

Judicial and Court Security: Lessons Learned in the Time of COVID and Domestic Terror

National Association for Presiding Judges and Court Executive Officers February 18, 2021





Hon. John J. Russo, Moderator Common Pleas Court of Ohio Chair, NAPCO Board of Directors





Nathan Hall National Center for State Courts Timm Fautsko (ret.) National Center for State Courts





Hon. Anne Haynie District Court of Kentucky Hon. Thomas A. Delaney Superior Court of California



Sean Gibbs, Security Director Arizona Courts, Maricopa County Marcus Reinkensmeyer Arizona AOC

AGENDA

- 1. The genesis of safe, secure court operational plans: Unexpected Disruptions
- 2. Planning for emergencies: The COOP Solution
- 3. Essentials of an effective security program: The Arizona Experience
- 4. Domestic violent extremists: A Growing New Threat
- 5. Self-help personal security practices for judges and staff: Staying Safe
- 6. Role of judicial and court leaders in security: Support and Advocacy
- 7. Protecting courthouse entry points: Mitigating COVID Spread



The Genesis of Safe, Secure Court Operational Plans...

Unexpected Disruptions

"If we cannot <u>ensure the safety</u> of all participants in the judicial process, we cannot maintain integrity of the system, we cannot- in sum - 'establish justice', as mandated in the preamble of the Constitution of the United States."

Joint Statement Warren Burger, U.S. Supreme Court, Chief Justice William French Smith, U.S. Attorney General 1982



ATLANTA, GEORGIA FULTON COUNTY SUPERIOR COURTS MARCH 11, 2005

A turning point for <u>state courts</u> regarding courthouse security and safety

ATLANTA, GEORGIA FULTON COUNTY SUPERIOR COURT -THE VICTIMS-

+Judge Rowland Barnes+ +Julie Brandeis, Court Reporter+ +Hoyt Teasley, Sheriff Deputy+

10 LESSONS LEARNED

- 1) July 2004 Emergency Manual never addressed "Chaos".
- 2) Judges and court staff must know how to react.
- 3) No one will be where you think they are in an emergency.
- 4) You must know what staff are good in an emergency.
- 5) Knowing who is in charge is essential.

10 LESSONS LEARNED (cont'd)

- 6) Court had little depth or training in any incident response.
- 7) Lectures on security don't help.
- 8) Training & practice is a must.
- 9) Need assessment, practice, and an implementation action plan.
- 10) "Citizens expect judges and court administration to provide a safe environment in the courthouse".

"IT'S NOT IF - IT'S WHEN"

- Communicate: Form a security team 5 GUYS
- Analyze: Be prepared for it COVID
- Preparation: Have a plan EXTREMISTS
- Inculcate: Train for it ALL HANDS–ON DECK
- Then: Practice, Practice, Practice



Planning for Emergencies...

The COOP Solution

ABOUT THE COOP PLANNING GUIDE AND TEMPLATE

 Current Effort is Part of a State Justice Institute Strategic Initiative Grant



Courts Continuity of Operations (COOP) Planning Guide and Template

Nathan Hall, Project Director Justin Mammen, Project Consultant Steven Berson, Project Consultant Greg Cowan, Project Consultant Felix Bajandas, Project Consultant

Daniel J. Hall, Vice President Court Consulting Services 707 Seventeenth Street, Suite 2900 Denver, Colorado 80202-3429

Download the document: https://ncsc.contentdm.oclc.org/digit al/collection/facilities/id/254



HOW TO USE THE COOP PLANNING GUIDE AND TEMPLATE

- Laid out in a series of steps
- Pre-populated worktables covering the waterfront of COOP Topics
- Easy navigation

Table 2-10B: Alternate Facility Locations	
	Alternate Facility #1
F	acility name: Community College
	ress: 23 Main Street, Anytown USA
Point of Contact: De	an John Doe, (310) 111-2222, johndoe@court.gov
Expected Use (courtroom,	Three classrooms can be used for civil protective order
offices, jury assembly, etc.)	courtrooms. Six offices are available for judges, clerks and admin staff. The gymnasium can be used for jury assembly.
Available Utilities	Power, HVAC, Water all available. Classrooms on
	generator power.
Furniture/Equipment Needed	University can only provide tables and chairs. All other items to be provided by the court.
Wi-Fi/Network Options	Wi-Fi signal good with Verizon and AT&T hotspots (above 20mbs download). University can offer VLAN option
Floor space (sq./ft)	Classrooms are 1,500 sq./ft. Gymnasium is 10,000 sq./ft.
Parking Availability	Parking is plentiful, but users will need to pay daily rate of \$5/car.
Accessibility Concerns	Wheelchair-bound visitors will need to be escorted through the side door.
Vulnerabilities	No secure judicial parking; lacks separate entrance for judicial officers
Agreement	MOU signed on XX/XX/2021 and stored in the Contracts database.
Staffing Considerations	
List potential anticipated	Three judges, nine court clerks, one civil manager
number of judges and staff	
Who is responsible for	Manager in charge of that operational unit
judges/staff reporting?	
	e following entities about the alternate facility?
Staff	Manager in charge of that operational unit
Parties/Litigants	Clerk's Office
Justice Partners	Manager in charge of that operational unit
Public	Court Public Information Officer

