support for financing and executing the plan.

In the process of developing the plan itself, the committee can prioritize security needs and expenditures, foster public support for increased security, and help the court to obtain the funding associated with any suggested changes.

Plans should be reviewed yearly, along with a security survey or audit. Such a review could be done as part of the yearly budget request process, so if there are new security needs, additional resource needs can be tied directly to appropriations requests.

Audit/Review

An audit is needed at two points: when the plan initially is being developed and periodically thereafter, preferably annually.

In what year was the last audit or review of security for your courthouse and/or courtrooms made?*

2004	2003	2002	2001	2000	Prior to 2000	Never	Unsure	Multiple Answers
15.45%	19.74%	9.44%	3.00%	1.29%	14.16%	11.16%	23.61%	2.15%

* Based on 233 responses received in 2004.

The initial audit should cover the court grounds plus all external and internal building spaces. A survey instrument or checklist should be used to ensure that no areas are overlooked. (See Appendix A for a list of areas to consider in the survey.) Two surveys are needed: a written survey and an on-site, walk-through survey. A written survey is important because it allows staff to make anonymous comments and gives them an opportunity to think about the issues. For some elements of the on-site survey, it can be helpful to use people from outside the court who have no connection with staff so they bring a fresh eye to the facility and you can determine how staff responds to strangers who might breach security. When the on-site survey is conducted:

1. Do not announce it to staff before the survey is started.
2. Carry a notebook to record your observations.
3. Walk around and open doors. Find out what really happens. Talk to staff, as some security incidents may not be documented or reported.
4. Watch how staff operates. Observe if they are attentive. See how many prisoners are being supervised by how many guards.
5. Determine how the lights and telephone system are controlled in the courtroom, staff offices, hallways, etc. Members of the public should not be able to turn out the lights or turn off the phone system.
6. Assure that utility closets are locked.
7. Review operation of the public address system and emergency-exit lighting
8. Evaluate whether the emergency generator(s) will function for as long as may be needed or, if the court does not have such a generator, whether one should be installed.
9. Establish how far an unknown person can go into a restricted area without being challenged.
10. Determine if judges allow unrestricted access to their chambers and/or the corridor along which their chambers are located.
11. If the court has video surveillance equipment, is the person who monitors it attentive at all times or does he or she have other duties?³

The results of the initial audit should be documented. The report should cover strengths as well as concerns and offer options and recommendations for improvement. Past security incidents should be mentioned in the report. The report then can expand from actual incidents to “what

³ In the Atlanta situation cited at the beginning of this guide, it has been reported that surveillance cameras caught the overpowering of the deputy sheriff, but the image was not monitored, so aid could not be dispatched in a timely manner.

if” possibilities: What if the defendant had taken a hostage rather than just run away? What if the thief had taken some court records or cash from the drawer at the counter rather than a purse? Use the goals and objectives set in the plan to prioritize responses if all identified concerns cannot be addressed right away within the current budget.

Because security needs are easily forgotten and because circumstances change, the plan should be reviewed annually. Review of implementation need not wait for an audit or the annual review, however. Targeted, unannounced audits can be conducted. One way to conduct a targeted check is simply to take a single random target from the security plan and conduct a walk through of the court to determine if the goals of that particular area are being met. These mini-audits are limited, but a useful device for reminding staff of the importance of security concerns. They also assure, without waiting an entire year, that complacency, broken equipment, or some unforeseen circumstance has not arisen since the last check.

Keeping staff aware of the plan and emergency procedures

There are various ways in which to keep staff aware of the plan. The “snap audits” are one way. Another is to reduce the key points to a card that can be placed in the desks of all employees. If nothing else is provided, all staff should have emergency telephone numbers and three or four outlined steps to follow for the most likely scenarios they could face, such as bomb threats, fire, medical emergencies, and incidents of violence. A quick reference of this sort can easily be used in case of emergency as well as serve as a refresher. Some courts put basic security information on the back of all ID cards, either as stickers or part of the card itself.

IV. Spheres of Daily Concern

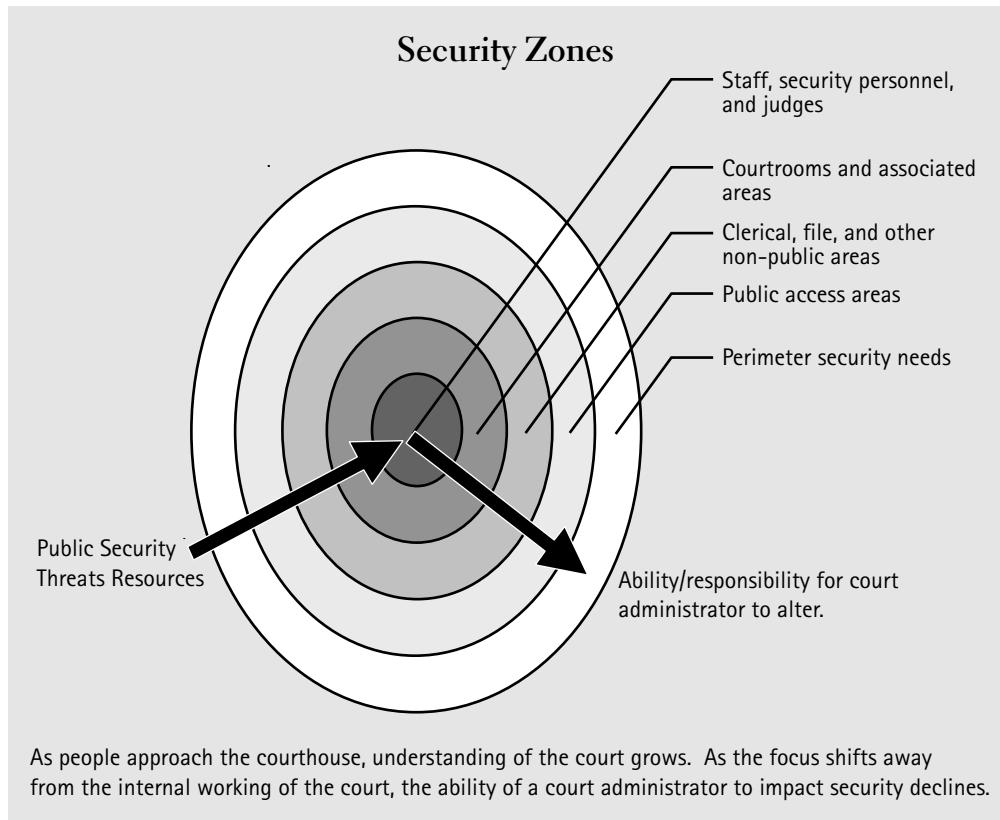
A court’s security needs can be thought of as a series of concentric circles, starting with perimeter security needs, then moving to public access areas within the courthouse, then to clerical, file, and other non-public areas, then the courtrooms and associated areas, and in the center, the staff, security personnel, and judges upon whom all the policies and procedures depend. This section addresses each of the security zones.

The “systems approach” to security requires that policy and procedures work together to achieve a unified effort. Administrators can assume that the court’s stakeholders want a safe and hospitable environment while in and near the courthouse. Recognizing different zones that present different security issues and challenges, yet also recognizing that the zones are dependent and not independent of each other, may help to create and sustain the system approach.

A. Courthouse Perimeter and Entry

Architecture

The need for security in recent years has prompted a number of trends in courthouse design. Some architectural plans have been developed to include fewer entranceways and windows. Newer



designs have also included the use of barricades, with perimeter barriers appearing to be part of the landscaping, or even using outdoor benches or planters. For instance, large, heavy pots containing flowers and trees can serve to prevent vehicles from entering certain areas. Some city planners have eschewed subtlety and begun using barriers that are more obvious, such as garbage trucks full of sand to block streets and concrete posts to surround a court.

Advances in security technology have not been as emphasized as other more traditional approaches. This is partly due to its limited applicability to older courthouses and the overall culture of the court environment. In view of technology's cost effectiveness, courts should consider some of these contemporary alternatives. Closed circuit television and sensors are two examples that can be incorporated into the architecture but do not compromise the aesthetics of the building. To the extent feasible, courts should be designed and modified to integrate new technologies as they become available. Security plans, therefore, should be reviewed periodically to determine if any technical innovations should be added.

