

# **Court Security Advisory Committee**

As of June 16, 2015

**Hon. Thomas M. Maddock, Chair**  
Judge of the Superior Court of California,  
County of Contra Costa

**Mr. Michael M. Roddy**  
Court Executive Officer  
Superior Court of California,  
County of San Diego

**Hon. Patricia Bamattre-Manoukian,  
Vice-Chair**  
Associate Justice of the Court of Appeal  
Sixth Appellate District

## **JUDICIAL COUNCIL LIAISON**

**Hon. James R. Brandlin**  
Judge of the Superior Court of California,  
County of Los Angeles

**Hon. Jeffrey G. Bennett**  
Judge of the Superior Court of California,  
County of Ventura

## **TRIAL COURT PRESIDING JUDGES ADVISORY COMMITTEE LIAISON**

**Ms. Deena Fawcett**  
Clerk/Administrator of the Court of Appeal,  
Third Appellate District

**Hon. Gregory S. Gaul**  
Presiding Judge of the  
Superior Court of California,  
County of Shasta

**Ms. Melissa Fowler-Bradley**  
Court Executive Officer  
Superior Court of California,  
County of Shasta

## **COURT OPERATIONS SERVICES LIAISON**

**Ms. Donna Hershkowitz**  
Director, Court Operations Services  
Judicial Council of California

**Hon. Frederick Paul Horn**  
Judge of the Superior Court of California,  
County of Orange

## **GOVERNMENTAL AFFAIRS LIAISON**

**Mr. Cory Jaspersen**  
Director, Governmental Affairs  
Judicial Council of California

**Ms. Deborah Norrie**  
Court Executive Officer  
Superior Court of California,  
County of Plumas

## **LEGAL SERVICES LIAISON**

**Mr. Michael I. Giden**  
Supervising Attorney, Legal Services  
Judicial Council of California

**Hon. Charlene F. Olmedo**  
Judge of the Superior Court of California,  
County of Los Angeles

## **JUDICIAL COUNCIL STAFF TO THE COMMITTEE**

**Mr. Darrel E. Parker**  
Court Executive Officer  
Superior Court of California,  
County of Santa Barbara

**Mr. Edward Ellestad**  
Acting Manager, Office of Security  
Judicial Council of California



# JUDICIAL COUNCIL OF CALIFORNIA

COURT SECURITY  
ADVISORY COMMITTEE

[www.courts.ca.gov/courtsecurityadvcomm.htm](http://www.courts.ca.gov/courtsecurityadvcomm.htm)  
[courtsecurityadvcomm@jud.ca.gov](mailto:courtsecurityadvcomm@jud.ca.gov)

## COURT SECURITY ADVISORY COMMITTEE

### MINUTES OF OPEN MEETING WITH CLOSED SESSION

September 4, 2014

10 a.m. to 3 p.m.

Ronald M. George State Office Complex

William C. Vickrey Judicial Council Conference Center

Malcolm M. Lucas Board Room

455 Golden Gate Avenue, San Francisco, California 94102-3688

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**Advisory Body  
Members Present:**

Hon. Patricia Bamattre-Manoukian, Associate Justice, Court of Appeal, Sixth Appellate District

Hon. Jeffrey G. Bennett, Judge, Superior Court of Ventura County

Ms. Melissa Fowler-Bradley, Court Executive Officer, Superior Court of Shasta County (by telephone)

Hon. Frederick Paul Horn, Judge, Superior Court of Orange County

Hon. Thomas M. Maddock, Judge, Superior Court of Contra Costa

Hon. Charlaine F. Olmedo, Judge, Superior Court of Los Angeles County

Ms. Deborah W. Norrie, Court Executive Officer, Superior Court of Plumas County

Mr. Darrel E. Parker, Court Executive Officer, Superior Court of Santa Barbara County

**Advisory Body  
Members Absent:**

Mr. Michael M. Roddy, Court Executive Officer, Superior Court of San Diego County

**Others Present:**

Mr. Curtis L. Child, Chief Operating Officer, Operations and Programs Division, Judicial Council of California

Ms. Donna S. Hershkowitz, Director, Appellate Court Services and Court Operations Services, Operations and Programs Division, Judicial Council of California

Mr. Michael I. Giden, Supervising Attorney—Legal Opinion Unit, Legal Services, Judicial Council of California

Mr. Malcolm Franklin, Senior Manager—Office of Security, Court Operations Services, Operations and Programs Division, Judicial Council of California

Mr. Edward Ellestad, Acting Manager—Office of Security, Court Operations Services, Operations and Programs Division, Judicial Council of California

Ms. Lisa Gotch, Court Services Analyst—Office of Security, Court Operations Services, Operations and Programs Division, Judicial Council of California

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**OPEN MEETING**

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**Call to Order and Roll Call**

The chair called the meeting to order at 10:05 a.m., and took roll call. Judge Maddock corrected an error on the agenda: for section IV there are two items, not three.

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**INFORMATION ONLY ITEMS (NO ACTION REQUIRED)**

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**Info 1****Appointment of Vice Chair**

Judge Maddock provided information on his request for the Chief Justice to appoint a committee vice-chair, Justice Patricia Bamattre-Manoukian.

**Info 2****Solicitation for Nominations**

Judge Maddock provided information on the vacant membership position for appellate court administrator and nomination procedures. The Executive and Planning Committee received a nomination and is providing recommendations to the Chief Justice on appointment.

**Info 3****Trial Court Security Grants and New Funding Options for Security Equipment**

Mr. Franklin provided information on prioritization of security projects for the State Trial Court Improvement and Modernization Fund and review of related Budget Change Proposals.

**Info 4****Overview of 2013–2014 Office of Security Activities**

Mr. Franklin provided information on accomplishments related to Office of Security projects, programs, and services over the past fiscal year.

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**DISCUSSION AND ACTION ITEMS (ITEMS 1–2)**

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**Item 1****Requirements for Submission of Annual Agenda (Action Required)**

Judge Maddock led discussion of draft annual agenda, described in rule 10.34(f), and timeline for review, discussion, and decision.

***Action: Judge Maddock asked if there was a motion to approve the draft annual agenda as is, with the caveat that staff add the budget information. Justice Manoukian moved, and Judge Horn seconded. The motion was passed by unanimous voice vote.***

**Item 2**

**Necessary Emergency Response and Security Functions and Organization of the Office of Security (Action Required)**

Members discussed recommendations on the necessary emergency response and security functions for the branch and organization of the Office of Security, in accordance with Judicial Council Directive 125.

***Action: Judge Maddock asked if members were agreeable to having those recommendations be a starting point for an ad hoc subcommittee's work. There were no objections.***

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**A D J O U R N M E N T**

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There being no further open meeting business, the meeting was adjourned at 10:50 a.m.

Approved by the advisory body on enter date.



