



# WASHINGTON COURTS

ADMINISTRATIVE OFFICE OF THE COURTS

BOARD FOR JUDICIAL ADMINISTRATION

BJA Court Security Task Force

Final Report

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**Task Force Report prepared by:**

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

## Introduction

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Providing safe and secure access to justice is an ongoing and important issue for all courts. In 2015, the Trial Court Advisory Board (TCAB) drafted General Rule 36 (GR 36), Trial Court Security, to address the enduring gaps in court security throughout the state. This rule outlines the components of best practices for court security. The Supreme Court adopted GR 36 on September 1, 2017.

In order to support courts' efforts to comply with GR 36, the Board for Judicial Administration (BJA) selected court security as a strategic initiative in November 2018 and authorized the creation of the Court Security Task Force (Task Force) and approved the charter described in the next section of this report. Task Force co-chairs and staff began recruiting members of judicial and justice-partner associations, two members of the state legislature, a statewide risk management association and two local government representatives from county and city associations (see full membership list on page 7).

In April 2019, the Task Force convened to develop a plan to assist courts in their efforts to meet the minimum standards of GR 36 by 2025. It was widely known that many small and rural courts struggled, usually unsuccessfully, to obtain adequate and stable local funding for court security. From the onset, the Task Force's primary goal was the attainment of state funding to assist courts that had little or no security measures in their courthouses as a primary goal. The state Legislature historically has viewed the security of courthouses as a facility management issue for which local governments were responsible for funding. The Task Force set forth a series of strategies and activities to raise awareness of the importance of court security and advocate the need for funding for this critical and unmet need in many smaller courts throughout the state.

The following sections of this report highlight the journey of the Task Force.

- I. Assessing and documenting the unmet security needs
- II. Developing funding strategies and legislative advocacy campaigns: 2020–2023
- III. Lessons learned, recommendations, and accomplishments

The appendix contains the membership roster, the charter and a link to the archived Task Force webpage that includes reports and all of the advocacy materials in the legislative toolkit.

## I. Assessing and documenting the needs of courts

The Task Force plan for a successful legislative funding request required putting forth a decision package that contained good reasonably accurate estimates of the amount of funding necessary for courts to have the security equipment and staffing needed to meet the minimum requirements of GR 36.

Providing the legislature with clear and convincing estimates of the need was essential to show that the Task Force had done their due diligence as good stewards of public funds. In order to complete this detailed work, the Task Force formed an Assessment and Evaluation Work Group.

Task Force members with security expertise worked with staff to develop the GR 36 Court Security Needs Assessment for courts that did not meet one or more of the GR 36 minimum standards. After the assessment data was collected from 111 courts, the work group developed cost estimates for security equipment and staffing required to meet those needs.

In addition to the GR 36 Court Security Needs Assessment, the Task Force conducted a Victim Advocate Survey in 2020 and documented the experiences, observations, and concerns of 117 advocates regarding courthouse security. The Task Force also used data from Courthouse Security Surveys conducted by the judicial associations in 2017.

The data collected by the Task Force was cited in the court security decision packages and in the legislative talking points.

## II. Developing funding strategies and advocacy campaigns: 2020–2023

Once the Task Force had the needs assessment data and the cost estimates in late 2019, the next step was to decide how to structure the funding request in a palatable way for the Legislature to act upon. In early 2020, the Task Force decided to break up the funding request into two biennium budget cycles. The needs were estimated at over \$5 million, including the much-needed entry screening and security officers. This was too much to ask for in one request, given the reluctance of the state to fund security in the past.

The Task Force categorized the needs assessment responses from courts into two groups: a) “Shared Sites” which contained two court levels with no/low level of entry screening that resided in the same courthouse and b) “Single sites” which consisted of a single court with no/low level of entry screening that did not reside in a courthouse with another court level.

Shared site courts were prioritized for the 2021–23 funding request to maximize funding resources. For example, shared site courts could share entry screening at the building entrance, security camera coverage in main areas, security audits, and could create joint security committees and security plans.

When the Covid19 shutdown occurred in March 2020, the economic forecast was dire; the task force was advised to recalculate the funding request at a much lower level. The Task Force developed an advocacy plan for 2021, although the pandemic shutdown minimized the efforts somewhat as members dealt with emerging issues. However, with the help of the judicial associations, \$750,000 was appropriated in the capital budget with minimal advocacy efforts.