Parking

Parking is easily overlooked as a security concern. Some basic security measures include separating public, staff, and judicial officer parking and having police officers park in public parking lots. The presence of police vehicles and the movement of police officers in the parking lot provide the appearance of high court security. If an off-site parking lot is used, consider a shuttle service or security escort service, especially when it is dark. If a trial is anticipated to run late, recess court to allow jurors, staff, and other participants to move their cars to one central location. This will make



it easier for court security officers to escort court participants to their vehicles after hours.

Be sure to have adequate lighting in parking lots and on the walkways to and from the courthouse. To get the most from your outdoor lighting investment, it is important to select the right light bulb for the job. This decision should be made in consultation with the responsible agency.

Other considerations related to parking are:

- Never designate parking by “Judge” or other title/name; instead, use a generic sign such as “Reserved Parking” or “Space XX.”
- A booth at the entrance of a parking lot can serve as an initial security contact point.
- If possible, install controlled-access gates around staff parking lots and carefully monitor the access cards and codes used to enter these areas; consider parking decals for staff cars, although if you use these, you also have to be alert to retrieve the decal or deactivate the code upon separation of a staff member.
- Also consider CCTV surveillance cameras around the reserved parking area or at least at the entrance to reserved parking areas.
- Install emergency telephones in lots and parking structures that are visible from considerable distances and connected directly to security personnel.

Perimeter

Courts should be in regular communication with their state and local authorities to keep abreast of any developments related to public safety. Court officials should work in concert with local government officials. This may be particularly useful when a courthouse is in close proximity to other government buildings, which may create a heightened threat.

Monitoring the court’s perimeter through the appropriate use of cameras is an option to supplement regular patrols by security personnel. Trees or shrubbery that obscure views or provide hiding places should be removed.

Entrances

Most older courthouses have multiple public entrances; closing some other than for use as emergency exits often can facilitate controlled access and limit the cost of entry security. To protect the courthouse against breaking and entering, consider constructing doors and frames of heavy gauge steel, equipping windows with opaque blinds and drapes, and protecting windows with security glazing and alarms. Visitor movement within the building can be controlled through directories, floor plans, receptionists, and special screening, if necessary.

An entrance should be able to accommodate the typical volume of people entering the court on a daily basis. Entrances should be staffed with a sufficient number of personnel to screen individuals. They

should also be trained in crowd control and alternate duties so that they do not become complacent in their responsibilities. Incidents of workplace violence warrant all individuals, including staff, judges, and attorneys, to be subject to the same screening processes as visitors and litigants. Entrances should be equipped with various screening technologies such as magnetometers, handheld metal detectors, cameras, identification scanning, etc. A sample court order can be found in Appendix B.

Only personnel authorized to carry a weapon within the court should carry firearms into the courthouse. Depositories to temporarily store firearms of other law enforcement officers should be readily available within the court. The area should be secured and maintained by the court's security staff. Weaponry found on non-law enforcement people should be confiscated and eventually destroyed. The court may also consider storage of other non-lethal items restricted from the court such as cameras and recording devices. The appropriate security personnel should likewise manage these items. Court personnel should always be prepared to address advancements in technology that can compromise the security and integrity of the court, such as camera phones.

Percentage of Courts Allowing Individuals to Bypass Security Screening*	
Employee with Court Badge/ID	28.3%
Attorney with Bypass Badge	13.3%
Others	12.5%
Others with Court-issued ID	12.0%
Elected Officials with ID	8.6%
Frequent Visitors (ie. contractors) with Court-issued ID	7.3%
Law Enforcement Officers	3.0%
* Based on 233 responses received in 2004.	

When developing policies for building entrances and key control, these points should be addressed:

- Adjacent roofs, walls, and trees may provide a hiding place and should be checked.
- Secure manholes, sewers, fire escapes, skylights, grates, heating and air conditioning vents and ducts to prevent unauthorized access into the courthouse.
- Determine who has authority over the key system or access system. Tightly control the distribution of master keys.
- Consider whether the janitorial service will have unrestricted access without supervision and whether personnel can access an alarm switch.
- Determine where deliveries are made. Consider using a central location outside of a secured area and have each delivery inspected (and x-rayed) by a security officer. (Note: Currently, this practice is rarely used in state trial courts.)
- Be aware that staff often allow unsupervised access to secure areas by people wearing delivery/construction uniforms. Audit this practice to discourage it from occurring.
- Do not use "Post Its" to note alarm codes, computer passwords, etc.
- The responsibilities of persons opening and closing the building should be determined. Follow standard procedures for searching the building.

- Consider who may use judicial facilities after hours and how, e.g., law library, community meetings, mock trials. Sign-in procedures should be developed.
- Due consideration must be given to court security when staff or others use the courthouse after regular business hours. There is always the possibility of introducing such things as weapons and explosives for use at a later time if entrance security is relaxed, not to mention the real possibility of theft and vandalism. Electronic and video surveillance should be used to keep track of people entering the building during off-hours.

A universal problem in court systems is key control and access management. Keys that are lost or stolen, or that remain in the possession of discharged employees, provide unauthorized individuals with access. Additionally, if a card, combination, or even a personnel identification number activates a lock, there is no assurance that the person using the device is the person to whom the authorization was issued. One solution to this problem is to change codes and cards every 90 days. Another solution is to use biometric input devices, specialized equipment that compares the physical characteristics of a person entering a protected area with a prerecorded template of those characteristics for the authorized person. If those characteristics do not match, access is denied. Several devices are available and suitable to courthouse applications, including fingerprint and thumbprint readers, systems that can record and compare blood vessel patterns, facial features, hand geometry, and retinal eye scanning.

Non-Court Law Enforcement

Law enforcement officers may appear in court as witnesses in their official capacity or to participate in cases in which they are a party. A policy allowing officers appearing as witnesses in their official capacity to carry their service weapons into the courthouse and bypass routine security should only be considered after assessing the specific impact of such a policy on that court. A registration procedure to locate these officers within the courthouse is advisable. Law enforcement agencies may wish to maintain a courthouse liaison office (usually the court's security department) where such officers can register.

Officers appearing as participants in cases of a personal nature, which may include civil, criminal, or family court matters, should be required to submit to the same security measures as all members of the public. Coordination with local law enforcement may be necessary to assure that officers appearing for personal matters do not appear while on duty or in uniform. In these instances, they should not carry their service weapons. Courthouse security officers may monitor this by requiring officers appearing in uniform and/or armed to produce a subpoena before being allowed to enter the courthouse.

Alternatively, implementing a policy whereby no officer, other than court security officers, may be armed within the confines of the courthouse may resolve these issues. Coordination with local law enforcement to ensure that this mandate does not conflict with departmental policy is advisable. A more prohibitive policy, however, would require the court to establish a secure location for storing weapons.

The court security committee should develop a weapons policy and address the following points. (Remember, no deterrent is foolproof.)

- Set a policy on carrying weapons into court. For example, only court security personnel on duty, with identification and proper training, may carry weapons. Department policy or court rule should determine whether or not law enforcement personnel who are witnesses can be armed.

- The type of ammunition that can be carried in the building should be determined to prevent injury and excessive damage.
- Screen everyone entering the courthouse. If exceptions are made, security personnel may become lax.
- Define “weapon.” Guns, knives, and mace sprays are weapons that should clearly be barred from court facilities. Check local and state statutes and rules for the definition of the term “weapon.” Note, too, that guns and knives can be disguised in cell phones, PDAs, and beepers.
- If an unauthorized weapon is found, decide how to handle and disarm the person carrying it.
- Develop a maintenance schedule for screening machines and back-up procedures in the event of machine failure.

Although the public is not allowed to carry weapons in the courthouse, perpetrators may be able to find an object that can be used as a makeshift weapon. For example, in the courtroom, a person may be able to throw a chair or a microphone at the judge or may have access to scissors on a desk. Precautions should be taken to secure as much furniture in the courtroom as feasible, and employees need to be constantly aware of objects that can be used as weapons.

The legality of searching everyone entering the courthouse was decided in a 1934 case by the Ohio Court of Appeals (*Pierpont v. State*, 195 N.E. 264, 267-268). Since then, other cases have had similar outcomes. See Appendix E for a list of case cites and a synopsis of what occurred. A sample court order for weapons screening is included in Appendix B.