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COURT SECURITY  
ADVISORY COMMITTEE

**COURT SECURITY ADVISORY COMMITTEE**

**MINUTES OF OPEN MEETING**

October 23, 2014  
12:15 to 1:15 p.m.  
Teleconference

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**Advisory Body Members Present:** Hon. Jeffrey G. Bennett, Judge, Superior Court of Ventura County  
Ms. Melissa Fowler-Bradley, Court Executive Officer, Superior Court of Shasta County  
Hon. Thomas M. Maddock, Judge, Superior Court of Contra Costa  
Hon. Charlaine F. Olmedo, Judge, Superior Court of Los Angeles County  
Ms. Deborah W. Norrie, Court Executive Officer, Superior Court of Plumas County  
Mr. Curtis L. Child, Chief Operating Officer, Operations and Programs Division, Judicial Council of California  
Mr. Cory Jaspersen, Director, Governmental Affairs, Judicial Council of California  
Ms. Donna S. Hershkowitz, Director, Appellate Court Services and Court Operations Services, Operations and Programs Division, Judicial Council of California  
Mr. Michael I. Giden, Supervising Attorney—Legal Opinion Unit, Legal Services, Judicial Council of California  
Mr. Malcolm Franklin, Senior Manager—Office of Security, Court Operations Services, Operations and Programs Division, Judicial Council of California  
Ms. Lisa Gotch, Court Services Analyst—Court Operations Services, Operations and Programs Division, Judicial Council of California

**Advisory Body Members Absent:** Hon. Patricia Bamattre-Manoukian, Associate Justice, Court of Appeal, Sixth Appellate District  
Mr. Darrel E. Parker, Court Executive Officer, Superior Court of Santa Barbara County  
Mr. Michael M. Roddy, Court Executive Officer, Superior Court of San Diego County  
Hon. Frederick Paul Horn, Judge, Superior Court of Orange County

**Others Present:** Ms. Laura Speed, Assistant Director, Governmental Affairs, Judicial Council of California

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**OPEN MEETING**

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**Call to Order and Roll Call**

The chair called the meeting to order at 12:15 p.m., and Mr. Franklin took roll call.

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**DISCUSSION AND ACTION ITEMS (ITEMS 1-1)**

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**Item 1**

**Court Security Survey**

Members discussed the Court Security Survey prepared and distributed by Trial Court Budget Advisory Committee.

***Action: Judge Maddock asked if members were agreeable to reviewing the results of that survey, and using the results to inform any recommendation on and/or development of a survey about the level of service provided in all 58 counties since realignment, including both security provided by trial court funding and by sheriff funding. There were no objections.***

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**ADJOURNMENT**

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There being no further business, the meeting was adjourned at 12:25 p.m.

Approved by the advisory body on enter date.



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: July 28, 2015

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**Title**

Judicial Branch Administration: Final Report  
on Directive 125

**Agenda Item Type**

Action Required

**Effective Date**

July 28, 2015

**Rules, Forms, Standards, or Statutes Affected**

None

**Date of Report**

[DRAFT 6/16/15 8:15AM]

**Recommended by**

Court Security Advisory Committee  
Hon. Thomas M. Maddock, Chair  
Mr. Martin Hoshino, Administrative Director  
Ms. Donna Hershkowitz, Director,  
Appellate Court Services and Court  
Operations Services

**Contact**

Ed Ellestad, 415-865-4538,  
edward.ellestad@jud.ca.gov

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### Executive Summary

This is the Final Report on Directive 125, which charged the Administrative Director to return to the Judicial Council with an analysis defining the necessary emergency response and security functions for the branch and a recommendation on the organizational plan for council approval. The Administrative Director submitted an interim report to the council for its meeting on July 29, 2014 (see Link A). The Court Security Advisory Committee is providing recommendations to the council defining those functions. With regard to the organization of the office, the Administrative Director recently implemented a reorganization of the office, and the Committee defers to the Administrative Director's decisions and is not proposing additional recommendations.

## **Recommendation**

The Court Security Advisory Committee recommends that the Judicial Council receive and accept the Final Report on Directive 125, which defines the necessary emergency response and security functions for the branch (Final Report; see Attachment A).

## **Previous Council Action**

In August 2012, the Judicial Council adopted recommendations of the Strategic Evaluation Committee regarding the restructuring and realignment of the Administrative Office of the Courts. The Judicial Council created directives based on the recommendations (see Link B.) At its December 14, 2012, meeting, the Judicial Council approved the recommendation of the Administrative Director to maintain the Office of Security—within the Operations and Programs Division (then referred to as the Judicial and Court Operations Services Division) and at the current staffing level—with responsibility to perform its currently assigned security and emergency response planning functions. The council deferred action on creating a Court Security Advisory Committee to review the Office of Security and make recommendations defining the necessary emergency response and security functions to be performed by the office consistent with Directive 125, pending its comprehensive review of advisory groups.

At its April 25, 2013, meeting, as part of the comprehensive review of advisory bodies (see Link C), the Judicial Council approved the creation of a Court Security Advisory Committee. Rule 10.61 of the California Rules of Court establishing the committee was adopted by the Judicial Council at the October 25, 2013, meeting.

At the July 2014 council meeting the Administrative Director submitted an interim report to the council on its progress toward finalizing the information required by Directive 125 (see Link A).

## **Rationale for Recommendation**

The findings of the committee as to the necessary emergency and security functions for the branch are based on the experience and expertise of its members—judicial officers and court administrators from around the state who have been involved in the administration of court security in California. The members reviewed and assessed the current status of court security in the branch and considered what would best enhance the security and safety of the public, judicial officers, and court employees. Its findings represent the culmination of that work. Effective July 1, 2015, the Office of Security was relocated to the Real Estate and Facilities Management office in the Administrative Services Division. It has been decided that the Senior Manager position will not be filled. Additionally, it has been determined that protective services both on site and off site are no longer to be provided by the Office. In deference to the organizational decisions made by the Administrative Director, the committee is not providing any recommendations as to the appropriate organization or staffing of the office.



## **Comments, Alternatives Considered, and Policy Implications**

Due to the necessity of addressing issues of immediate concern to the Judicial Council, the committee has not circulated its Final Report for public comment.

## **Implementation Requirements, Costs, and Operational Impacts**

There are no additional requirements, costs, or operational impacts associated with the findings of the report because the committee is not recommending any substantive changes.

## **Relevant Strategic Plan Goals and Operational Plan Objectives**

This report supports Goal III, Modernization of Management and Administration, as it relates to work to ensure the safety and security of the work environment and develop emergency and continuity-of-business plans for times of crisis or natural disaster. It also supports Goal VI, Branchwide Infrastructure for Service Excellence, as it relates to work to provide and maintain safe, dignified, and fully functional facilities for conducting court business.

## **Attachments and Links**

1. Attachment A: Final Report
2. Link A: Judicial Council of Cal., Administrative Director, *Judicial Branch Administration: Interim Report on Directive 125* (Jul. 27, 2014), [www.courts.ca.gov/documents/jc-20140729-info3.pdf](http://www.courts.ca.gov/documents/jc-20140729-info3.pdf)
3. Link B: Judicial Council Directives, [www.courts.ca.gov/19567.htm](http://www.courts.ca.gov/19567.htm)
4. Link C: Judicial Council Advisory Groups, [www.courts.ca.gov/3046.htm](http://www.courts.ca.gov/3046.htm)



# **Final Report on Directive 125**

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[DRAFT 6/16/15 8:15AM]



**JUDICIAL COUNCIL  
OF CALIFORNIA**

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COURT SECURITY  
ADVISORY COMMITTEE

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## **Acknowledgment**

This report is dedicated to the memory of Malcolm Franklin, the former Senior Manager of the Office of Security, who committed his efforts and energy to the improvement of court security throughout the judicial branch. He was a strong supporter of the trial courts, an expert in security matters, an advocate for the branch, a mentor, and a friend. He will be missed.