During the 2022 supplemental budget season, the economic forecast had improved considerably and substantial pandemic relief funds were available from the Federal government. The Task Force put forth a dynamic advocacy campaign; however, legislators were reluctant to fund the request during a supplemental budget year and wanted to local governments to share some of the cost and note their support for the request. Despite testimony from judges and victim advocates during the budget hearings and meetings with many legislators, the final budget did not include court security funding.

In 2023, the Task Force focused their energy on following the advice of the state legislators and developed a decision package with a shared cost formula. Members determined the census and economic criteria for the shared cost model so that the poorest jurisdictions would contribute slightly to the cost. The Task Force also met remotely with several boards of commissioners in small rural counties to garner their support for state funding for the court security improvements that they were unable to afford in their local budgets.

The table below summarizes the funding requests and shows the legislator meetings with the Task Force Co-Chairs. Many Task Force members, including Chief Justice González and other members of the judiciary and court community met separately with lawmakers.

<b>Court Security Task Force Funding 2020–2023</b>			
<b>Budget Year</b>	<b>Funds Requested</b>	<b>Funds Appropriated</b>	<b>Number of Task Force Co-Chair Meetings with Legislators</b>
<b>2021–2023 biennium</b> Equipment and administrative support in Capital Budget	\$767,000	\$750,000 <ul style="list-style-type: none"> <li>• 18 shared-site courthouses were awarded \$493,000 for security equipment.</li> </ul>	5 (approximate number of remote meetings during pandemic shutdown)
<b>2022</b> (supplemental)	\$2 million	\$0	25
<b>2023–2025 biennium</b> Equipment and services with local government cost-sharing	\$5 million	\$2 million <ul style="list-style-type: none"> <li>• 21 courts have been allocated \$1 million in FY 2024.</li> <li>• \$1 million will be allocated in FY2025</li> </ul>	18

The legislative advocacy efforts for court security funding went well beyond the members of the Task Force, all of whom took the advocacy materials developed to the associations they represented. Judicial associations presidents and judges in courts without security testified at the 2022 budget hearings.

Here are some examples of stakeholder support:

- In 2022, the King County Sexual Assault Center mobilized members of the victim advocate community to volunteer to testify at the budget hearing. Two advocates waited for hours online to tell legislators about their experiences and those of their colleagues regarding inadequate court security.
- In 2023, the following justice partners and stakeholders submitted a letter of support to the legislature:
  - Washington Supreme Court Gender and Justice Commission;
  - Washington Bar Association Board of Governors;
  - Okanogan County Board of Commissioners;
  - Ferry County Board of Commissioners;

- Pend Oreille County Board of Commissioners;
- Stevens County Board of Commissioners;
- Columbia County Board of Commissioners;
- Asotin County Board of Commissioners;
- Garfield County Board of Commissioners.

### III. Lessons Learned, Recommended Action and Accomplishments

The Task Force had a tall order: get state funding for a critical need for the courts that legislators were at least reluctant, if not outright, resistant to funding. Here are few lessons learned for future “tall order” funding requests.

- Take the time to develop solid estimates of the funding needed. The Task Force presented data from the assessment in the decision package and the advocacy talking points used in meetings with legislators. Having reasonable estimates also prevented the Task Force from requesting more funding than courts could spend and losing credibility with legislators and their budget staff.
- Have a diverse membership that includes subject matter experts, end users, influence makers, and, if possible, members of the legislature and local governments. The Task Force used the expertise of members and strived to make members feel part of the whole process, even when their primary work occurred at the end with advocacy materials.
- Create a wide network of advocate partners. Legislators remarked that they heard from many stakeholders in the court community regarding the court security funding request. It was not possible to learn the magnitude of support of the external parties. This is an area that needs further refinement if the goal is to measure the effects of their advocacy on funding outcomes.

The Task force met for the last time in May 2023 to discuss recommendations and accomplishments. There was a consensus that court security is an enduring and important issue that needs ongoing attention.