B. Public Areas

Hallways and Passageways

Passageways within a courthouse are related to security in three ways. First, they have varying levels of activity; therefore, some areas may be more vulnerable to security concerns. Electronic monitoring systems, particularly motion sensors in conjunction with cameras, help ensure that activity is monitored at all times. Second, hallways are typically areas of gathering and discussion. To this end, courts should be aware of “high traffic” areas and take precautionary measures to contain incidents in the event of an emergency. Third, hallways provide direct access to secure areas such as holding facilities, judges’ chambers, and personal and confidential information, as well as the personal property of staff. Circulation patterns should be designed so that prisoners can be transported without interacting with the public. This will aid in securing both the public and prisoner. Corridors restricted to judges, employees, or police officers are other measures the court could consider to bolster security. If the building’s current design does not allow for separated corridors, accommodations need to be made such as more security personnel to move prisoners around the courthouse. An inability to provide secure corridors may add weight to the need for video surveillance of corridors, particularly those used by prisoners and especially if judges, staff, jurors, and prisoners must use the same corridors.⁴

⁴ See note 3, *supra*.

The public has wide access inside most courthouses, including lobbies, public cafeterias, public restrooms, cashiering areas, courtrooms, and the clerk's office. These areas should be well lit, have proper signage, and be supervised or monitored with surveillance equipment. All light switches in public access areas should be key controlled or locked. Staff offices receiving a lot of public use should be grouped close together near the public entrance. This helps to promote security and facilitates the use of a limited portion of the building during off-hours. Public areas should be separated from employee offices with a wall or counter. If money or documents are exchanged over a counter, a bulletproof, pass-through partition may be installed. Speech reinforcement systems may be needed in noisy areas (and/or to conform with ADA requirements).

The distinction between public and non-public areas denotes a security transition. Transition points present two prevailing challenges. The first is termed "piggybacking" and occurs when an authorized person allows another party to enter the area while they are entering or exiting the location. The second is known as the "wave through" and occurs at checkpoints when individuals are allowed to bypass security channels. Courts should strictly enforce the implementation of policy

and procedures that bar these practices.

Non-public areas often are distinguished by doors and additional checkpoints. These areas should be designed and operated to prevent those not authorized from entering. Biometric systems, which scan an employee's hand or fingerprint, are becoming more commonplace in government buildings. Another security measure the court could consider is the use of identification cards to access electronically operated doors. This measure also reinforces policy to staff regarding restrictive access.

Limiting the number of potential hiding places for weapons and bombs is an important consideration in the design of public areas, including hallways, lobbies, restrooms, and waiting areas. These areas should be brightly lit and should ideally have high ceilings. The additional construction costs associated with high ceilings may be prohibitive in some facilities. Suspended ceilings in public areas of new buildings can be constructed of



plaster or other monolithic material, however, rather than removable panels. Any necessary access panels in these ceilings can be fitted with locks. If the configuration of the building includes corners, cul-de-sacs, or other potential hiding places, or if direct observation is impossible, these areas may be fitted with security mirrors or monitoring equipment.

Libraries

Courts can secure their library holdings in several ways. Some measures in deterring theft include making all materials non-circulating, requiring identification, signing a guest register, escorting users, screening briefcases and other baggage, and posting warnings and penalties against the stealing or alteration of documents. Radio Frequency Identification (RFID) tags, sometimes referred to as “smart tags,” are postage-stamp-sized computer chips that can be embedded in a book to monitor its location. A chip’s miniature antenna can communicate with a receiver to locate missing books, as well as trigger an alarm if the book is removed from an area without authorization. The cost disparity between RFID tags and conventional devices may be reduced in the near future and therefore may serve as a realistic alternative for court law libraries. Nationally, court book collections are being reduced with the advent of Internet and other electronic legal research options. Nonetheless, the remaining books represent a significant investment.

C. Clerical, Filing, and Areas Not Associated with Courtrooms

Clerk’s Office/Staff Areas

Clerks of court and their staff play a vital role in the security of the courthouse because of their frequent interaction with the public. Given that staff areas are frequently accessible to the public, it is important that staff are appropriately trained in securing their workspace. Some training points include how to report a security problem, steps to follow in an emergency evacuation, the location and use of emergency equipment, mail handling, understanding and knowledge of courthouse security plans, and safeguarding personal belongings such as purses. Court staff members should acknowledge visitors as they enter and ensure that they have legitimate business and proper identification. Visitors who are not carrying identification or who are behaving suspiciously should be reported to security. Clerks should also be made responsible for their workspace equipment and be guided in how to safeguard it from unauthorized use. Visitors should be limited to public areas only. Clerical areas should be equipped with doors that lock so that they may be secured when court personnel are away. The areas where clerks handle money should include counters and partitions for added security. These areas should also be equipped with a safe and a duress alarm.

Staff should not be permitted to log on to any coworker’s PC or computer terminal nor should they linger at other workstations unless the responsible staff person is present. Staff areas should be designated as only for employees working within that area. Members of the public should have an escort in non-public areas and should always display a visitor’s pass when accompanied. Depending on the number of staff, all areas should have at least one first-aid kit. One or more staff members should be designated as fire marshal and deputy fire marshal, with responsibility for handling the equipment in the event of an emergency or evacuation. Public access computers may be considered by the court to reduce staff time devoted to addressing inquiries and processing public records. These computers, however, must be monitored against vandalism and unauthorized use. Many courts now have appropriate applications and documents available to the public through the Internet, which can simultaneously reduce staff time and eliminate the need for citizens to come to the courthouse.

Records Areas

Court records are also susceptible to threats, such as fire and flood damage. Confidential records should be stored in locked cabinets or, at a minimum, behind a locked barrier in restricted-access areas. A comprehensive records management program is the best way to protect court records. The elements include facilities, equipment, and procedures. Facilities should be appropriate for their purpose, be it active filing systems, inactive records storage, or archives. Filing systems and records storage equipment should have the appropriate capacity to hold the court's records. This prevents the piling up of boxes in a disorganized manner. Procedures and standards for records start with case processing procedures to ensure timely data entry and filing. They also should include:

- file control procedures, so that all files both active and closed can be located;
- access control, so that only authorized people are in the records areas and public access policies;
- regular records inventories and diagrams of records areas;
- application of the records retention schedule to ensure that timely disposition is made of unneeded records;
- the appropriate application of records conversion technologies such as microfilm for long-term storage and digital recording where it can improve operations of the court.

The procedures and techniques applied will vary depending on the case type and recording media such as paper, microfilm, audio or videotape, or digital media of various types.

Access to court records should be limited to only those people authorized by the court. Given the confidentiality of some court records, automated file control using bar codes, securing points of entry, and radio frequency identification (RFID) tags are possible options to be explored.

Court Administrator's Office

The court administrator's office should be secured from public access and equipped with a direct line of communication to the security department. As with staff areas, the administrator's office should also have the basic equipment necessary for an emergency. Court administrators and security personnel should meet regularly to discuss security-relevant issues. This serves to ensure that security plans and arrangements are both timely and effective in handling the concerns of the court. Security equipment, including monitoring devices, alarms, and other emergency equipment, should be inspected and tested periodically. Equipment failures should be reported and documented, with damaged equipment repaired or replaced.

Contractors/Outside Services

Contractors and those hired by the court to perform outsourcing functions should conform to the court's responsibility for securing its facilities. These individuals should display their identification at all times and be screened upon entering the court.

Vulnerability of Computers to Outside Attack

Consider the following measures to protect computers from illicit activity, vandalism, and accidental damage:

- Restrict access to areas housing network equipment and computer servers;
- Purchase a backup power supply (also known as an uninterruptible power supply or UPS);

- Define an orderly, automated, emergency shut-off plan for computers to minimize data loss;
- Require that computer back-up files be kept off site in a fireproof room or safe;
- Restrict access by using passwords that change at least every 90 days;
- Prohibit personal use of court computers and software;
- Require computers to run an automatic daily virus detection program;
- Have computer users log out of the systems when they are away from their workstations, or program the PCs to revert automatically to a password-protected screen saver after a set number of minutes.

The nearly total reliance on computers and the push toward electronic courts and filing has created new challenges. A risk assessment as part of the annual security plan review will determine which data and resources are critical to the court's mission. The risk assessment will tell what constitutes an acceptable loss of data and help determine what is needed in terms of a backup procedure to ensure that the amount of data during downloading is within the acceptable range. Data should be transferred routinely to an offsite, secure location. Access to information systems should also be restricted through the use of firewalls, antivirus software, private IP addresses, and restricted services. A policy defining acceptable use of email, the Internet, portable data/resources, and permissible software will prevent viruses and other problems from entering into the court's systems. The policy should state that court resources are for court work only. Computer security updates and "patches" should be installed as often as needed. Finally, the secure court must develop and enforce an organization-wide password policy.