## **Introduction**

Unlike virtually any other institution in our society, the judicial branch has the authority to compel citizens to attend court involuntarily, as jurors, witnesses, or parties in connection with civil, family, criminal, dependency, or other pending cases. With this authority comes a moral responsibility to provide a civilized environment uncorrupted by threats and avoidable risks to those who enter the courthouse. To assure the security of the public who enter California's courthouses, as well as the judges and court personnel who serve the public, is necessary to achieve the fundamental judicial branch goal of providing equal access to justice for all Californians. "Courthouses must be a safe harbor to which members of the public come to resolve disputes that often are volatile. Once courthouses themselves are perceived as dangerous, the integrity and efficacy of the entire judicial process is in jeopardy."<sup>1</sup> Court security is, therefore, an essential component of judicial administration.

## **Background**

To focus on court security and emergency and continuity planning, former Chief Justice Ronald M. George and former Administrative Director William C. Vickrey established the Office of Security.<sup>2</sup> Since that time, the council has developed and implemented programs and services to enhance physical security, personal security, and emergency management in the branch.

In August 2012, the Judicial Council adopted recommendations of the Strategic Evaluation Committee regarding the restructuring and realignment of the council's staffing organization. The Judicial Council created directives based on the recommendations, including Directive 125, which charged the Administrative Director to provide recommendations on both the necessary emergency response and security functions for the branch as a whole, and the appropriate functions and organization for the council's Office of Security.<sup>3</sup>

At its December 14, 2012, meeting, the Judicial Council approved the recommendation of the Administrative Director to maintain the Office of Security with responsibility to perform its currently assigned security and emergency management functions, at its existing staffing level. The council deferred action on creating a Court Security Advisory Committee to review the Office of Security and make recommendations defining the necessary emergency response and security functions to be performed by the office consistent with Directive 125, pending its comprehensive review of advisory groups.

At its April 25, 2013, meeting, as part of the comprehensive review of advisory bodies,<sup>4</sup> the Judicial Council approved the creation of a Court Security Advisory Committee. Subsequently,

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<sup>1</sup> Chief Justice Ronald M. George (Ret.), *State of the Judiciary*, March 15, 2005.

<sup>2</sup> Council office names changed over the years. To avoid confusion, all offices are referred to by their current names.

<sup>3</sup> California Courts website, "Judicial Council Directives" [www.courts.ca.gov/19567.htm](http://www.courts.ca.gov/19567.htm) (as of June 16, 2015).

<sup>4</sup> California Courts website, "Advisory Bodies" [www.courts.ca.gov/advisorybodies.htm](http://www.courts.ca.gov/advisorybodies.htm) (as of June 16, 2015).

rule 10.61 of the California Rules of Court establishing the committee was adopted by the Judicial Council at its October 25, 2013, meeting.

Effective July 1, 2015, at the direction of the Administrative Director, the Office of Security was relocated to the Real Estate and Facilities Management office in the Administrative Services Division. As part of that relocation, the Administrative Director determined that the vacant Senior Manager position will not be filled. Additionally, it had previously been decided that protective services and security coordination services are no longer to be provided by the office. In deference to the organizational decisions made by the Administrative Director, the committee is not providing any recommendations as to the appropriate organization or staffing of the office. This Final Report on Directive 125 therefore simply defines the necessary emergency and security functions of the judicial branch, broken down into three major areas: physical security, personal security, and emergency management. The report indicates the office that the Administrative Director has assigned to perform each of these functions.

## **1. Physical Security (Building Architecture and Equipment)**

Physical security encompasses measures that are intended to prevent unauthorized access to facilities, equipment, and resources, and to protect people and property from damage or harm. The judicial branch is responsible for ensuring that judicial officers, court personnel, council staff, and the public can safely use the process and facilities of justice. Courts are vulnerable because of the often-volatile nature of their work; tensions and emotions run high could result in violence. Below are just a few examples of violent situations that arose in California courts:

- In May 1972, a shooting in an Oroville courtroom in Butte County left an attorney dead and a witness wounded. Judge Jean Morony was shot in the arm when he tried to bar a courtroom door.
- In March 1988, a defendant out on bail arrived at the Van Nuys courtroom of Judge Michael Harwin with a concealed handgun. He held a gun to the head of Judge Jessica Silvers, who was at that time the prosecuting attorney, shot a deputy in the abdomen, and riddled the courtroom with bullets before he was wrestled to the ground and disarmed.
- In May 1991, a mother and daughter were shot to death in a Lake Elsinore courthouse waiting room in Riverside County as they waited to testify in a criminal trial. The suspect was apprehended outside the courthouse and a 9-millimeter semiautomatic handgun was recovered.
- In September 1995, a man shot his former wife to death with a .38-caliber revolver in a crowded hallway outside the second-floor courtroom of the Stanley Mosk Courthouse in

downtown Los Angeles just before a hearing on spousal and child support. The courthouse did not have metal detectors at the time.

- In March 2009, Judge Cinda Fox of the Superior Court of San Joaquin County was stabbed in the neck and forearm with a 6-inch metal spike that had been smuggled into her courtroom by a defendant on trial for murder. He was shot to death by a Lodi police detective who had built the case against the defendant and was seated at the prosecution table.

Because courthouses are public institutions open to the public, and because we ensure a safe and accessible environment, we must mitigate risk where possible for the safety of all. There are many interrelated aspects of physical security for the courts. The following pages identify the necessary security and emergency functions for the Judicial Branch related to physical security.

#### **A. Security equipment for courts**

The Branch currently does and should continue to provide a wide range of security equipment related work, from assessments to contract administration to installation and maintenance of security equipment including (but not limited to) x-ray machines and magnetometers for entrance screening, duress alarm systems, access control systems, video surveillance systems, and more—as described below.

##### **i. X-ray machines and magnetometers**

X-ray machines and magnetometers are used for entrance screening and mitigate the risk of someone bringing contraband and items that can be used as weapons into the courthouse. Without entrance screening, there is no way to keep weapons and potential weapons that can be used to attack or assault judicial officers, court personnel, and court users, out of the courthouses. X-ray machines, magnetometers, and screening procedures are very effective in reducing the risk of harm. As an example, in 2006, security officers at the Superior Court of Los Angeles County seized 199,015 items including 53,005 knives, 21,581 pairs of scissors, 16,009 razors, 88 stun guns, and 2 guns. In 2008, its security officers seized 245,868 items, 53,302 knives, 24,763 pairs of scissors, 21,014 razors, 114 stun guns, and 2 guns.<sup>5</sup>

This illuminates the danger that *lack* of screening poses to judicial officers, court personnel, and the public. In 2006, one-time state funding was secured to obtain entrance screening equipment for courts that had none, and annual funding was secured for an ongoing screening equipment replacement program for courts that had broken or outdated machines. The Superior Court of Humboldt County was one of the courts that had no entrance screening. Within the first two years after

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<sup>5</sup> Superior Court of California, County of Los Angeles website, “Los Angeles Superior Court Annual Reports” [www.lacourt.org/newsmedia/notices/annualreport](http://www.lacourt.org/newsmedia/notices/annualreport) (as of June 16, 2015).



receiving equipment and implementing a process, security officers rejected or confiscated 14,196 knives, 1,213 razor blades, and 9 guns<sup>6</sup>—reinforcing the reality that this threat affects courts of all sizes and in all locations.

