

# BRIEFS

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from THE NATIONAL CENTER FOR STATE COURTS



## Securing Judges and Courts

*Courthouse security is increasingly seen as a statewide, state-level issue*

Often thought of as a local issue to be handled exclusively by sheriffs and law enforcement, court security is becoming more commonly viewed as a situation that requires input and participation from local judicial leaders and state-level, statewide plans and actions. Much of this change in attitude can be traced back to the 2005 shooting incident in the Fulton County Courthouse in Atlanta, Georgia. Most recently this manifested in two separate efforts in Arizona and Texas, both of which are examples of how states are moving to address these issues.

### Arizona: Statewide standards, but a question of funding

Created by an administrative order issued by Arizona Chief Justice

Scott Bales in 2015, the Court Security Standards Committee was asked to survey existing court security measures in the state and to recommend statewide standards for courthouse security, courtroom security, and security officer training. Those recommendations included the development of statewide policies on a host of issues ranging from entry screening practices and equipment to requiring the establishment of court security committees and a process by which all courts would have security assessments conducted on a regular basis. Recognizing that court security was no longer simply a local issue, the committee recommended that a state court security fund be created to assist local courts in purchasing security equipment and improving existing systems.

The committee's recommendations were adopted by the state's Judicial Council, and an attempt was made to create a statewide court security fund in Arizona's 2017 legislative session. The fund was to have been financed via a 2 percent increase on all court fees. Ultimately, however, the fund was not adopted; it was replaced with one-time appropriation in the state's budget for the year.

States appear to be divided on the issue of how to pay for security at the state level. In some instances, the debate is over whether a fund is needed at all or if one-time appropriations from the state legislature would be sufficient. In other states the question has come down to control: Indiana's legislature in 2014 and 2015, for example, debated the creation of court security fund(s) using ▶

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proceeds from fees on civil and criminal cases. The House's version would have placed money into a state-wide court security fund controlled by the Indiana Supreme Court; the Senate wanted county-based funds controlled by county officials.

The funding source has been an issue elsewhere, too; when the Maine Courthouse Security Fund was introduced in 2005, it was to have been funded via a 7 percent tax on the sale of firearms and ammunition. That plan was scrapped in favor of appropriations from the legislature. Other states have opted for fee-based funding systems, such as \$5 fees imposed on civil and criminal cases, sometimes coupled with state appropriations.

#### Texas: Judge Julie Kocurek Judicial and Courthouse Security Act

In 2015, Texas District Court Judge Julie Kocurek was the victim of an attempted assassination in her home driveway. In October 2016, the state's Judicial Council released a review of court security in the state, 10 years after an initial report recommended statutory changes to improve the situation. In 2017, the Texas legislature enacted the Judge Julie Kocurek Judicial and Courthouse Security Act, including several provisions that have already appeared in other states.

**Certified Court Security Officers Requirement:** Anyone assigned to duties as a court security officer must take specialized training developed by the Office of Court

Administration (OCA) and the Texas Commission on Law Enforcement (TCOLE). The commission must then certify that a person has completed the course. The law is similar to one enacted in Arkansas in 2007, which gave the state's Commission on Law Enforcement Standards and Training and Administrative Office of the Courts responsibility for the court security curriculum. Kentucky's 2008 law goes further, specifying that the state's Certified Court Security Officers Training Academy must include a minimum of 29 specific areas of training, ranging from courtroom protocol and disturbances to protecting juries.

#### Court Security Committees:

Requires each trial court to create a court security committee made up of, at a minimum, the presiding judge or local administrative district judge, local law enforcement, and someone from the county commission or municipal government. For county-level courts and committees, seats are designated for additional judges as well as prosecutors. The committees are to adopt court security policies and procedures and make recommendations to local government for needed court security expenditures and resources. Several states have adopted similar requirements either by statute

or rules issued by the state's court of last resort. The powers of these committees vary, with some serving only in an advisory capacity while others are able to set courthouse practices and procedures.

**Court Incident Reporting:** A Texas law passed in 2007 required that local administrative judges provide written reports on courthouse security incidents to the Office of Court Administration. The 2017

law shifts this responsibility to the sheriff, constable, or other law enforcement agency providing security for the court. It also requires that the presiding judge of the court in which the incident occurred receive a copy of the report.

Tracking the number of security incidents in courthouses has been a challenge for years; in many states, data is either not collected on the number of incidents or, if it is collected, it remains at the local level and is not reported to a state entity. At present, there remains no national reporting or data collection system. Debate over who should be responsible for reporting and collecting such data is also common, as seen in the Texas case where the responsibility shifted from a judge to law enforcement. Other states put the onus on court staff/employees to report incidents directly to their state court administrator through the use of judicial-branch reporting systems.

**Creation of a State-Level Judicial Security Division:** Tasked with providing guidance to state court personnel on improving security for each court, the Division is to be part of the Office of Court Administration. Now, most states have a similar state-level office attached to either the administrative office of the courts or the supreme court/court of last resort itself.

**Public Release/Availability of Personal Information:** Texas law had already removed some of a judge's personal information (including home address, family information, etc.) from public records. The new law removes personal information from an expanded list of agencies that are covered to include entities such as local voting registrars. It also specifies that "judge" includes local, limited jurisdiction judicial officers such as justices of the peace and municipal court judges as well as retired judges and quasi-judicial officers such as court-appointed magistrates.

This question of who is and is not a "judge" for purposes of laws that seek to protect this personal information was also being debated in Illinois. For example, in 2012 Illinois enacted a Judicial Privacy Act that addressed the issue of protecting the information of "judicial officers." In 2017, the legislature amended the definition of that phrase to specifically include former and deceased judges.

– **WILLIAM E. RAFTERY** blogs about state legislation affecting the courts at [gaveltogavel.us](http://gaveltogavel.us).

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