

Judges warned of lax Courthouse security

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Just a few months ago, Grays Harbor Superior Court Judge David Edwards said he feared that there was nothing to stop a gunman from entering his courtroom. Judges past and present have consistently complained that the historic Courthouse at Montesano did not have adequate security. The issue has escalated to the point that the three current Superior Court judges are suing Grays Harbor County over budget issues tied in part to security issues.

On Friday, a man entered the Courthouse, scuffled with a deputy sheriff then stabbed Judge Edwards as he tried to intervene. In the fight that ensued, the man took the deputy's gun and shot her before fleeing with her gun. He's still on the loose.

About a year ago, the three Superior Court judges foresaw the possibility of violence when they wrote a letter to the county commissioners "There is nothing to prevent anyone who enters our courthouse from bringing a gun or other weapon into any of our courtrooms," the judges wrote to the commissioners. "The risk of harm is real. It may happen tomorrow, or next month, or next year. But it will happen. ..."

County Commissioners Terry Willis, Mike Wilson and Herb Welch all said that Friday's events will likely turn the attention once more to Courthouse security.

"It will definitely heighten the conversation on Courthouse security and take it to a new level to our legislators and the state as we say we need money for this," Willis said. "This has been going on in Grays Harbor for years and yet there's been no real solution and it normally boils down to funding."

"Hopefully, this finally opens up some pocket books so we can do what needs to be done," Welch added.

"I'd hope there would be some way that the state or feds could help us figure this out," Wilson said. "The budget is tight. Thank goodness people weren't injured any more than they were. It's still a terrible thing what happened and we'll do what we have to do now."

One estimate provided to the commissioners last year found that it would take roughly \$300,000 to pay for the first year of Courthouse security.

Retired judge says changes overdue

But retired Grays Harbor Superior Court judge Dave Foscue says the county should have acted long ago. Foscue retired in 2007 and said while he was a judge he and fellow judges Gordon Godfrey and Mark McCauley frequently made requests for better security. Edwards took over when Foscue retired.

"I think my main concern in court was for the other people," Foscue said. "I've got a good view and can see what's going on. The anger is often focused on one of the other participants or a lawyer and I think we owe it to the people that we require to come to the Courthouse to provide a safe place. We can't make anything perfectly safe, but that Courthouse should be safer."

Foscue said that if the court had the power to raise the money to install better security, it would have been done.

"I've had to have people subdued in my courtroom before, but nothing like this has ever happened before," Foscue said.

Former county commissioner Al Carter recalled that he and his fellow commissioners were finally preparing to hire two bailiffs and acquire a metal detector system back in 2008. But then the

economy fell off and the commissioners had to scrap those plans.

“It was an extra budget thing,” Carter said. “And it was simply forgotten.”

State Sen. Brian Hatfield, D-Raymond, says it often takes tragic episodes to make things right. Hatfield noted that the state Legislature once had metal detectors after the Sept. 11 terrorist attacks, but then those were shelved because of the expense and because many thought they were unnecessary.

“I can totally sympathize where the county is coming from here,” Hatfield said. “Sometimes, being late at night at our own offices without security, it can make me nervous.”

LAWSUIT FILED

In December, with his court facing budget cuts from the Grays Harbor County commissioners, Edwards and fellow judge Gordon Godfrey both told *The Daily World* it was only a matter of time before their lives could be at risk.

“We’re the only county of our size without metal detectors, without real security,” Edwards said at the time, noting even a smaller jurisdiction like Pacific County has metal detectors and full-time security.

Lewis, Thurston, Clark, Cowlitz, Whatcom, Skagit, Snohomish, Pierce and King counties all have restricted access points and weapons screening, they said.

The state has no laws mandating security and leaves it up to the counties to figure it out.

Within days, Edwards, Godfrey and McCauley filed a lawsuit against Grays Harbor County seeking to overturn budget reductions made by the county commissioners, while seeking a court order to build them a new courtroom, provide more administrative staff and install adequate security. The county, in turn, filed a counter claim against the state of Washington, saying it was the state’s responsibility to provide better funding after repeatedly cutting state funding for counties. A pre-trial hearing is set for March 22.

“Anyone can enter the Courthouse carrying weapons,” the lawsuit states. “Judicial staff is at risk from and has been forced to quell arguments between litigants in the courthouse. Within the past two years, two attorneys were physically assaulted in the Superior Court; a defendant charged one of the judges in a courtroom; a man came to the courthouse armed with a knife and asking for directions to the office of a judge; and there was inadequate security protection available when a judge received a death threat during a trial.”

In March of last year, a jail inmate fled from Judge Godfrey’s courtroom and led detectives on a manhunt lasting about an hour.

“I will note that if we had proper security the individual would not have made it out of the courthouse,” Judge Godfrey wrote to the county commissioners at the time. “It is my understanding they may have caught the individual. Hopefully so, as the county would be liable for any damages to person or property for their failure/gross negligence to provide proper courthouse security in the event the individual causes any property damage or injury to persons.”

At around that same time, the Superior Court judges appointed a committee to review courthouse security standards.

“It is necessary for Grays Harbor County to take action to ensure the safety of all persons present in our courtrooms,” the judges wrote. “We are unwilling to wait for tragedy to occur before we require the implementation of reasonable security measures.”

PLAN GIVEN LAST SUMMER

By July of last year, the committee outlined a series of steps it thought necessary to improve security.

“The judges are prepared to direct the necessary modifications to the building, to acquire the screening equipment and to hire the security staff so as to have the recommended security system in operation on Jan. 1, 2012,” Edwards wrote in his letter. “It is important for you to be aware that the judges consider the immediate implementation of these security measures as essential to the ability of the Superior Court to insure that all of our citizens have access to justice in a safe and secure forum.”

Yet the security measures were never implemented. Commissioner Willis said the money for Courthouse security has simply not been available.

Willis said special key pad locks for the judges’ offices were included in this year’s budget and had been expected to be installed in the coming weeks.

Budget

A budget attached to the committee’s recommendation called for \$17,000 in door locks, signs, exit alarms safety glass and portable barriers; another \$4,214 for a metal detector with remote control and \$21,500 for nan x-ray machine with installation and training. That’s \$42,714 in start-up costs.

Plus, another \$250,000 would be needed for annual operating expenses — providing three bailiffs, two security screeners, a security director and extra help when needed.

The security committee calls for the main entrance of the building to be re-located to the east side of the building, where a weapons screening station — including a metal detector and x-ray machine — would be installed.

The plan calls for keypad locks and exit alarms to be installed on the south and north doors to the Courthouse. The second floor of the Courthouse would remain pretty much as it is, with security present during District Court proceedings, and the third floor would add keypad locks on doors leading to the judge’s chambers and deliberation rooms along with a security window for communication with the public. There would also be a plan in place to notify offices when a security breach happens.

The plan said that security issues would still need to be figured out for the Juvenile Court facility near Aberdeen, for District Court 2 in Aberdeen and for jury trials conducted in the commissioners meeting room.

“Although we were addressing one of the steps, there are many steps here that were not completed,” Willis said. “And the budgets are very tight on that and the funding doesn’t exist.”