The Screening Equipment Replacement Program, with an annual budget of \$2.3 million, program replaces and maintains x-ray machines and magnetometers at public entrances in the trial courts. Competitively bid Master Agreements—which include pricing for the equipment, installation, training, and maintenance, as well as removal of the old x-ray units—are used for program purchases. Without this program, the courts would be responsible for the purchase and maintenance of the screening equipment. The cost of an x-ray unit with a 5-year service agreement is approximately \$36,000. The cost of a magnetometer with a 5-year service agreement is approximately \$5,600.

Reimbursing the costs of screening equipment is particularly critical to the smaller courts, where equipment and service agreements can represent a significant expenditure relative to their overall operations budget. However, the need in large courts should not be underestimated. The cost of a single year's equipment replacement and service agreement renewal in a large court can result in expenditures of several hundred thousand dollars. For example, the Superior Court of Los Angeles County was reimbursed by the program for \$718,000 in equipment and service agreements in Fiscal Year 2010–2011 and \$694,000 in FY 2011–2012.

The program also provides staff support to court personnel responsible for the equipment, serving a liaison function between the courts and the vendors, assisting in resolving issues, and providing subject matter expertise on radiation and code compliance associated with the x-ray equipment. The branch's *Radiation and Safety Protection Program Toolkit* assists courts in understanding the requirements relating to the x-ray machines they use for screening and in taking action to be compliant with the complex rules and regulations that govern them. The toolkit provides an easy-to-use, step-by-step guide to simplify and clarify code compliance and covers court administrator responsibilities as well as security provider training. It reduces the time court personnel need to meet requirements.

This function is slated to remain with the Office of Security under the restructuring plan.

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<sup>6</sup> Times-Standard, "Millionth person goes through security at county courthouse," [www.times-standard.com](http://www.times-standard.com) (Dec. 16, 2010).

**ii. Duress alarm systems, access control systems, video surveillance systems, intrusion alarms, parking enclosures, clerks' office protection, and other enhancements**

Entrance screening is just one component of a layered, concentric court security profile. The needs of each court must be addressed *comprehensively* for safety and security. In order to evaluate the needs of each court, the branch should continue an outside-in approach to determine areas that need improvement.

- The outermost layer of court security consists of physical security measures such as fencing and bollards. These measures help maintain a standoff distance for vehicles and restrict or deny access to sensitive or vulnerable areas of the facility. Without a sufficient standoff distance provided by fencing, bollards, or landscaping features, vehicles are able to approach the facility within a defined distance that significantly increases the damage potential caused by a vehicle borne improvised explosive device. Vehicles can also be used to vandalize landscaping and as a ram against vulnerable portions of a building. Fencing also provides a deterrent to unauthorized vehicular and pedestrian access to particular exterior locations, such as judicial parking areas, emergency generators, or utility mains.

Exterior security cameras are also a portion of the outer security layer and provide security personnel with real time visual security surveillance capabilities as well as recording events 24/7 for evidence or review. Criminal acts, including a 2012 arson at the Bass Lake Courthouse in Madera County, have been captured on court security video systems and used to identify and prosecute offenders. Countless acts of violence and other criminal activity have been thwarted by the ability of law enforcement to interrupt an act before a crime actually happens, through the use of live security video.

- The next layer of security is physical access to the building. Properly secured doors with electronic access control measures provide user controlled security by allowing programming for each access card for specific doors and specific times and providing a record of each access card presentation to every card reader. Access can be granted and turned off immediately by the access control administrator. The use of electronic access control instead of hard keys improves security by increasing control over access, reducing the need for hard keys and replacement costs, and preventing the extreme expense of rekeying an entire building after the loss of a Master Key.

- In many locations, intrusion alarms are present, or recommended. The intrusion alarm is the first *interior* layer of security and can notify alarm monitoring services of a security breach. This is particularly important after hours. Besides the loss of valuable property and possible vandalism, undetected break-ins that occur in courthouses can result in extreme danger to visitors and personnel. Persons who enter a courthouse undetected can introduce firearms, other weapons, or contraband for retrieval after the building opens.
- The next layer of interior security is entrance screening. Screening equipment is discussed in a previous section.
- Interior security cameras are an important interior layer of security. Properly placed cameras provide an extended view of the courthouse for security personnel, or, in the absence of live monitoring, provide a searchable database of recorded video that can be used for evidence or incident research. Numerous violent incidents have been recorded on court security video, and a great number of incidents have been prevented by the early intervention of court security due to on-site video monitoring.
- Physical barriers for court clerks and other public counter personnel are an additional layer of security. Although the public has gone through weapons screening, personnel are still vulnerable to physical assault. Properly designed clerks' counters with glass barriers allow personnel to perform their duties without the risk of being assaulted, spat on, or having objects thrown at them—all of which have occurred in most courts absent these barriers.

Electronic access control of interior doors is important for the same reasons as those for exterior doors. In addition, interior access controlled doors provide the ability to easily control access into various areas of the building, resulting in separate circulation zones for the public, court personnel, and in-custody defendants.

- The final layer of interior security is the duress system. Individual duress buttons are used to summon emergency assistance to a specific location, and have proved extremely valuable to the courts.

Integration of modern security system components provides a synergistic element to the overall security profile of the courthouse. Assistance with these security components has been provided for the branch by the Judicial Council. Many courts have had serious incidents occur, and this assistance provides the courts with the resources and subject matter expertise to address many of the security

related issues they encounter. This remains a necessary security function for the branch.

While not every courthouse can achieve an ideal concentric security profile, it is essential to incorporate as many elements of the concentric security profile as the building design and location will allow. Without these security elements, the vulnerability of the court facility, employees, and the public is significantly increased.

Security systems such as duress, access, video surveillance, and intrusion alarms are a vital component in ensuring the safety and security of judicial officers, court personnel, and the public. Many trial court facilities have aging or inadequate security systems that were in place when the facilities transferred from county oversight, that are in need of repair or replacement. Other facilities share systems with the county, or have no systems at all. The cost of repair and replacement of these systems has been addressed in a piecemeal manner, with some systems being managed by the courts and some by the Judicial Council, and many falling into disrepair due to lack of specifically-directed funding.

