



BOARD FOR JUDICIAL ADMINISTRATION

BJA Court Security Task Force

Interim Report

September 2020

Task Force Report prepared by:

Penny Larsen, MA
Senior Court Program Analyst, Board for Judicial Administration
Washington State Administrative Office of the Courts

Introduction

Providing a safe and secure environment for people to resolve legal issues is fundamental to the administration of justice. Courts handle sensitive and emotionally charged cases concerning family welfare and child dependency, domestic and intimate partner violence, marital dissolutions, crimes of sexual assault, harassment and stalking. These types of cases evoke highly emotional responses that can result in security threats and violent incidents and present security and safety concerns unique to courthouse facilities. Serious and tragic outcomes can ensue in courthouses without appropriate security measures in place.

Washington State had several high profile incidents in which adequate security resources may have prevented serious incidents.

Examples of serious security incidents in Washington State include:

- The 1995 shooting deaths of Susana Remerata Blackwell, her unborn child and two friends, Phoebe Dixon and Veronica Laureta, by her estranged husband during their divorce proceeding in a King County courtroom. The murders resulted in the immediate implementation of entry screening and at the courthouse.
- In 2012, Judge David Edwards was stabbed in the Grays Harbor County Courthouse, along with a sheriff deputy who was also shot with her gun. Entry screening and other security improvements were immediately implemented.
- In 2018, Lewis County Judge R.W. Buzzard chased inmates attempting to escape the courtroom. Months prior, Judge Buzzard physically intervened when a man attacked an attorney in the courtroom. He noted that the county officials were working to make courtrooms safer, but lacked funding for more security staff.

There continues to be a large proportion of courthouses that do not meet basic courthouse security standards, despite the efforts of local and state committees that worked for the last twenty-five years to advocate for improvements and to secure resources for adequate security. In response to the enduring gaps in court security throughout the state, the Trial Court Advisory Board (TCAB) drafted General Rule 36 (GR 36), Trial Court Security. [GR 36](#) outlines the components of best practices in court security. The Supreme Court adopted GR 36 on September 1, 2017.

In an effort to support courts' efforts to comply with GR 36, the BJA selected court security as a strategic initiative in November 2018 and authorized the creation of the Court Security Task Force (Task Force). In April 2019, the Task Force convened to assist courts in meeting the GR 36 minimum court standards by 2025. This report describes the activities of the Task Force, the

findings from several data collections, and recommendations for policies and activities that will make courts and the citizens accessing them safer.

Trial Court Security Task Force Members

Leadership

Judge Sean P. O'Donnell, Co-Chair, King County Superior Court

Judge Rebecca Robertson, Co-Chair, Federal Way Municipal Court

Suzanne Elsner, Work Group Chair, Court Manager, Marysville Municipal Court

Judge Jennifer Forbes, Work Group Chair, Kitsap County Superior Court

Members

Megan Allen, Legal Advocacy Manager, King County Sexual Assault Resource Center

Adam Ballout, Defense Attorney, Washington Defender Association

Ashley Callan, Court Administrator, Spokane County Superior Court

John Chun, Judge, Court of Appeals, Division I

Patrick Conesa, Risk Analyst, Washington Counties Risk Pool

Jerome Delvin, County Commissioner, Benton County

Timothy Fitzgerald, County Clerk, Spokane County Superior Court

Rod Fleck, City Attorney/Planner, City of Forks

Jennifer Forbes, Judge, Kitsap County Superior Court

Michelle Gehlsen, Judge, King County District Court

Steven González, Chief Justice, Washington State Supreme Court

Honorable Roger Goodman, Representative, Washington State Legislature

Norrie Gregoire, Juvenile Justice Director, Walla Walla County

Honorable Jeff Holy, Senator, Washington State Legislature

Dan Johnson, Judge, Lincoln County District Court

Ramsey Radwan, Director of Management Services, Administrative Office of the Courts

Wendy Ross, Criminal Advocate Supervisor, King County Prosecuting Attorney's Office

Gemma Zanowski, Personal Injury Attorney, Washington Defense Association Member

Greg Zempel, Prosecutor, Kittitas County

AOC Staff

Penny Larsen, Senior Court Program Analyst, Board for Judicial Administration

Task Force Charter

The BJA created the Task Force in November 2018, to assess current court security needs and develop and implement strategies to ensure that every trial court in Washington can comply with the GR 36 Minimum Court Security Standards by 2025.

The Task Force was asked to:

- a. Review and analyze all statewide court security surveys, research, and past court security initiatives and activities.
- b. Assess court security needs and identify tools to address court security needs.
- c. Identify court efforts to meet GR 36 Minimum Security Standards.
- d. Develop best practices including a model protocol for court security and distribute to the courts.
- e. Explore mentoring, partnering, and/or educational opportunities for courts needing increased security in order to maximize resources.
- f. Assess funding needs and explore funding options. Explore grant opportunities to assist in securing equipment and funds for capital improvements that will be needed for security improvement.
- g. Develop and implement funding strategies as identified in the funding assessment.
- h. Provide a report to the BJA on Task Force efforts and identify future Task Force or ongoing committee work.