SECTION I: INITIATING THE PLANNING PROCESS

- PROVIDE EXECUTIVE SUPPORT
- ASSIGN A "COOP PLANNER"
- ASSEMBLE AND ACTIVATE THE COOP PLANNING TEAM
- DEVELOP COLLABORATIVE RELATIONSHIPS WITH LOCAL/COUNTY EMERGENCY MANAGEMENT AND KEY JUSTICE PARTNERS

SECTION II: WRITING THE PLAN

- Covers the waterfront of COOP planning topics
- Incorporates advice from courts who have experienced a natural disaster
- Incorporates the latest FEMA guidance
- Examples are all 100% 'courtcentric'



ADDITIONAL COOP GUIDE RESOURCES

- <u>Developing a COOP Exercises</u> and Training Program
- Conducting a Hazard Analysis
- Developing Annexes

FEMA RESOURCES

- <u>Emergency Management Institute</u> <u>COOP Training</u>
- <u>Continuity Resources and Technical</u>
 <u>Assistance</u>
- <u>Continuity Resource Toolkit</u>

NCSC SECURITY AND PERSONAL SAFETY RESOURCES

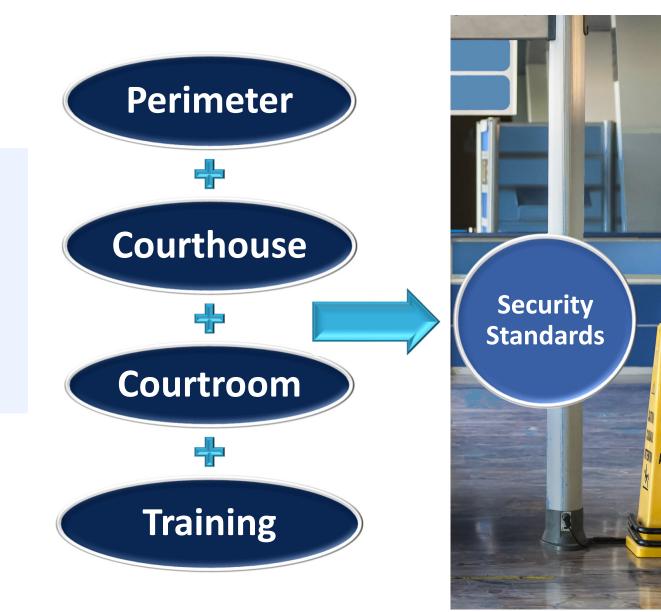
- <u>Steps to Best Practices for Court</u>
 <u>Building Security</u>
- <u>Taking Precautions: 101 Personal</u>
 <u>Safety Tips for Judges and Court Staff</u>
- Courthouse Violence Lessons Learned



Essentials of an Effective Security Program...

The Arizona Experience

Five Essentials of an Effective Court Security Program



Court Security Standards: The Arizona Model (Part of Statewide 5-Year Plan: 2017 -2021) 30 security standards grouped into the following categories:

Governance and Administration
Entryway Screening
In-custody Defendants
Facilities, Alarms, and Equipment
Training

State Funding

• Training

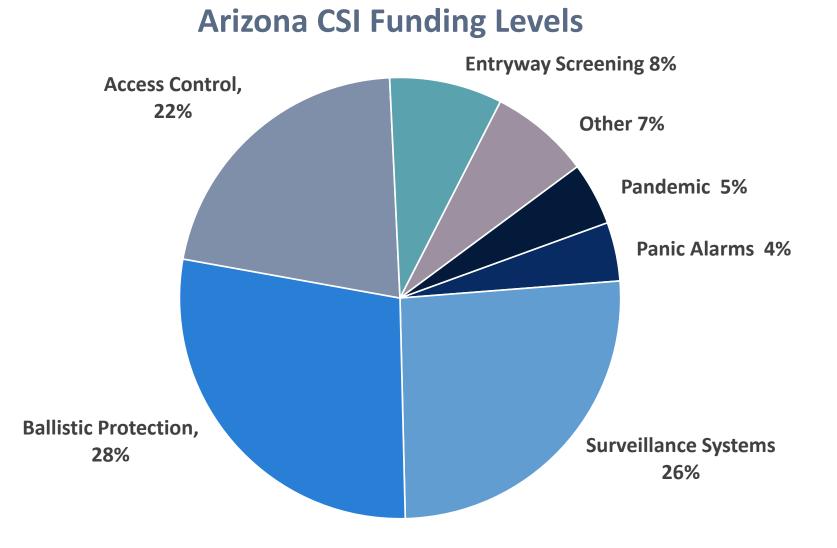
Partial State Funding For One Time Outlays to Supplement Local Funding