The Judicial Council administered the Trial Court Security Grant Program for the installation and enhancement of security systems in trial court facilities. The program began in FY 2006–2007 and has, in the past, been funded annually from the State Trial Court Improvement and Modernization Fund (IMF). The program includes administering competitively bid Master Agreements to provide standardized equipment and pricing. The initial program budget was \$3 million, but it has been reduced to \$1.2 million. Effective July 1, 2015, all IMF funding was eliminated, and the council is considering other funding options to continue the program. The program had been available to all trial courts based on need and the availability of funds. By the end of 2014, the program had installed a total of 116 duress alarm, 27 access, and 80 video surveillance systems. A portion of the Trial Court Security Grant Program annual budget had also been allocated for other types of security projects, such as a web-based planning tool, the reconfiguration of clerks' counters, and the installation of ballistic glass. After the elimination of IMF funding, the Administrative Director committed General Fund support for the web-based planning tool, as this is a statewide tool and could not be maintained on a court-by-court basis.

The systems installed using Trial Court Security Grant Program funds since 2006 have been maintained using those grant funds. This function is slated to remain with the Office of Security under the restructuring plan.

**iii. Equipment tracking, performance, maintenance, repair, contract administration, and related assistance**

For security equipment installed as part of new construction, specialized management, expertise, and support are needed to perform contract administration, maximize equipment performance, and minimize court time and expense. Without that service, there would be no cost containment through competitively bid Master Agreements, and it would be more difficult to budget for maintenance, manage equipment life cycles, and ensure the quality of equipment and repairs.

The branch currently administers, and should continue to administer, an Equipment Maintenance Management Program to centralize equipment maintenance management. The program includes administration of statewide Master Agreements to help the branch obtain high-quality, standardized equipment and service for a fair price, with established response times. It monitors the agreements and many aspects of vendor compliance and provides oversight. The program also consolidates information about equipment assets that it has provided to the trial courts, provides a central point of contact for managing the response and service delivery, coordinates approval of service requests, and provides assistance to the courts with vendor-related issues. This relieves court personnel of the burden of managing the bid process for most individual projects and extends the useful life of all assets by helping to ensure that equipment is properly maintained.

Repair and maintenance demands will increase as Capital Building Program construction projects currently in design and construction are added to the Judicial Council portfolio. The Judicial Council maintains (and funds the maintenance for) old, inherited duress alarm, access, and video surveillance systems when State Court Facilities Construction Funds are available. However, budget limitations have resulted in these systems being classified as low priority when compared to vital building systems, resulting in repair and maintenance delays, leaving some systems largely inoperable.

The Equipment Maintenance Management Program, and related contract administration and vendor liaison services, are slated to remain with the Office of Security under the restructuring plan.

**B. General services for courts**

There are a variety of general services for courts, from physical security consultation, assessment, and risk analysis to providing tools and guidance for court security plans to assisting trial courts with security related memoranda of understanding that are also determined to be among the necessary security and emergency functions for the branch.

**i. Physical security consultation, assessment, and risk analysis**

These services involve thorough physical examination of court facilities and their operation with respect to security risks, equipment, systems, policies, and procedures. This consultation allows courts to minimize the risks to which facilities, judicial officers, personnel, and visitors are exposed, and review the measures that are in place to protect them. It is important to identify vulnerabilities and make recommendations on how the risks may be minimized or eliminated. Without these services, problem areas may not be identified and corrected, and may endanger lives, court property, and operations.

At the request of a court, Judicial Council staff provides on-site security assessments and expertise. A comprehensive security assessment report is prepared and discussed with the court, along with strategies to achieve any recommended security improvements.

Staff also provides consultation services to courts and other council offices concerning the security aspects of facilities maintenance and construction. While architects and building professionals may be required by contract to integrate security features into a building, the safety of courthouses cannot be entrusted solely to third parties. The branch must provide its expertise to review and verify at an early stage that appropriate security features are properly incorporated into courthouse design.

These consultation services are slated to remain with the Office of Security under the restructuring plan.

**ii. Court security plan consultation, tools, and templates**

Court security plans are critical tools for ensuring that superior courts and their sheriff or marshal address the physical security profile of a court and establish all necessary protocols and procedures to best protect every person who enters the courthouse. Requiring each court to develop a security plan ensures that the individuals responsible for court security consider and address in their practices and procedures all aspects of court security and update and revise those practices and procedures as appropriate.

The NCSC, in a report prepared for the Judicial Council Court Emergency Response and Security Task Force stated:

A court security plan establishes policies and procedures to be followed by security and court personnel in order to prevent and respond to court security incidents. The presence of a court security plan is integral to the safety of the courthouse; therefore,

many states have adopted statutes and/or court rules requiring that all courts complete their own plan.<sup>7</sup>

In California, both statute and rule of court require the use of a court security plan. Government Code section 69925 requires trial courts to prepare the court security plan in conjunction with the sheriff or marshal. California Rules of Court, rule 10.172 identifies the subject matter areas to be addressed in the court security plan. It also requires the presiding judge and the sheriff or marshal to conduct an assessment and summarize it in a written report at least once every two years.

In the past, council staff with expertise in court security made themselves available to assist courts. This assistance included working with the sheriff to negotiate a suitable court security plan and help with preparing the actual plan. To assure completeness of these plans, the council needs to continue to provide the branch with consultation, tools, and templates. The council provided courts with an online web-based tool that guides users step-by-step through the preparation and submission of court security plans and stores them in a secure off-site location. By the end of 2014, at least 53 trial courts had completed court security plans and 60 percent of those (32 of 53) did so using the tool, streamlining the work of court personnel.

These services are slated to remain with the Office of Security under the restructuring plan.

**iii. Court memorandum of understanding consultation**

Like court security plans, a memorandum of understanding (MOU) is crucial to define the working relationship between superior court and sheriff. The negotiation and drafting of MOUs are necessary to promote safety and security in the superior courts.

Government Code section 69926 has since 2003 required courts and sheriffs to enter into an MOU specifying an agreed-upon level of court security services, unless the court employs a marshal. Before the realignment of court security funding that became effective July 1, 2011, the MOU was also required to specify the cost of services and terms of payment. After the realignment, responsibility for funding was shifted to the counties and MOUs are no longer required to specify the cost of services or terms of payment.

Given the different needs within the superior courts, there is no template for court security MOUs. The branch needs to be available to continue providing support to

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<sup>7</sup>Court Emergency Response and Security Task Force, “Court Security: Final Report of the Emergency Response and Security Task Force” (Nov. 2012), Attachment A, p. 3-1, [www.courts.ca.gov/documents/jc-20121214-itemT.pdf](http://www.courts.ca.gov/documents/jc-20121214-itemT.pdf).

the superior courts in negotiating and drafting court security MOUs upon request. In addition, when a court, county, and sheriff cannot agree on the terms of an MOU, Government Code section 69926(d) requires they meet with staff from the Judicial Council, California State Sheriffs' Association (CSSA), and California State Association of Counties. The branch must continue to support the courts and facilitate a resolution among the parties in such instances.

These services are slated to remain with the Office of Security under the restructuring plan.

**iv. Training for courts on active shooter response, crime prevention, and more**

While modern courthouses designed with security considerations in mind, and outfitted with appropriate technology are essential parts of ensuring Californians have safe access to justice, infrastructure and equipment alone do not provide safety. It is the employees of the California judicial branch that are at once the best tool for enhancing court security, and the ones most vulnerable to the consequences when security measures fall short. Only through comprehensive and ongoing training can California's court employees stand ready to face the challenges the branch faces on a daily basis.