D. Courtrooms and Associated Areas and Individuals

Courtrooms

Courtrooms should be designed so that they are accessible to the public but are also functional for the protection of trial participants. The public entry points and main passageways should be designed so that they do not disrupt the trial's progress. Security personnel should be positioned so that they can view the public, who should be seated at all times. Depending on the nature of the trial, an additional security checkpoint may be needed outside the courtroom. All points of egress should be kept clear of obstructions so security is not impeded when responding to an emergency. Each courtroom should be wired with an alarm that connects to the main security office. Only the designated, responsible staff should operate computer terminals located within the courtroom. To the extent feasible, courtroom furniture should be affixed to the floor so that it cannot be used as a weapon against trial participants. Courts may also wish to separate the defendant and other trial participants from the public with bulletproof barriers. Bulletproof glass, in particular, allows for protection of participants while also granting the public access to the trial's events. One officer should be designated on each side of the barrier to maintain decorum. At a minimum, a railing should be installed between the trial area and the spectators. Most courtrooms have a rail separating public seating from the litigation area for security reasons. Proper separation and distance must be maintained between the courtroom participants and the public. If the court allows public seating in the front row of the courtroom, consider reserving the seats for members of the press. Notorious and

high-profile trials may warrant additional security measures such as limiting the number of people in the courtroom, sequestering the jury, appropriating additional staff, restricting movement within the courtroom, and collaborating with the press. Arrange seating for reporters, family members, and the public so you can separate people who may be disruptive.

The judge should have an unobstructed view of litigants, lawyers, and witnesses from the bench. The judge should be able to access an exit door located near the bench into a secure hallway or chamber. The door should have a peephole and contain a lock on the chamber or hallway side. The door should be unlocked when the judge is on the bench, but be sure other doors into the judge's chambers are locked. Securing chambers can present unique challenges for court administrators because of their isolated location. While the number of doors and corridors leading to a judge's chambers can make it restrictive to intruders, they could also lengthen security's response time in the event of an emergency. Staff in these areas should be trained in procedures for emergencies requiring security. Duress buttons also should be installed in these areas.

Procedures for courtroom operations should be clearly defined and outlined in a one-or-two-page notice approved by judicial officers. This notice can be posted at the main entrance and other selected locations in the courthouse. The notice should contain information on required behavior in the courtroom, including dress, decorum and forms of address, behaviors that are unacceptable in the courtroom, and who will enforce the rules. Statutory citations or court rules should be included in the notice.

Procedures for judicial staff and security personnel should be developed. Be sure to include procedures for dealing with disruptive people and securing courtrooms when courts are not in session. As a matter of standard operating procedure, staff should search the courtroom and related areas before court convenes and after court is finished.

Jury Rooms

Grand Jury. Most counties have a civil grand jury that reviews all aspects of county operations then files an annual report to the citizenry. Virtually all jurisdictions also provide for criminal grand juries; the degree to which they are used by prosecutors as charging bodies varies across the country.

If the court is responsible for the civil grand jury, it requires a room of its own with a separate, locked entrance. Because civil grand juries often meet outside regular court hours, an exterior entrance to their room is advisable. Filing cabinets within the room also must be lockable. Access to the room should be limited to only the grand jurors, witnesses they invite, and any staff assigned by the court to support the grand jury. The grand jury should advise the security service if and when security personnel are needed.

Criminal grand jury operations should take place with security staff nearby; it often helps if a specific court security officer is assigned to assist during all proceedings. Ensuring that jury units are centrally located will improve management control issues. In view of the secrecy of proceedings, grand jury rooms should be in separate assembly areas away from the public. Rooms reserved for a grand jury should also be located in the proximity of a holding cell for instances when inmates are subpoenaed to testify. In order to prevent an escape, prisoners must be shackled and consistently accompanied by a qualified guard.

Petit Jury/Deliberations. Considerations specific to jurors will be based on the circumstances surrounding a particular trial. Some of the factors include media publicity, background of litigants, threats to the jury, and party volatility demonstrated in prior courtroom proceedings. Along with the judge's bench and witness stand, the jury box should be constructed of bullet-absorptive material. During a trial, the court's assigned security officer may stand between the jury box and the seating

assigned to the public to preclude juror tampering. While in transit to and from the courtroom and deliberation room, jurors should not be permitted to wander the court's hallways or leave the building unless allowed or directed to by the court. Deliberation rooms should be inspected daily and secured when not in use. When the court is in recess, jurors must be instructed to gather in a private area away from the public. Following the closing arguments of the attorneys, the judge should instruct the jury and place them in the charge of the court security officer, who should be provided with guidelines regarding serving and instructing petit jurors during the deliberation process.

Jurors

For many citizens, their first experience with the court will be as a juror. The court should endeavor to maintain the public's confidence in the judicial system by providing jurors with a safe and hospitable environment. When summoning prospective jurors, a questionnaire/summons should be forwarded describing, among other things, the court's security provisions. Some of the notations could include building hours, jury control contact numbers, directions, and parking facilities. When screening jurors, be aware that the presence of elaborate security precautions may have a negative impact on their interest in serving on the jury. If possible, try to make security unobtrusive, at least during preliminary juror selection.

Jurors should be directed to park their vehicles in designated areas, preferably separated from court employee, litigant, and attorney parking. A juror-specific entry point is particularly important when summoning a pool for a high-profile case. Monitoring juror activity should not be exclusive to the court's interior. Security officers should conduct periodic patrols of outside areas where jurors may gather during recess periods.

Jurors should be asked to display their juror badge/identification at all times. In addition to verbally advising jurors, the court can post signs warning against the possession of contraband as well as noting that individuals are subject to search. Depending on the anticipated volume of jurors, additional security personnel could be required.

Judges or court staff may want to address safety and security during juror orientation on the first day of service.

- Advise jurors not to converse with non-jurors about a trial or speak with other jurors about a trial while in public places, because this identifies them as jurors and may affect their safety.
- Inform the jurors about the possibility of sequestration.
- Discuss general measures to ensure juror security.
- Establish emergency evacuation routes and types of building alarms.
- Indicate who will direct the jurors in an emergency situation.
- Discuss how to proceed in the event of an illness or a personal emergency.
- Discuss how to proceed in the event of bad weather or building closures.

In the event that a jury must leave the courthouse to view a crime scene or piece of evidence, members of the jury should be escorted by security personnel and a court-appointed administrator. Communication should be restricted while not in the courtroom. Security and transportation arrangements to have the jury view a crime scene should be scheduled in advance to avoid disruptions to the trial. When transporting jurors, be sure to inform state, county, or local officials who may have to provide additional security on the road. If jurors are transported, use unmarked vans and blacked

out windows to protect their identification. Transport vehicles should be searched in advance for materials such as newspapers; the radio in the transport van should not be tuned to a commercial radio station, which may broadcast information about the trial.

Juror safety can also be assured by controlling access to the jury list and the information contained on the list. The court can provide an extra level of security for jurors by substituting numbers for names on their juror badges. Written instructions and training should be developed regarding the handling of juries under normal circumstances and when sequestered. These instructions should be available to designated court staff, including judicial officers. If jurors need to be evacuated during a court session, the bailiff in charge of juror management in the courtroom should move them to a predetermined location (where they should remain until ordered to return to the court or moved to another safe location). During this time, advise jurors not to discuss the case or speculate on why they were evacuated.

Sequestration. Jury sequestration occurs when a judge orders the separation or isolation of the jury from the public during the course of a trial in cases of great notoriety, such as those involving gang activity, organized crime, or a celebrity. In keeping with the right to a fair and impartial jury, the court should develop a policy and procedures manual addressing juror sequestration. The general plan should address juror decorum, transportation, hotel security, visits from jurors' families, restrictions on watching television or reading newspapers, and responses to possible threats and violence against the jurors. When sequestration is considered, the judge should collaborate with the attorneys involved, court administrators, and security personnel of the court. Particularities of the case may warrant minor changes in procedures. Use of personnel actively engaged in law enforcement for escorting and assisting jurors during sequestration is discouraged; court security personnel should fill this role. People assigned to the jury should interact with jurors for the exclusive purpose of maintaining sequestration objectives. Finally, instances such as medical emergencies that require deviation from conventional practice should be communicated to the judge and court management without delay. A sample court order can be found in Appendix C.