The recommendation put forth by the Task Force is for the BJA to reconvene the Standing Committee on Court Security to address on-going and emerging court security issues. The Task Force Co-Chairs agreed to present a motion with this recommendation at the September 2023 BJA meeting.

Below is a list of each of the Task Force charter deliverables and the related activities that addressed each deliverable. The checklist of accomplishments demonstrates the work and commitment of Task Force members towards the goal of safe and secure courthouses.

#### **Charter Deliverables: Task Force activities and accomplishments**

**a. Review and analyze all statewide court security surveys, research, and past court security initiatives and activities.**

- ✓ In late 2018–2019, the Assessment and Evaluation Work Group of the Task Force did extensive historical research on local efforts of the BJA Court Security Committee and Trial Court Advisory Board (TCAB). The Task Force also used materials from the National Center for State Courts and their associations and partners for a broad framework of current best practices.
- ✓ In 2020, surveyed Court Security Officers regarding pandemic-related duties and Victim Advocates regarding courthouse security.

**b. Assess court security needs and identify tools to address court security needs.**

- ✓ Conducted a comprehensive survey assessment of over 111 courts on their equipment and staffing needs and challenges with implementing adequate security practices.

**c. Identify court efforts to meet GR 36 Minimum Security Standards.**

- ✓ Created a dashboard of security information from courts that displays compliance with all of the GR 36 standards for surveyed courts.

**d. Develop best practices including a model protocol for court security and distribute to the courts.**

- ✓ Located on Inside Courts “Security” Tab and updated in 2021.



- ✓ Communicated with Presiding Judges and Administrators to convey messages about participating in the court security assessment, the need for reporting security incidents, and asking for advocacy to support funding requests.

**e. In order to maximize resources, explore mentoring, partnering, and/or educational opportunities for courts needing increased security.**

- ✓ Coordinated the BJA sponsored training *Surviving the Active Lethal Threat with Crisis Reality Training* in the summer of 2022.

- ✓ Administrates Courthouse Security Communications Listserv – 2020
- ✓ Conducted presentations at judicial association conferences/business meetings

**f. Assess funding needs and explore funding options. Explore granting opportunities to assist in securing equipment and funds for capital improvements that will be needed for security improvement.**

- ✓ Created multiple funding strategies to help the Task Force decide on the two-phased, prioritized grant model in which shared-site courts with no security received highest priority.

**g. Develop and implement funding strategies as identified in the funding assessment.**

- ✓ Drafted three budget decision packages, two of which were successful in appropriations of \$750,000 in 2020–2023 and \$2 million in 2023–2025.

**h. Provide a report to the BJA on Task Force efforts and identify future Task Force or ongoing committee work.**

- ✓ Final report delivered to BJA in September 2023.
- ✓ Reconvene the BJA Court Security Committee.



## Appendix

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1. [Court Security Task Force Charter](#) (link to full document)
2. Court Security Task Force Members 2020–2023

### Co-Chairs

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

Judge Rebecca Robertson, Co-Chair, King County District 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

Jerome Delvin, County Commissioner, Benton County

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

Timothy Fitzgerald, County Clerk, Spokane County Superior Court

Rod Fleck, City Attorney/Planner, City of Forks

Steven González, Chief Justice, Washington State Supreme Court

Honorable Roger Goodman, Representative, Washington State Legislature

Norrie Gregoire, Juvenile Justice Director, Walla Walla County

Brittany Gregory, Associate Director, Legislative Relations, AOC

Honorable Jeff Holy, Senator, Washington State Legislature

Judge Brian Huber, Douglas County Superior Court

Dan Johnson, Judge, Lincoln County District Court

Ken Kollman, Washington Counties Risk Pool

Christopher Stanley, Director of Management Services, AOC

Greg Zempel, Prosecutor, Kittitas County

### AOC Staff

Penny Larsen, Senior Court Program Analyst

### 3. Minimum Court Security Standards of GR 36

The minimum 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 these 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*

Click link to see the full text of [General Rule 36](#)

### 4. Reports, Presentations, and Materials on [Court Security Task Force webpage](#)

- Interim data report of the statewide court security survey and GR 36
- Funding strategies presentation for the 2021 Fall Judicial Conference
- Legislative communication toolkit that contains the full set of advocacy materials used in the 2023 legislative session.