Minimum Court Security Standards of GR 36

The minimum court security standards were derived from consultations with courthouse security experts from the U.S. Marshalls Office, the National Center for State Courts, and local security providers. These minimum standards are widely viewed by security professionals as the foundation of adequate courthouse security. Much of the work of the Task Force focuses on how to help courts meet minimum standards.

Minimum Security Standards established in General Rule 36:

- (1) *Policy and Procedure Guide for all Court and Clerk Personnel.*
- (2) *Weapons Screening by Uniformed Security Personnel at all Public Entrances.*
- (3) *Security Audits Every Three Years.*
- (4) *Security Cameras Recording with Loops of at Least Seven days with Signage*
- (5) *Duress Alarms at Multiple Strategic Locations*
- (6) *Emergency Notification Broadcast System*
- (7) *Active Shooter/Comprehensive Security Training*

Data Sources

2017-2018 Courthouse Security Survey

Building on the [Washington State Courthouse Security Report](#), a comprehensive survey conducted by the SCJA in 2017, and the same survey data collected by the DMCJA in 2018, the Task Force combined the datasets for a comprehensive analysis of the degree to which courthouses at all trial court levels were meeting the minimum standards of GR 36.

2019 GR 36 Court Security Needs Assessment

Methodology

The Task Force conducted a comprehensive security needs assessment of the courts who indicated in the Courthouse Security Survey that they did not meet one or more of the minimum standards for entry screening, security cameras, duress alarms, emergency notification systems and audits. A detailed questionnaire was designed to gather security-related information on court facilities and to determine the security staffing and equipment needs of each court. The data were used to compile an estimate the amount of funding necessary to meet the minimum standards of GR 36 for each court.

The Task Force received 111 completed assessments from courts throughout the state that did not meet one or more of the minimum security. Considering there are approximately 224 trial courts in Washington State, it is concerning that nearly 50% report having inadequate security measures in place.

AOC Incident Reporting Database:

Incident reporting is also in the “Extremely Important” category of the Best Practices Guide authored by Court Security experts.¹ The AOC implemented an online court security incident reporting tool in 2013. Courts report on the type of incident, suspects, victims, weapons and other details about the incident. The tool was used by courts inconsistently until the adoption of GR 36, which mandates that all courts must report incidents within one week. The Task Force has reinforced this mandate by sending

¹ Guidelines for Implementing Best Practices in Court Building Security: Costs, Priorities, Funding Strategies and Accountability p. 2010. See page 18. National Center for State Courts. Available at: <https://ncsc.contentdm.oclc.org/digital/collection/facilities/id/153/>

reminders to Presiding Judges and Court Administrators about the importance of collecting and evaluating data on security incidents.

Victim Advocate Survey

The Task Force received responses 118 from victim advocates who support survivors of domestic violence, sexual assault and criminal trial witnesses. The survey documented the experiences, observations and concerns of advocates regarding courthouse security. Ensuring victim safety and security when seeking justice at the courthouse is a priority and the data collected will be shared with courts to ensure security measures and practices from an advocate and victim perspective are considered

Key Findings from Needs Assessment & Courthouse Security Survey

1) Entry screening is lacking or non-existent in 69 of the 225 courthouses in Washington.

- Thirty-one percent (31%) of courthouses do not have full-time entry screening at all public entrances. Many of these are smaller courthouses in rural areas.
- Almost half (44%) of shared site courthouses have no entry screening. These 17 courthouses are located in county seats and either do not conduct any entry screening (13) or screening is conducted at courtroom entrance only when court is in session (4).
- Adequate security is needed during business hours for most courts. There are a small number of rural courts that would not need full-time entry screening but would benefit from having screening while courts are in session. All courts in Washington, regardless of rural or urban location, handle cases that evoke highly emotional responses that can create safety risks.
- Conducting entry screening at all building entrances is one of the most important safety measures courts can take to protect public safety and prevent dangerous people and items from entering the courthouse.²

2) Almost 75% of courthouses have never had a security audit or have not had one as recommended every three years

² Ibid

A professional security audit of the building provides courts with best practices and expert recommendations, including plans for implementing low-cost/high-yield security improvements specific to the unique needs of each courthouse.

3) Half of the courts without entry screening also do not have security cameras or need updates for adequate surveillance coverage

Adequate camera surveillance is an essential tool for investigating security incidents. With advances in technology, new surveillance systems are a cost effective solution and alleviate the need for costly structural installation. The required signage alerting citizens that video surveillance is in place also serves as a deterrent to prevent security incidents.

4) Over half of the courts have aging duress alarms systems and almost none of the courts have emergency broadcasting and notification systems that could be used for critical incidents and emergency events.

Several survey respondents noted that the duress alarms in their court facilities did not always function and repairs or replacements are not made timely or at all. There are cloud-based applications that offer a combined duress alarm and emergency notification system to replace antiquated wired systems that is efficient, flexible, less expensive and does not require expensive wiring structures.