Holding Facilities and Prisoners/Detainees

Holding facilities secure prisoners while they wait to be transported to and from court. When possible, prisoners being transported should be monitored by camera and tracking devices. Prisoners being held in holding facilities, including “bull pen” areas, prior to their court appearance should be separated by gender. Members of rival gangs also should be kept apart. The proximity of these areas to the courtroom should be carefully considered, in that distance to the courtroom can impact transport problems. Decisions will vary by court and should be considered on the basis of case volume and overall need. Determinations must also be made as to the responsibility over prisoners being transported. Corrections officers, court security, and non-security court staff should all be made aware of their specific role and accountability.

Procedures for taking an individual into custody in court are highly advisable. If possible, alert security staff in advance if a defendant may be sentenced and taken into custody. If there is an active warrant for someone's arrest, notify security personnel in advance before serving the warrant. Do not allow any contact between a prisoner and the public or family members in the courthouse. Items in the litigation area, such as pens, water pitchers, and evidence, should be secure so a trial participant cannot use them as weapons.

All prisoner or detainee movement should be made through separate and secure areas. These areas include hallways, stairwells, and elevators. Hallways should allow movement to a central holding area or courtroom holding facility. Prisoners should be transported to and from the court through

a separate entrance not accessible to individuals other than security personnel. Efforts also should be made to ensure that adult and juvenile prisoners are separated within holding facilities and while in transit. Prisoners being transported within the courthouse should be restrained with handcuffs. Depending on the nature of the charges and defendant, other restraints can be considered.

There should be a policy on the type of restraints that can be used, when and where restraints may be placed and removed, and emergency guidelines. Remember that excessive restraints on a prisoner may prejudice a jury. Unobtrusive restraints, such as leg braces, are available. One system consists of an elastic belt that is placed around the defendant's waist and contains a radio-activated stun device. During an emergency or another security incident, the escorting officer(s) should remain with the detainee at all times.

The National Sheriff's Association recommends that security personnel not carry weapons when handling detainees and that a single officer never moves more than one prisoner at a time. Most escape attempts are spontaneous and triggered by apparent weaknesses in the security system. Be aware of potentially serious problems that may develop between detainees if hostile factions are not segregated in the holding areas. Courts should also be made aware of any gang involvement before ordering detainees to court.

The court should afford defendants and their counsel with adequate space to discuss the case and its proceedings. Defendants should be monitored during interviews and discussion in a way that does not interfere with the attorney-client privilege. Teleconferencing some of the proceedings is one way the court could reduce the time and cost associated with prisoner transportation. Communication lines should be routinely checked for networking problems.

Witnesses

In order to maintain the integrity of the judicial process, witnesses should be safeguarded before, during, and after their testimony. At least one witness room should be designated for the state or plaintiff's witnesses and for the defendant's witnesses and, if possible, should be adjacent to the courtroom. Witnesses should enter and exit the court through a secured access point and be escorted by the appropriate security personnel responsible for their protection. Courts should assess their courtrooms to ensure that resources are in accord with the issues posed by cases on their calendar.

Family Members/Interested Parties

Security personnel should be alerted to the nature of a trial. Cases involving family or criminal matters can become emotionally charged environments. Individuals with different interests in the outcome of the case should be seated separately. The judge should set the level of expectation at the onset of proceedings indicating that outbursts by either party will not be tolerated and will be handled in accordance with the law and court policies. A hallmark of the U.S. justice system is its public trial. Spectators must be



secured to prevent or minimize their ability to impact the proceedings. The public should be made aware of the court's policies and the consequences of not following its practices.

E. Staff and Security Personnel

Judges

Judges should try to eliminate references to their status from license plates, car stickers, checking accounts, etc. They should also consider having an unpublished telephone number and home address. Judges who carry a firearm should not make this fact known. Whenever possible, they should alternate their route of commuting to and from the court. Judges should not open suspicious parcels, and they should report any "hate mail" to law enforcement. Assigned parking spaces for judges should be in the least visible area to the public and in close proximity to the court. Reserved spaces should not be identified by person or employment status. The Chicago incident cited in the Introduction caused the federal courts to revisit the issue of appropriate on-going home security for judges, such as video cameras and court-supplied alarm systems.

Court Staff

Proper staffing is the key to a secure court facility. Equipment is seldom a complete substitute for security personnel. In fact, the use of some security equipment may create the need to hire additional security personnel. For instance, alarm systems require a security force response, and a closed circuit camera is of little value if no one is available to monitor it and respond when necessary.⁵ Similarly, security staff are needed to run x-ray and screening equipment. Among other things, personnel must know:

- How to report an emergency
- How to recognize emergency signals
- Their specific duties in each type of emergency
- The location of emergency equipment.

It is important to train front line staff about how to defuse hostile situations so matters do not escalate. Other training subjects to consider include:

- an overview of court security, civil liability, laws of arrest, search and seizure, unarmed self-defense and physical force (i.e., the minimum amount needed to control a situation)
- first aid/medical care/CPR
- evidence handling
- emergency plans
- judicial protection
- high-profile trials
- weapons training

⁵ See note 3, *supra*.

All training should be documented. It is also recommended that a safety sheet that includes the following information be developed and distributed to court personnel and judicial officers.

1. Keep a low profile. Do not openly talk about your job or volunteer information when you are around strangers. When making reservations, do not use your title.
2. Avoid routines. Establish alternative routes to work. Use different vehicles during high-profile trials.
3. Pay attention to vehicle security-locking gas caps/hoods, mobile telephones, alarms.
4. Devise a code system, something simple to alert others that there is a problem.
5. Have an unlisted telephone number, but be sure it is listed in the emergency plans maintained by court officials.
6. Have a home security plan and make sure that family members are apprised of the plan. The court's security officer should have information on children's schools, spouses' employment, etc.
7. In the event of a problem:
 - a. Stay calm
 - b. Pay close attention
 - c. Cooperate - do not throw your weight around
 - d. Stall for time
 - e. Do not compromise an assailant's body space.



Security Officers

Court security officers serve three distinct roles. First, they serve to protect the courthouse in general. In this role, the officers may be designated to patrol halls, observe monitoring cameras, or serve at the entrances to operate scanning equipment. Second, they serve to protect a specific courtroom. In this capacity, the officers should generally position themselves in the courtroom to permit unobstructed observation of the trial participants and the public. The distance between the court officer and people in the courtroom should be reasonable to the officer's ability to respond to an altercation or incident. They should be trained to recognize suspicious activity. Individuals who carry bags, boxes, or packages into the courtroom, change their seat to obtain a position in closer proximity to a trial participant, wear a coat or other garment that could conceal a weapon, or who appear to be on the verge of making a sudden movement toward the bench are some examples of what an officer should learn to notice and handle. The officer should be alerted if a defendant has engaged in a suicidal act and should be trained in procedures to handle a suicide attempt. Court security officers may also serve outside of the courthouse and should likewise be trained in these functions. Some of these responsibilities include patrolling the court's perimeter and safeguarding judges and sequestered jurors.

V. Special Situations

Several extraordinary or emergency events or circumstances can occur for which the court should have a plan in advance. These include notorious cases, high-security cases, demonstrations, and emergency situations requiring evacuation, such as workplace violence, fire, bomb threats, and hostage situations. Mail safety and terrorist threats also should be addressed in advance.

To ensure that emergencies are handled in a calm and efficient manner, the court should hold periodic drills. The plans should include service to and for disabled people. Emergency policies also should consider who is responsible for witnesses, jurors, counsel, and the public, in addition to the safety of staff and judicial officers. It also should address possible conflicts between fire safety regulations and security policies; a review of the plan by the fire marshal is prudent.

A. Notorious Cases

A high-profile (“notorious”) case is like lightening: it can occur at any time and normally arises without warning. When one occurs, a court has only a couple of days to respond in a responsible way and to protect its staff and building from being overwhelmed. Accordingly, an advance plan can be very helpful.

One study in Houston, Texas, suggested the following characteristics that seem to be associated with notorious cases so far as newspapers are concerned:

- the presence of multiple victims,
- incidents involving female victims and multiple offenders,
- homicides that involve intimates and family relationships, and
- Celebrated and feature articles were more likely to cover incidents involving statistically rare victims (female, white, Asian, young, or affluent victims or multiple-victim incidents)⁶

Nationally notorious cases over the years suggest that the celebrity status of a criminal defendant and child victims also may be important predictors of national television interest.