The branch should continue to provide training courses on topics including crime prevention, active shooter response, workplace violence prevention, and bomb threat management. Currently, at the request of a court for training on specific topics, staff works with the court to develop a course of instruction that addresses the specific needs of each court.

In addition to these classes for managers, supervisors, and personnel, trainings are made available for judicial officers. Past topics have included judicial security, violence in the courtroom, and threat management. Ensuring that judicial officers know how to protect themselves, how to include their family in security planning, and what their role is during an emergency in the courthouse is essential.

The council also offers some program-related training, such as privacy protection for judicial officers, disaster and earthquake preparedness, and shelter in place/evacuation protocols.

To date, council staff has delivered dozens of classes to thousands of court employees across the state. In addition, as workplaces more and more are confronted with increasing rates of violence and crime, it is also necessary to develop and deliver training to Judicial Council staff to help identify personal safety strategies, prepare for emergencies, and lower the risk of disruptive incidents and injury, reducing exposure to liability.



These services are slated to remain with the Office of Security under the restructuring plan.

**C. Security design, review, and oversight for construction and modification projects**

Security consultation related to construction and modification is necessary to provide and maintain safe and fully functional facilities for the appellate courts and the trial courts. The facilities that judicial officers, court personnel, and the public use should be constructed with an understanding of security best practices and guidance and incorporate them to the greatest extent feasible. The lack of safety and security of some courthouses were among the primary factors used to consider priority for courthouse replacement.

The branch needs to provide expertise in security issues relating to construction and modification of branch buildings with regard to risk assessments, security design criteria, oversight of systems installation, inspection and approval, blast and ballistic threat mitigation, and consultation on security procedures. Absent such a role being provided, there are significant risks for all court users, which may not be fully understood until a system failure, security breach, or disaster occurs.

One example of where security was not fully contemplated is the relatively modern San Francisco Civic Center Courthouse. This courthouse, built by the city and county of San Francisco, has a beautiful marble lobby, complete with custom marble encasements for the screening equipment. Unfortunately, the design did not accommodate changes in the design and size of security screening equipment, something those with security expertise should consider during design and construction. The installation of recently purchased magnetometers required expensive alterations to the marble casework in order to accommodate the new equipment. Such casework also eliminates any option to reposition equipment to more effectively facilitate the screening process.

The Judicial Council developed a Security Systems Design Criteria Guide to augment the council's construction standards document. This includes detailed procedures, technical specifications, and acceptable equipment types for various security systems. The guidelines assist architects, consultants, construction companies, and the courts in design, installation, testing, and commissioning of the full scope and variety of security systems. As technology has progressed and areas for improvement identified, the guidelines have continued to be revised and updated. For example, early projects in Pittsburg and Portola were designed, consistent with the standards at that time, with analog video surveillance systems, but by the time construction started on Mammoth Lakes, digital systems had become more mainstream, and the design specification was changed. Today all new courthouses are equipped with current technology video surveillance systems supplied through an approved list of manufacturers.

In this time of rapidly evolving technology, it is vital that the branch keep up to date with modern trends in the use of security systems technology. Council staff must maintain their expertise in security disciplines to avoid falling behind the technological forefront to the detriment of courts across the state. This will help ensure modern, efficient, and proven security systems continue to be installed in our courthouses.

The branch should continue to provide security subject matter expertise to Project Advisory Groups. This includes work with courts, security providers, and the design and construction teams to build a facility that protects and separates inmates, the public, personnel, and judicial officers in a secure and safe environment. Each project requires security points of contact. In addition to working with the courts directly, security staff work with the sheriff and marshal personnel, local law enforcement, state corrections, architects, security design consultants, equipment vendor representatives, and the construction companies on site. Specific necessary functions include:

- Specific site threat assessments;
- Design development;
- Bureau of State and Community Corrections liaison;
- Working drawings design;
- Construction oversight;
- Commissioning of systems; and
- 30 day, 6 month, and 1 year reviews.

In the same way, the branch needs to ensure that security related facility modification construction work continues to have the benefit of security expertise. Modifications can be as simple as adding clerk windows to a counter, or vastly greater construction projects of adding courtrooms or offices. Today the Office of Security staff work closely and effectively with Judicial Council staff from Capital Programs and Real Estate and Facilities Management to ensure new and existing security systems are designed, installed, and maintained to our standards. These services are slated to remain with the Office of Security under the restructuring plan.

#### **D. Consolidated information on individual trial court security needs, levels of service, funding, and expenditures**

The era of post-security funding realignment has posed challenges for several trial courts. A key premise underlying the law implementing the realignment of security funding from the Judicial Branch to the counties and the sheriffs was that realignment in and of itself would not reduce the level of security provided to the courts. Some courts have reported that immediately after, or in the years after the funding shift, security services have been reduced. The branch needs to continue to support the courts and serve as a resource for courts with concerns about the level of security services provided by sheriffs, as well as assisting the courts in the identification of security needs. It also includes an understanding of the prior funding levels and services provided at those levels,

continuing funding and service level obligations, and identifying future funding needs. This support could include regular surveys of the courts, responding to requests for assistance, or could take a variety of other forms. The Court Security Advisory Committee will work with the Trial Court Budget Advisory Committee, the Judicial Council's Finance office, and others as needed, to help shape the council's direction on these activities in support of the branch.

**E. General services for the Judicial Council**

The branch must also ensure the continuation of the necessary emergency and security functions for Judicial Council staff and offices, including providing access cards and coordinating access to its offices, clearing council contractors to work unescorted in restricted areas, and assisting with security concerns.

**i. Access control for council's San Francisco office and access/identification cards**

The term access control refers to the practice of restricting entrance to a property, a building, or a room to *authorized* persons. Physical access control can be achieved by a human (such as a guard or receptionist), through mechanical means such as locks and keys, or through technological means such as electronic access control. Because the Judicial Council does not own the buildings in which its staff is housed, it is reliant on building managers and their security measures. All council offices are in buildings that are shared with other tenants—and some, like the San Francisco office, are also open to the public. Without access control, confidential materials like personnel files, critical resources like computer equipment, and staff members themselves would be placed at risk.

Council security staff issue proximity access cards to the council's permanent, limited term, and temporary agency workers and consultants who work in the council's San Francisco, Sacramento, and Burbank offices. Security staff is also able to facilitate access to the San Francisco office for current council members, presiding judges, and court executive officers. This enhances the safety of judicial officers who often arrive at the building for meetings related to their positions as it prevents them from queuing in unprotected areas outside of the building as they wait to pass through entrance screening.

Specialized hardware, software, peripherals, supplies, and expertise are needed for access control work. There are also personnel policy related issues, advice to the co-tenant Supreme Court and Court of Appeal, and identification and resolution of access-related issues.

These services are slated to remain with the Office of Security under the restructuring plan.