5) Training and Security Drills

Less than 40% of the courts responded that their staff have received training on security topics and less than 34% of courts conduct security drills. Many respondents commented on the need for ongoing refreshers and timely training for new staff and court community members. Studies show that security drills are necessary so that court staff can respond as trained and avoid freezing up in response to a security crisis.

Incident Reporting

Documenting courthouse security incidents allows courts to identify patterns and evaluate risks that need to be addressed or mitigated through improved security measures. The AOC's online court incident reporting form has been in place since 2013. In 2018, incident reporting increased after its use became mandatory. Incidents were likely under-reported prior to 2018. Between April 2013, 890 incidents have been reported to the AOC

**Security Incidents Reported to
Administrative Office of the Courts
April 2013 – April 2020**

Victim Type	Total	Percentage
Court/Clerk Employee	212	23.82%
General Public	151	16.97%
Judicial Officer	139	15.62%
Other	388	43.60%
Grand Total	890	100.00%

Incident Type	Total	Percentage
Assault	77	8.7%
Disturbance	393	44.2%
Threat- physical, verbal, written	236	26.5%
Sexual Assault	1	0.1%
Theft	22	2.5%
Threat - Bomb	29	3.3%
Threat - Suicide	1	0.1%
Vandalism	33	3.7%
Violent act	10	1.1%
Weapon/contraband seized*	88	9.9%
Grand Total	890	100.0%

*Some courthouses do not report weapons data or do not screen for weapons

Suspect Type	Total	Percentage
Case Participant – Criminal	249	27.98%
Case Participant - Domestic Relations	81	9.10%
Case Participant – Juvenile	28	3.15%
Case Participant – Other	165	18.54%
Case Participant - Other Civil	74	8.31%
Employee	1	0.11%
None	274	30.79%
Spouse or Domestic Partner	18	2.02%
Grand Total	890	100.00%

Washington
Courts
documented 890
court security
incidents
between April
2013 and April
2019.

Key Findings from Victim Advocate Survey

The survey found that over half of the advocates and their clients have experienced or witnessed security incidents.

- 1) **52% of advocates reported that they or their clients have experienced 1-6 security incidents in the courthouse**
- 2) **55% of advocates reported that they or their clients have witnessed security incidents in the courthouse**
- 3) **85% of the advocates that work in courthouses without entry screening reported that their clients have expressed concerns about their safety in the courthouse.**

Lack of weapon screening, lack of security officers in the building, and the lack of security of the perimeter (entrances and parking lots) were the top three concerns reported.

Recommendations

- 1) **Work with local governments to support operational costs of entry screening labor.**

The Task Force recognizes that labor costs for entry screeners present challenges to many local government budgets. Providing courthouse security is a basic facilities operations cost. The following are some ideas for consideration:

- Share the cost of security staffing proportionally with other courthouse tenants.
- Work with Sheriffs and local police departments to pursue grants to support courthouse security staffing. In the past, law enforcement agencies had access to federal grant programs to fund labor costs.
- Appropriating a portion of tax or fee revenue to courthouse security.

- 2) **Request state funding for security equipment and services.**

The Task Force has drafted a budget request for the State Legislature for a one-time appropriation for the AOC to administer a prioritized grant program.

The Task Force categorized the needs assessment data into two categories: 1) "Shared Sites" which contain two court levels with no/low level of entry screening that reside in the same courthouse and 2) "Single sites" which consist of a single

court with no/low level of entry screening that does not reside in a courthouse with another court level.

This distinction was made because court levels located in the same building can share some security equipment and services, creating cost saving opportunities to maximize funding resources. For example, shared site courts can share entry screening at the building entrance, security camera coverage in main areas, and security audits, and they can create joint security committees and security plans and procedures. Shared security measures not only benefit both court levels, they also provide enhanced security for other tenants in the building.

Courts in shared sites will have first priority to funding for security audits and the equipment needed to comply with the GR 36 minimum standards. Single site courts can apply for any remaining funds in the first phase (2021-2023 biennium) and their funding needs will be prioritized in phase two (2023-2025 biennium).

3) **Task Force will continue to work on no-cost activities**

The Task Force will provide resources and networking opportunities for courts and security providers to form and maintain effective security committees, draft security plans unique to their courthouses, organize trainings and drills and talk about challenges and successes as they work toward meeting the requirements of GR 36.

No Cost Task Force Activities to Improve Court Security Practices

- **Developed an educational poster** for courts to post in common areas to encourage court users to report security incidents. The distribution of the poster has been delayed in order for courts to focus on public health-related signage during the COVID-19 pandemic.
- **Expanded the Incident Reporting Tool** Security providers will have access to a firewall-protected portal into Inside Courts so that court staff who delegate incident reporting to security staff do not have to duplicate efforts to record incidents to the AOC.
- **Created a court security toolkit** for a comprehensive source of reference and training materials. The toolkit includes examples of policy and procedure guides, training videos, and selected court security reference materials.
- **Created a courthouse security communication network** for security providers and court administrators to share challenges and progress toward meeting the standards of GR 36, such as maintaining effective security committees, drafting courthouse security plans, conducting security drills and other security related tasks.