A high-profile case will increase public flow into and out of the courthouse and also may include more witnesses, counsel, and other trial-necessary people than in ordinary cases. By definition, there also will be many media representatives: print and electronic reporters, producers for electronic media outlets, camera operators, and possibly sketch artists, depending on whether or not case proceedings are televised live. The use of a separate “media room” for remote broadcast and viewing of proceedings by reporters and electronic media producers may be needed, even if a

⁶ Based on a summary of an article by Derek J. Paulsen that appeared in the November/December 2003 National Criminal Justice Reference Service Catalog, page 13: “Murder in Black and White: The Newspaper Coverage of Homicide in Houston,” in *Homicide Studies*, vol. 7, no. 3, pages 289-317 (August 2003).

television broadcast of proceedings is allowed. Such a room may or may not raise security issues; at a minimum, protection of equipment may be needed. Procedures at secured entrances should be reviewed to take into consideration higher numbers and the possibility of longer search times and lines. Some recent trials also suggest that the court should plan for the public gathering immediately outside the court when there are notorious witnesses and when the verdict and sentence (if a criminal trial) are announced. A security plan, therefore, needs to address not only what will happen in the courthouse but also on the grounds and streets adjacent to the courthouse. It is essential that the court administrator, court security officers, and the judge assigned to the case establish early and constant contact with local law enforcement. If your court does not have both a media-management plan and a related security plan when it starts to deal with a notorious case, the National Center for State Courts' Knowledge and Information Services office can quickly direct you to relevant and useful information.

B. High Security Cases

Even before 9/11, terror-related cases posed security problems for courts; post-9/11, the security issues are clearer. Cases involving certain types of criminal charges or defendants⁷ also may pose special security challenges. These challenges likely will involve additional security personnel, both uniformed and plain clothes, in the courtroom and probably in the courthouse, plus perimeter security. Special arrangements for protecting jurors and witnesses also may be needed. The court's security plan should address the general issues for this type of case; security personnel, the assigned judge, and counsel for the parties then have to address specifics involving the courtroom and possibly the courthouse after the case is initiated. Other cases and activities throughout the court may be impacted, so a plan to minimize this possible effect is prudent.

This type of situation is not one solely for large urban courts. Today's mobile society and former witness-protection program participants scattered around the country might bring such cases to smaller, even rural courts. Thinking about how to handle such cases in advance costs a little time, but the plan might save much anxiety and some mistakes should such cases ever occur in your court.

C. Demonstrations

A court's security response to a demonstration will be directly related to the location and demeanor of the demonstration. Demonstrations of any sort inside a courtroom or the courthouse generally are prohibited, but a paper order does not assure they will not occur. Demonstrations immediately outside courthouses may by court order be limited in time and size, either as part of the court's security plan or by an order in a particular case. In any event, coordination with local law enforcement, both in advance and during a demonstration, is essential. Should a demonstration occur inside a courthouse, evacuation procedures (see below) may have to be initiated.

⁷ E.g., some gang-related cases, notorious, high-volume drug dealers, and organized crime cases.

D. Medical

Medical emergencies pose several security-related concerns. Often a medical situation will require the intervention of outside emergency personnel, requiring a bypass of security checkpoints to and from the person needing emergency care. A pre-existing agreement with local emergency services should be in place to handle such situations. Court employees should have a list of emergency numbers, with certain staff assigned first-response responsibility for contacting security and, if appropriate, family members. Because of possible security implications and also to focus responsibility, staff should first contact their internal security personnel and not necessarily outside emergency services. Many courts require their security staff to have attended courses in first aid and CPR.

Two additional policies may be implemented. Some courts are introducing specific instructions for common medical emergencies, including instructions on CPR, into their security manuals. Second, courts are making medical equipment a mandatory portion of their court's security department. At a minimum, a first-aid kit should be on hand as a matter of policy. Some courts have gone further, adding defibrillators.

Do not overlook the possibility of court staff operating outside their areas of expertise and training in medical emergencies, possibly raising liability issues. For that reason, even trained security personnel often provide the best service by immediately contacting the proper outside medical providers.

E. Evacuation

Evacuation of a courthouse or a portion of a courthouse can be occasioned by multiple causes: fire, bomb threat, hostage situation, or natural disaster such as a hurricane, tornado, earthquake, or flood. Managing evacuations requires an equal balance of two factors: speed and safety. Evacuations may be from one part of a courthouse to another or of the entire building. Both scenarios should be addressed in advance. While it is important to remove personnel from the threatened area as quickly as possible, the evacuation of both court personnel and all visitors must be orderly and practiced. Planning and practice will help identify and eliminate hazards in the evacuation process and instruct staff on their responsibilities.

An evacuation plan should cover the following:

- Emergency telephone numbers for fire, police, medical, utilities, and relief agencies
- Building floor plans
- A list of personnel and agencies to be notified
- A list of floor (or work section) monitors, identification of an outside assembly point or points, a process for floor monitors to report once the building has been cleared, and a process for notifying everyone when it is appropriate to return to the building
- Prompt and safe evacuation for the physically impaired, both staff and members of the public
- Procedures for prisoners and jurors
- Procedures for maintaining the integrity of evidence

- A checklist of areas to be secured and people responsible for safes, vaults, cash on hand, file rooms, files being worked on at desks, computer servers, and any weapons that might be in the building
- Instructions for staff and judicial officers about removing personal effects

Communication control is also important; crowded radio channels can prevent important information from reaching key decision makers, evaluators, and rescuers. Downed telephone lines may affect the ability to communicate, and even cell phone usage may be affected in some circumstances, so some thought should be given to alternative means of notification. Finally, all such evacuation plans should be subject to a yearly audit/review as part of the overall security plan.

The next four sections deal with specific threats associated with evacuations.

F. Workplace Violence

The epitome of workplace violence is the homicides that all too frequently appear on the news, often involving disgruntled current or former employees. Family violence involving an employee also may spill into a courthouse. Government and private sector organizations, including courts, have increasingly adopted formal workplace violence policies. Such policies normally articulate zero tolerance for incidents of workplace violence. This sample policy could serve as a guide for any court in developing a policy on workplace violence:

It is the policy of this court that violence or threats of violence against or by its employees, contractors, vendors, members of the public, or anyone while in the course of being served or present at a court-controlled workplace, shall not be tolerated. Nor will the judiciary tolerate any violence or threats of violence against any court property or installation. Also, management, at the request of an employee or at its own discretion, may prohibit individuals, including an employee's family members, from visiting an employee at the employee's assigned work location for reasons other than transaction of court business. This particularly applies in cases where the employee believes that an act of violence may result from an encounter with the individual. Management may also temporarily delay services to members of the public displaying threatening behavior. In keeping with this policy, the court will respond to all acts of workplace violence, physical or verbal, which are brought to the attention of management.



The workplace can be broadly defined as the physical area of operations, including buildings, grounds, and parking lots provided for court activities. It also includes any field locations or site at which a court employee is engaged, or authorized to engage, in work activity, including travel between sites, and includes court programs occurring during or after normal work hours.

In addition to the policy statement, procedures need to be developed along the lines of other incident reporting procedures, including reporting forms, lines of authority, and consequences for those who commit workplace violence. Consequences can include:

- Court employees may be subject to disciplinary action up to and including termination.
- Law enforcement will be contacted as necessary.
- In addition to any other applicable civil or criminal penalty, any employee convicted of a crime or offense that was committed at the workplace shall be subject to “forfeiture of public office.”
- Any instance of violence in the workplace involving individuals who are not employees of the court will be investigated immediately. Appropriate action will be taken, which may include the offender being removed from the premises as quickly as safety permits and, pending investigation of the incident, being required to remain off the premises and not be permitted to reenter. The court may temporarily delay providing any requested services or benefits to an offender.
- Following an act of workplace violence, management may require an employee to submit to medical or psychological evaluation.

G. Fire

Security policies on fire should first include how to report a fire and who to contact. It also requires contact with and periodic inspection by the local fire department and providing the fire department with current floor plans, including where flammable materials are stored. Periodic inspections may be coupled with a yearly audit/review of the security plan itself. All staff should be advised how to activate alarms, including what to do in the event of a power or telephone failure. Staff designated as floor or area fire wardens must be familiar with fire extinguishing equipment that should be easily accessible, visible, and properly maintained.