- Security Equipment
- Security System Improvements

Local Funding

- Security Personnel
- Court Operations
- Facilities

FUNDING MODEL



Certified Court Security Officer Academy



Two Tiers:

- Certified security officers
- Certified armed security officers

Academy:

- Administered by Education Services
- Monthly academies
- Security grant funds cover officer lodging

State of Arizona Senate Fifty-fourth Legislature First Regular Session 2019

SENATE BILL 1064

AN ACT

AMENDING TITLE 12, CHAPTER 2, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 12; RELATING TO COURT SECURITY.



Domestic Violent Extremists...

A Growing Threat



National Terrorism Advisory Bulletin January 27, 2021 11:00 AM (EST)

Duration This Bulletin will expire on or before April 30, 2021 at 1:00 PM (EST)

This Bulletin describes current developments or general trends regarding threats of terrorism.

SUMMARY

The Acting Secretary of Homeland Security has issued a National Terrorism Advisory System (NTAS) bulletin due to a heightened threat environment across the United States, which DHS Believes will persist in the weeks following the successful Presidential Inauguration. Information suggests that some IDEOLOGICALLY-MOTIVATED DOMESTIC VIOLENT EXTREMISTS (DVEs) with objections to the exercise of and the presidential transition, as well as other perceived grievances fueled by false narratives, could continue to mobilize to incite or commit violence.

Department of Homeland Security Information Network-Intelligence (HSIN) network.









A New Threat to Courthouses: Unauthorized Videos, Photos

- "First Amendment Auditors" and others are video recording & live streaming in courthouses
- Recording without express consent of individuals being filmed, including court staff
- Unauthorized display of litigants, victims, jurors & court records
- Situations can escalate, requiring law enforcement intervention
- Video Recording or photographing:
 - Private chambers & office areas through exterior windows
 - Security screening station equipment & procedures
 - Security camera locations & systems
 - Building layout; location of critical systems
- Judge & Staff Parking Areas
- Burdens Court Security Staff



Self-Help Personal Security...

Practices for Judges and Court Staff

CALIFORNIA PRIVACY PROTECTION LAWS

• GOVERNMENT CODE 6254.21

- ELECTIONS CODE 2166 & 2166.7
- VEHICLE CODE 1808.2/.4/.6
- **PROPERTY RECORDS PROPOSALS**

DANIEL ANDERL JUDICIAL SECURITY AND PRIVACY ACT OF 2020

- PROHIBITS FEDERAL GOVERNMENT FROM PUBLICLY POSTING OF JUDGES' PERSONALLY IDENTIFIABLE INFORMATION AND ALLOWS JUDGES TO DEMAND THE REMOVAL OF THEIR INFORMATION WITHIN 72 HOURS.
- CREATES A FEDERAL GRANT PROGRAM FOR STATE AND LOCAL GOVERNMENTS TO HELP COVER COSTS TO PREVENT THE RELEASE OF JUDGES' PERSONALLY IDENTIFIABLE INFORMATION FROM ANY GOVERNMENT AGENCY.



CONTROL YOUR INFORMATION

- BEWARE OF TECH / SOCIAL MEDIA
- GET OFF MAILING LISTS
- APPLY FOR D.M.V. CONFIDENTIALITY
- CONFIDENTIAL MARRIAGE LICENSES
- CONFIDENTIAL VOTER REGISTRATION
- **PROPERTY RECORDS**

Be Aware, Be Safe... At Home And At The Court

101 Personal Safety Tips for Judges and Court Management Home Safety Commuting Courthouse Chambers Campaigning





Role of Judicial and Court Leaders...

Security Support and Advocacy The Role Of Judges In Court Security Is To Actively Participate And Lead By Example

✓ Decorum Orders (Judges for courtroom)

- Managed seating for high profile or particularly contentious trials and hearings
- Participate in security training and drills
- Be a part of your court's security committee
- ✓ Actively follow security protocols



Protecting the Courthouse...

Mitigating COVID spread



Creating Safer Courthouse Environments:

Entry Process

1. Exterior Signage: Ensure the signage are clear, visible to the public and addresses "Access Criteria" and "Health Screening Criteria" at all entry points.