**ii. Background checks and badges for contractors working on the Judicial Council's behalf in restricted areas**

Contractors working on the Judicial Council's behalf in restricted areas must be cleared in compliance with the Federal Bureau of Investigation (FBI) security policy for personnel who have access to criminal justice information and the California Department of Justice (DOJ) regulations for the California Law Enforcement Telecommunications System (CLETS).

The council retains contractors to do work on its behalf or on behalf of courts. These contractors are often located in the courts. For those courts that subscribe to CLETS service from the DOJ and have CLETS terminals, records, and information in their facilities, as does the California Courts Technology Center (CCTC),<sup>8</sup>

There are strict regulations regarding access to CLETS. Government Code sections 15150–15167 establish the DOJ's responsibility for maintenance of the system. The DOJ publishes a *CLETS Policies, Practices, and Procedures* document that specifies, among other things, the fingerprint and background check requirements for access to CLETS-provided information. Entities that subscribe to CLETS from the DOJ are responsible for their compliance. Also, FBI security policy addresses personnel who have access to criminal justice information. Screening requirements are outlined in the FBI's *Criminal Justice Information Services Security Policy*.

To satisfy those requirements, and as a service to the courts and a precaution, the council staff implemented a policy of conducting CLETS-level background checks for any of its contractors who would be working in restricted areas.<sup>9</sup> Under the Contractor Clearance Program, the council staff must ensure that contractors are fingerprinted, evaluated, and badged before they are allowed unescorted access to restricted areas.

As an example: whenever the council needs to send a contractor to a courthouse and that person may have access to restricted areas, the council staff follows the council's policy and has the contractors sign the necessary background check authorizations and badge request forms. After the individual is fingerprinted, the DOJ and FBI background check results are routed to council staff, which evaluates the results using criteria that comply with the DOJ regulations and FBI policy. If the contractor is found suitable for unescorted access, a badge is

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<sup>8</sup> For these purposes, contractor means any person who either contracts with the council or is employed through a third party who contracts with the council, who provides services under that contract at a court or the CCTC.

<sup>9</sup> For these purposes, this applies to any area of either the CCTC or a court facility that contains a means to connect to FBI and DOJ criminal databases via CLETS, or contains physical or electronic records or information obtained via CLETS.

provided. Staff also monitors any subsequent arrests and re-evaluates if necessary. It retrieves the badge if the contractor is later found unsuitable, or when the contractor no longer needs to have unescorted access. Continuation of these services is a necessary security function for the branch.

Thus, if this program were not conducted statewide, each court that subscribes to CLETS would be required to conduct its own background checks on such contractors and to escort them until they are cleared. This would impose an additional burden on courts that are already understaffed and focused on providing necessary services to the public. In addition, it would result in unfunded costs to individual courts that would have to pay for background checks and personnel to perform related work.

These services are slated to remain with the Office of Security under the restructuring plan.

**iii. Security consultation services for the council**

Security services for the appellate courts are provided by the California Highway Patrol through a contract with the Judicial Council. These services must continue to be provided.

Appropriate levels of security at meetings and educational events are necessary. The committee previously communicated to the council's Executive and Planning Committee what it believes that appropriate level is. These services must continue to be provided.

Another necessary security component is consultation services for the Judicial Council's Human Resources office regarding personnel matters. Services related to consulting with Human Resources on personnel matters are slated to remain with the Office of Security under the restructuring plan.

## **2. Personal Security (Trial Court Judicial Officers)**

Personal security describes security measures that are designed to protect people and property from damage or harm. It is vital for judges, who make life-changing decisions for the public. Attacks are more likely to occur when judges are accessible and vulnerable—for example, when they are away from the workplace, where there are less stringent security measures. According to reports and surveys by the Center for Judicial and Executive Security (CJES), threats and violent incidents involving judges and courts are numerous and of increasing seriousness.

At the federal level, the United States Marshals Service reports that the number of judicial threat investigations has almost tripled from 565 cases in 2002 to 1,580 cases in 2010.<sup>10</sup> More federal judges were assassinated in the last 30 years than in the previous 175 years.<sup>11</sup>

In 2010, Steven K. Swensen, formerly with the United States Marshals Service and now director of CJES, prepared a nationwide study (CJES Study) of significant violent incidents that involved state and local judges or courthouses between 1970 through 2009.<sup>12</sup> The CJES Study lists chronologically 185 significant incidents involving shootings, bombings, and arson attacks directed against state and local judges or courthouses.<sup>13</sup> During these incidents, 147 individuals were killed,<sup>14</sup> including 18 judges,<sup>15</sup> and 107 people were seriously wounded.<sup>16</sup>

In 2007, the Judicial Council conducted a survey of California judges and justices concerning threats received between December 2005 and December 2006. The survey revealed a large number of threats: 855 judicial officers reported 296 threats, 72 of which were considered imminent. The California Highway Patrol (CHP) collects data on threats to California judges, their families, and personnel.

These statistics demonstrate the rising level of criminal activity directed at judges and courts. This increase jeopardizes the administration of justice in California. Security measures are necessary to reduce this activity, protect the judiciary, and preserve access to the courts throughout California.

Judicial officer personal safety and security directly supports the council's goal of independence and accountability, in that it helps to "protect the ability of judges to decide legal disputes according to the constitution, the law, and legal precedent without fear of reprisal."<sup>17</sup> We share a branchwide responsibility to reduce the security and privacy risks to judges stemming from the availability of their personal information online. This should be done through programs and services to help them remove their home address and telephone information from online data vendors, to advise them when they are under threat and provide home assessments when possible, and to train judicial officers and court personnel on strategies for their safety and security.

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<sup>10</sup> Court Emergency Response and Security Task Force, "Court Security: Final Report of the Emergency Response and Security Task Force" (Nov. 2012), Attachment A, p. 1-1, [www.courts.ca.gov/documents/jc-20121214-itemT.pdf](http://www.courts.ca.gov/documents/jc-20121214-itemT.pdf).

<sup>11</sup> Frederick S. Calhoun, *Hunters and Howlers: Threats and Violence Against Federal Judicial Officials in the United States, 1789–1993* (University of Michigan Library, 1998), p. 107.

<sup>12</sup> Center for Judicial and Executive Security, *Court-Targeted Acts of Violence: Incidents 1970–2010* (2010).

<sup>13</sup> The author states that this list is representative, not exhaustive, due to the inconsistency and limitations of the documentation of these incidents. (CJES Study, p. III.)

<sup>14</sup> CJES Study, p. XV.

<sup>15</sup> *Ibid.*

<sup>16</sup> CJES Study, p. XVI.

<sup>17</sup> California Courts website, "Justice in Focus: The Strategic Plan for California Judicial Branch 2006–2012," Goal II, [www.courts.ca.gov/5377.htm](http://www.courts.ca.gov/5377.htm).

**A. Home assessment and consultation services for judicial officers**

The branch should continue to offer assistance to judicial officers with processes that help to prevent targeted violence. This assistance includes home assessment and consultation services—as well as coordination with judicial officers, court personnel, court security providers, and local law enforcement. It assists courts in managing threats and incidents and, in cases involving threats to judicial officers, ensures notification of appropriate law enforcement entities under requirements of Penal Code section 76 and Government Code section 14613.7(a).