Practice drills and evacuations make staff aware of exit paths, procedures, and fire exits, where to gather outside the building, and how to conduct themselves once outside. Staff must be advised that no fire alarm should be ignored because they think it might be a false alarm.

H. Hostage

A hostage might be anyone: a judicial officer, an employee, a security officer, a party in family litigation, a child involved in a family dispute, and/or a member of the public who just happened to be convenient. In every case, these are highly sensitive and potentially dangerous situations that normally involve weapons. The hostage-taker may threaten not only the hostage(s) but others in the area if the situation is not managed professionally. Consequently, only professionally trained

personnel should handle these situations, normally a professional from your local law enforcement agency or agencies.

Arrangements should be in place with the appropriate agency(ies) to alert them immediately when a situation arises. Court security and other court personnel should have instructions on what to do pending arrival of the hostage negotiators as well as how to respond with people in the immediate area and in nearby areas of the courthouse. The possibility of a secure exit path identified in advance for judicial officers should be investigated, as judicial officers could be targets of pre-planned takings or, as likely, a very visible shield identified as the hostage-taker is panicking and seeking extra “protection.”

When the response team arrives, staff should be prepared to tell them the number of hostages and hostage-takers, the exact location of the incident, and the content of any communications with the hostage-taker(s).

Staff and judicial officers should be provided guidance on what to do if taken hostage

- Be patient and expect a long wait; remember that time is a key ingredient in the hostage negotiation process.
- Comply with the captor's requests to the best of your ability. Don't be argumentative. Do not volunteer to do anything for the hostage-taker and never make suggestions. If a suggestion fails, it may have dire consequences.
- Judges, used to being in control in the courtroom, should take extra care to be demure and blend in with other hostages.
- Remain silent if instructed to do so. Otherwise, try to talk to the hostage-taker. Do not discuss the hostage event. Be friendly but not phony.
- Try to rest whenever possible. This helps eliminate tension and helps pass time.
- Remember that a response plan is in effect even if you cannot hear or see anything.
- Only attempt to escape if it is totally safe. Being a "hero" may result in your death and the death of others.
- Inform your captors if another hostage needs medical attention. Do not attempt to help another hostage unless your captor gives you permission.
- Be prepared to speak with law enforcement officials after the event.

If law enforcement makes a rescue attempt, follow these guidelines:

- Do not make any fast or sudden moves. You might be mistaken for a captor by the rescuers.
- Be alert for any signals from the outside.
- Stay on the floor.
- If a chemical agent is used, do not panic. Close your eyes and do not rub them; let the tears run freely and take short, light breaths.

Normally, the law enforcement agency will have public relations officers who also can handle press relations during the situation. The court administrator or a pre-designated person should be prepared, to deal with the media upon conclusion of the immediate crisis. See also the NACM Media Guide, June 1994, for more information on court media relations.

I. Bomb

Courts seem to be particular objects of bomb threats and, occasionally, of bombs. Of the 233 courts that responded to the Security Guide Survey, 36 named bombs or bomb threats as a security concern they have confronted in the last five years, and 17 were able to identify nearby courts that had dealt with similar circumstances. When a bomb threat is called in, the staff who receive such calls should try to find out as much information as possible from the caller and about the device and under no circumstances shrug off the threat as a joke. Because so many telephoned bomb threats are hoaxes, there is a tendency to down-play them; that tendency should be guarded against as much as humanly possible, not only by management, but by staff. Some courts provide staff with a checklist of questions or steps to take should they receive a bomb threat.

The following procedures should be followed if an employee receives a telephone call that involves a threat of violence or a bomb threat:

- If a caller appears ready to hang up without giving vital information, the employee should try gently but persuasively to obtain it. The employee should encourage the caller to continue talking and not to hang up.
- The employee should write down certain information while on the phone, including the time, the caller's exact words, background noises, gender of the caller, tone of voice (calm or excited), age, and accent and/or speech impediments.
- Try to get the caller to identify the location of the bomb and the time the event will occur.
- Consider installing a caller ID system on your telephone system or tracing telephone calls by the phone company upon court order.

A bomb threat checklist is provided in Appendix D.

If a suspicious package or other item is left unattended and there is a chance it may be an explosive device, staff needs to contact security immediately. Under no circumstances should they attempt to move the item. The person who finds the package or device should leave the area as quickly as possible and provide security with as much detail as possible about the package and its location. (See below regarding mail bombs.)

Contacts with local bomb squads should be a standing priority in dealing with the communications between court security and outside law enforcement. Newer screening devices designed for building entrances and for mail can “sniff” locations, people, and packages to detect explosives. Most courts should not need such devices, but some might benefit from the investment.

J. Mail

Mail threats may come in many forms: words, a dangerous chemical or biological agent, or even a bomb. Procedures for screening for potential mailed threats should be established for all personnel receiving or handling mail. Incoming mail should be x-rayed or otherwise inspected in the court's mailroom. When a written threat is received, staff should immediately report the threat to their security department and supervisor. They should save all materials, including any envelope or container; every possible effort should be made to preserve evidence. Because bombs and chemical or biological agents may be delivered to the intended victims by mail or hand delivery, all employees

should be cognizant of ways to identify and handle suspicious letters and packages. The following characteristics may indicate the presence of a mail bomb:

- Fictitious or no return address
- Foreign or special delivery mail
- Poorly typed or handwritten addresses
- Addressed to a high-ranking official
- Job titles are incorrect
- Misspelling of common words
- Restrictive endorsements, including "private," "confidential," "personal," "registered," "certified," "special," and "to be opened by addressee only"
- Excessive postage (usually postage stamps)
- The postmark is foreign or from some unusual place
- Oily stains, discolorations, or a peculiar odor
- Evidence of opening and resealing
- Wires, strings, screws, or other metal parts sticking out
- Excessive or uneven weight distribution
- Thickness is that of a small book or greater than one inch
- Excessive binding material
- Masking, electric, or strapping tape, string twine
- A feeling of springiness on the sides, bottom, or top
- A feeling of rigidity beyond normal, especially in the center.

Chemical agents may possess extraordinary toxicity in small amounts, and some odorless nerve agents can kill rapidly. Biological agents are living organisms or material derived from them that cause disease or harm. As such, tying this issue into the court's plan for medical emergencies would be prudent.

K. Terrorism

The very nature of terrorism makes it difficult to plan for. Terrorists may use any of the previously mentioned methods or entirely new ones. The focus on a terrorist act is to instill fear into a court or a community in general, typically by threatening to harm or actually harming as many people as possible. The end result is to suggest a lack of safety, a perpetual state of feeling out of control and unsafe. For the court administrator concerned about security, then, the focus should be on what can be controlled and dealt with for staff and the court. Just as with the other special situations discussed above, the best defense is a careful plan developed in conjunction with the court security officers plus local law enforcement about what to do during a terrorist incident. The plan also should address how to follow up to assure that judicial officers, staff, and any courthouse visitors are safe and that the court is able to return to normal functioning as soon after the event as possible.

Appendix A

Areas of Concern in a Security Survey

Facilities

Exterior

- Perimeter (e.g., fences, gates)
- Lights
- Parking areas
- Access roads
- Landscaping

Building

- Doors, windows, other openings
- Ceilings, walls
- Interior lights (including switches and fuses)
- Emergency power system
- Alarm systems
- Safes and vaults
- Fire protection
- Utility control points
- Attics, basements, crawl spaces, air-conditioning and heating ducts
- Elevators, stairways
- Storage areas for arms and dangerous substances
- Communications areas
- Records storage areas
- Conference rooms
- Offices handling money
- Food service areas
- Non-court offices
- Restrooms

Courtrooms and related areas

- Courtrooms
 - Location
 - Doors, windows, other openings
 - Lights
 - Furnishings
- Chambers and related offices
- Clerk of the court
- Witness waiting rooms

- Attorney-client conference rooms
- Jury deliberation rooms
- Grand jury room
- Prisoner reception area
- Restricted and secure passageways
- Temporary holding areas
- Security equipment storage areas

Procedural

- Emergency plans (fire, evacuation, bomb threat)
- Visitor control
 - Courthouse
 - Courtroom
- Separate circulation routes for prisoners, court staff and general public
- Alarm response
- General court security procedures
- Night court requirements
- Building security procedures
- Building fire and safety codes
- Key and lock control
- Employee security orientation and training
- Shipping, receiving, and trash disposal
- Cash transfer
- Package inspection
- Tenant activity requirements (hours, number of visitors, etc.)
- Exhibit security and disposal

Administrative/Personnel

- Employment process
- Contractual process
- Training
- Monitoring staff, accountability

Appendix B

Courtroom or Courthouse Security Order

(COURT CAPTION)

(CASE CITE)

ORDER RE: SECURITY

This court has received information from investigative and public sources that the potential exists for the disruption of orderly proceedings in this (case) (courthouse).