2. Access Criteria Determination: Officers or designated Staff determine if the Visitor meets the criteria for entry into the Courthouse.

	$\hat{\mathbf{\Lambda}}$
	PLEASE DO NOT ENTER IF YOU HAVE EXPERIENCED ANY OF THE OLLOWING SYMPTOMS OR CONDITIONS IN THE LAST 72 HOURS:
	fever Courte
3.	Shortness of Breath
	Muscle Pain Spre Throat
6.	New loss of taste or smell
	Contact in the last 14 days with someone who tested positive for COVID-19 or who has symptoms listed above
8.	Diagnosed with or tested positive for COVID-19
You	a may be screened for body temperature. If found to be 100.4 degrees Fahrenheit or
	ove, you will not be allowed to enter the courthouse. You may be retested after the iol test.
ple	ou are not allowed to enter and you are scheduled for a hearing or appointment, ase call your lawyer or court affice to request further information. If you are not sebulad for a hearing or appointment, please return when you are symptom-free fo eath 72 hours.
	Thank you for your cooperation.
	For more information, go to: www.superiorcourt.maricopa.gov
PC	IR FAVOR, NO ENTRE SI HA PADECIDO LOS SIGUIENTES SÍNTOMAS O PROBLEMAS EN LAS ÚLTIMAS 72 HORAS:
	lebre Ins
5.	Respiración entrecortada
-4.	Dolor muscular
8.	Dolor de garganta Pérdida reciente del sentido de olfato o gusto
7.1	Contacto en los últimos 14 días con alguien que dio positivo al COVID-19 o que
ο.	adezca los sintomas antes mencionados Usted fue diagnosticado con el COVID-19 o dio positivo en una prueba del COV
5e 5e	Usted fue diagnosticado con el COVID-19 o dio positivo en una prueba del COV
Se I se I seg Si n bili	Utataf una diagnosticada con el COVID-19 a dia positivo en una prueba del COV e podría evoluar la temperatura corporat. Si es de 103.4 grados i orbrienheit o mayor e nagrad e ilingracia di tetutica di tutuna. La posible tartestica que se de avoltan un undo vez. o si e parmite la entrada y tiene programada una audiencia o cita, tenga la ama-
Se I se I seg Si n bili	Utilità fui diagnostificade con el COVID-19 delle positive en una prueba del COV en podris venues de la tragmaciana constanta di se del 102 a cuasos i d'arrente da in anyo en agada el Ingranes al edificia del tribunal. Es posible territoria que se la vendiara una podra vez. o a la parmite la entrada y tiene programada una audiencia o citta, tengo la am- to de la porta su obspaso o al algoritamento junto audiencia o citta, tengo la am- podra de suno su obspaso o al algoritamento junto audiencia o citta, tengo la am-

3. Symptoms Assessment: Visitors physically assessed for symptoms including fever, cough, shortness of breath, sore throat; Contact with someone that tested positive in the last 10 days; diagnosed with COVID-19 or received a positive test result.





LIMITATIONS ON ENTERING THE COU



4. Temperature Screening: Officers or designated Staff employ a medical grade "no-touch" **thermometer** or **temperature sensing tablet** to determine the Visitor's temperature. If the temperature is at 100.4 degrees or above, the individual is retested after 60 seconds. If still at 100.4 or above, the Visitor will be denied entry.



If any of the screening criteria is not met, the Visitor will be **denied entry**, provided Court **contact information** and the Court department notified (if applicable).



Creating Safer Courthouse Environments: Entry Process Cont.

5. *Mask/Face-Covering*: If all entry criteria are met and the Visitor has a mask/face-covering – proceed to <u>security screening.</u>



<u>Note</u>: Optional equipment such as **TSTs** can be used to administer temperature assessments and mask/face-covering enforcement.



6. Security Screening: Conduct security screening ops with X-Ray and walkthrough magnetometer. Maintain 6' social





If any of the screening criteria is not met, the Visitor will be **denied entry**; denied Visitor is given an **information flyer and Court contact information**; CSOs notify the Court department of the denial.

Additional Information:

- Social Distancing: Maintain 6' distancing at all times; use spacing stickers on floors, stanchions & signage.
- Sanitizing station at entry points: Hand sanitizer, surgical gloves, surgical masks and disinfectant spray.
- Handout flyer for Visitors: Include administrative orders, governing guidance, Court contact information, etc.
- Establish a Court Security Pandemic Management Plan. See JBSD PMP.

distancing at all times.





Next NAPCO Webinar: Thursday, March 18, 2021 – 3 p.m. EST

Leading Innovation while Combating Exhaustion Overcoming the Digital Divide and Designing the New Future of Work

https://napco4courtleaders.org/