IT IS THE ORDER OF THIS COURT that the sheriff of (INSERT NAME OF COUNTY) shall initiate the following security measures immediately until rescinded by further order of this court, in and around designated security areas in the (INSERT LOCATION).

1. All persons entering the (courtroom) (courthouse) shall be searched for weapons including their person, briefcases, packages, and containers of all description. Failure to submit to search shall result in denial of entry into the (courtroom) (courthouse). Body searches may only be conducted by same-sex officers.
2. Bags, packages, or containers of unreasonable size shall be excluded from the (courtroom) (courthouse).
3. All persons entering the (courtroom) (courthouse) during proceedings must show valid and satisfactory identification upon demand by the sheriff. Failure to produce identification upon demand will result in denial of entry into the courtroom.
4. The sheriff shall provide adequate personnel to ensure a proper level of security in the security areas.

DATED:

Judge

Appendix C

SAMPLE COURT ORDER FOR SEQUESTERED JURIES

(COURT CAPTION)

(CASE CITE)

ORDER

It is ORDERED beginning on (INSERT DATE) the jurors and alternate jurors in this case shall be sequestered and kept in the custody of the sheriff of (INSERT COUNTY) for the duration of this trial or until further notice from this court.

It is further ORDERED:

1. The Sheriff shall make arrangements for appropriate accommodations for the jury during the trial and shall provide adequate security in the jurors' quarters beginning on (INSERT DATE).
2. The Sheriff shall make satisfactory arrangements to assist the jurors in securing apparel and personal items from their homes.
3. The Sheriff shall make appropriate arrangements for the furnishing of vehicles (including the hiring of vehicles, if necessary) for the transportation of jurors between their place of lodging and the county courthouse.
4. During the period of sequestration, the Sheriff shall provide to each of the jurors and alternate jurors so sequestered, breakfast, lunch, and dinner, and a maximum of two cocktails during or following the evening meal if they are not to return to the courthouse following the meal.
5. The Sheriff shall maintain appropriate records during the trial providing:
 - a. A record of deputies' assignments to shifts and duty stations.
 - b. A record of jurors' quarters.
 - c. A record of persons entering the area of the jurors' quarters.
 - d. A record of telephone calls to and from jurors' quarters.
6. Sheriff's personnel shall make certain that no member of the jury:
 - a. Has any unauthorized contact with any outside person.
 - b. Reads newspapers, magazines, periodicals, or listens to radio or television newscasts or bulletins pertaining to the trial or programs where the theme resembles the case being adjudicated.

- c. Has any discussion of the case with other jurors before the case is submitted for deliberation.
 - d. Has any discussion with any outside person pertaining to the case.
 - e. Has written or telephone communications with any person, except under the direct supervision of the assigned Deputy Sheriff, on matters not pertaining to the case.
 - f. Uses a computer, telephone, or any other electronic device to obtain Internet access that results in any electronic communication through the Internet with any outside person or entity pertaining to this case.
 - g. Any communication with the court shall be made in writing and placed in a sealed envelope by the jury or individual juror and upon being turned over to the sheriff's personnel will be promptly delivered to the court.
- 7. The Sheriff shall make arrangements to provide, at county expense, a nonalcoholic beverage (coffee, tea, milk, soda) on court days during the morning and afternoon recess and also at the place of lodging after the evening meal.
 - 8. Mail and packages to and from jurors shall be censored to ensure that no information about the trial is transmitted.
 - 9. The Sheriff, if necessary, shall provide laundry services to the jurors at county expense.
 - 10. The Sheriff shall make provision to transport any juror who has previously made such arrangements with the court to medical doctors whose names the jurors shall furnish to the Sheriff.
 - 11. The Sheriff shall make provision for the videotaping of television programs that will subsequently be shown to the jurors, thereby eliminating the possibility of hearing or seeing news bulletins.
 - 12. The Sheriff shall make appropriate arrangements for suitable recreation for the jury.
 - 13. The Sheriff shall, to the extent feasible, make suitable arrangements for jurors to attend religious services if attendance can be made with custodial supervision.
 - 14. The Sheriff shall make satisfactory arrangements for barber shop and/or beauty salon services for the jurors, but always under proper custodial supervision.

Appendix D

Bomb Threat Checklist

Photocopy and Place By Your Telephone

Instructions: Be calm and courteous. Do not interrupt the caller. Notify your supervisor/security officer by using a prearranged signal while the caller is on the line.

Exact words of person placing the call:

Questions to ask

When is the bomb going to explode?

Where is it right now?

What does it look like?

What kind of bomb is it?

What will cause it to explode?

Did you place the bomb?

Why?

What is your address?

What is your name?

Note the following:

Sex of the caller

Probable race

Probable age

Callers' Voice

☐ Calm

☐ Angry

☐ Excited

☐ Slow

☐ Rapid

☐ Soft

☐ Loud

☐ Laughter

☐ Crying

☐ Normal

☐ Distinct

☐ Slurred

☐ Familiar (who did it sound like?)

☐ Nasal

☐ Stutter

☐ Lisp

☐ Raspy

☐ Deep

☐ Ragged

☐ Clearing throat

☐ Deep breathing

☐ Cracking voice

☐ Disguised

☐ Accent (what kind?)

☐ Whispered

(Continued on the back)

Background Sounds

- ☐ Street noise
- ☐ Voices
- ☐ PA system
- ☐ House noises
- ☐ Motor
- ☐ Office machinery
- ☐ Factory machinery
- ☐ Clear
- ☐ Local call
- ☐ Long distance
- ☐ Phone booth
- ☐ Animal noises

Threat Language

- ☐ Well-spoken
- ☐ Foul
- ☐ Irrational
- ☐ Incoherent
- ☐ Taped
- ☐ Read

Remarks: _____

Number at which the call was received: _____

Time: _____ Date: _____

Person receiving the call: _____

Appendix E

Case Law Applicable to Court Security

4th Amendment: right against unreasonable searches and seizures

6th Amendment: right to a speedy and public trial

Bell v. Wolfish, 441 U.S. 520 (1979)

Reaffirmed right to custodial searches by holding that a detainee has a diminished expectation of privacy after commitment to a custodial facility.

U.S. v. Kobli, 172 F2d 919 (3d Cir., 1949)

Court held that general exclusion of public is a denial of the right to a public trial. However, a trial may be “public” even though not all citizens are permitted to attend.

Camara v. Municipal Court of San Francisco, 387 U.S. 523 (1967)

Inspection is determined by balancing the need to search against the invasion which the search entails.

Barrett v. Kunzing, 331 F Supp 266 (D. Tenn., 1971)

Governments substantiated interest in conducting the cursory inspection outweighs the personal inconvenience suffered by the individual.

Pierpoint v. State, 195 N.E. 264 (Ohio Ct. App., 1934)

Searching all persons entering the courtroom and requiring them to register does not amount to excluding the public.

Adderly v. Florida, 385 U.S. 39 (1966)

Court may control use of its facilities.

State v. Shelton, 270 S. Ct. 577

The 4th Amendment protection against unreasonable searches is inapplicable to a courtroom in the exercise of the trial judge’s authority and duty to preserve security and order.

The key seems to be the judge’s willingness to go on record and issue an order about what the judge wants in court.

Block v. Rutherford, 468 U.S. 576 (1984)

Challenged jail policy which denied pre-trial contact visits with spouses, relatives, children, and friends. Burger wrote opinion of court and relied on *Bell v. Wolfish* to say prison security rights outweighed personal rights.

Illinois v. Allen, 397 U.S. 337 (1970)

Binding and gagging supported in extreme situations.

Holbrook et al v. Flynn, 475 U.S. 560 (1986)

Allowed for uniformed officers directly behind defendant. Court said such a practice was not inherently prejudicial. No threats preceded action.

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