Modern California courthouses offer robust security measures that serve to deter attackers from targeting judicial officers inside the courts. However, once the judge leaves the protection of the secure court facility, his or her vulnerability to attack increases significantly. While great effort is made to keep the addresses of judicial officers out of public records, a potential attacker can gain this information in many ways. According to *Murdered Judges of the 20th Century*, of the 34 judges killed by non-family members between 1950 to 2011, 21 were killed while away from the court with 11 of these murders occurring in the judge’s home.<sup>18</sup>

- In March 1999, Los Angeles County court commissioner H. George Taylor was shot to death by an unknown assailant outside his Rancho Cucamonga house as he was returning home from a retirement dinner for a fellow judge. His wife, who heard the shots, was also killed when she rushed outside to help her husband.
- In November 2007, an Orange County court judge was accosted inside her garage by a man with a gun who ordered her to turn off the house alarm. The judge yelled for help and ran past the man to her neighbor’s house. The suspect was later arrested by police.
- In December 2010, a commissioner who left his home to investigate the sound of a traffic collision returned home to discover a bullet hole in his bathroom window and wall. The suspect, who had several past cases with the court, was arrested the following week.
- In June 2011, a judge’s home was burgled and the perpetrator left a note indicating that it was in retaliation for a court decision and that he or she had searched for some time to find the judge’s address in order to make a point.

In addition to these violent encounters, there have been numerous instances of unwelcome, inappropriate, and sometimes-threatening contact that have occurred when a disgruntled plaintiff or defendant has accosted judges at their homes.

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<sup>18</sup> Susan P. Baker, *Murdered Judges of the 20th Century: And Other Mysterious Deaths* (Pale Horse Pub., 2003).

Upon request, Judicial Council staff has conducted home security assessments at the private homes of judicial officers.<sup>19</sup> The assessment begins with a site visit at the judicial officer's home and a review of both the home's interior and exterior. During the review, potential vulnerabilities are identified. The vulnerabilities are discussed with the judicial officer and his or her family, as well as strategies to mitigate these threats. Staff works with the judge and his or her family on developing family emergency plans, determining the roles of each family member when faced with various emergencies, identifying safe and dangerous areas within the home, and answering any questions the judge or his or her family may have.

The judge is ultimately provided with a report identifying not just the vulnerabilities discussed, but also information regarding crime trends in the area of the judicial officer's home and any dangers that are unique to the area. The report includes a set of recommendations to reduce the number of identified vulnerabilities.

If these assessments were not offered and conducted, judicial officers and their families would be at increased risk at home, where they should feel safest.

These services are slated to remain with the Office of Security under the restructuring plan.

**B. Online privacy protection—removal and suppression of home street address and telephone number and related guidance/training**

Online privacy protection refers to methods through which individuals—or in this instance, judicial officers—can prevent their personally identifiable information from being displayed online. Online data vendors gather this information from several sources including other data vendors, directory listings like telephone books, and public records.

Obtaining home address information online can be very easy if the judge does not take preventive steps to block or mask that information. This makes judicial officers vulnerable to security incidents when they are away from the courthouse. Many of the solved cases in the last several decades in which suspects have stalked, harassed, or killed a judge involved preplanning and research on the part of the suspect, primarily through Internet searches and public records checks and *not* by physically following the target, which would expose the stalker to potential detection. Therefore, protecting home address information has become critical to improving a judge's safety. The California Legislature has specifically recognized that danger and provided California public safety

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<sup>19</sup> To the extent the request is because the judge has received a threat, responsibility to assess the threat and perform necessary assessments belongs to the Threat Assessment Unit of the CHP. If CHP has not been contacted, the Judicial Council's role should be to report the threat to CHP and defer to them in relation to any necessary assessments.



officials with home address privacy protection rights not generally available to other members of the public.<sup>20</sup>

Since 2005, the Judicial Council has operated the Judicial Privacy Protection Program. The branch should continue to support this program. The Judicial Privacy Protection Program assists active California trial court judges (including assigned judges), commissioners, and referees with exercising their privacy rights under Government Code section 6254.21. Trial court judges, commissioners, or referees may designate staff to the Judicial Council to act on their behalf in making a written demand that a person or business not disclose the judicial officer's information. The Judicial Privacy Protection Program sends these written demands to a predetermined list of major online data vendors. The data vendors must remove the information from their sites and subsidiary sites within 48 hours of delivery of the demand, and they are not allowed to transfer the information afterward. Under the law, the demand is effective for four years. The Judicial Privacy Protection Program will send new demands on a participating active trial court judge's, commissioner's, or referee's behalf after each four-year period, unless he or she makes a written request to the program that service be stopped.

To ensure appropriate information is disseminated about online vulnerabilities and the options for protecting oneself and one's family, the Judicial Council also maintains written guidance for judicial officers about privacy protection, and in conjunction with other law enforcement and judicial officers, presents a program on privacy protection at the New Judges Orientation.

This is an essential program. Placing the responsibility on individual judicial officers could create a safety issue. Not all judicial officers have the technological skill or time to do it. This task can be performed more efficiently and effectively through a branchwide program than by individual judges whose limited time is better spent on the critical judicial functions that only they can perform. In addition, searching for their own data could create ethical dilemmas for judges, as the search results could include comments made by current litigants that could result in ex parte communication or affect the ability to remain fair and impartial.

Relying on private vendors to perform this service would not be optimal. Most private companies focus on regular consumers, not judicial officers. While consumers must rely on opt out requests that data vendors may not accept, judicial officers have privacy rights that allow them to demand removal and suppression of their home street address and home telephone number for a period of four years. It is more effective for written demands to be focused specifically on judicial officers, to fully exercise their rights under the Government Code. Additionally, private companies may require more of judicial officers to protect themselves. Many companies send participants a stack of letters that

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<sup>20</sup> See Gov. Code, §§ 6254.21, 6254.24; Elec. Code, § 2166.7; Veh. Code, §§ 1808.2, 1808.4, 1808.6.

they must complete and mail themselves—because data vendors are not obligated to accept third-party demands from private companies. Data vendors are required to accept the third-party demands from the Judicial Council because of Government Code section 6254.21(c)(3).

Furthermore, the council uses the updated current list of major online data vendors published by the DOJ's Privacy Enforcement and Protection Unit whereas many private online privacy protection services do not make demands of all of the major online data vendors on that list. A judge using such a service may be given a false sense of security and still have significant exposure.

Finally, if the branch arranged for service through a private company, there would have to be repeated transfers to the private company of sensitive information, as judicial officers sign up for the program and existing information changes continuously. This multiplies the risk of misuse of the information.

No Internet privacy protection program is perfect. Removing information from the Internet is a challenging, complex, and evolving task. The Judicial Council's program does not extend to *all* data vendors or investigate noncompliance, and does not have the ability to monitor data vendor sites for compliance with the demands. However, the program provides a strong foundation for protecting a California judicial officer's privacy and it is an efficient and cost-effective way to address this fundamental and necessary job.

These services are slated to remain with the Office of Security under the restructuring plan.

### **3. Emergency Management (Planning, Continuity, and Response)**

The work of emergency management involves both planning and response activities. It is often described in terms of four phases: *mitigation, preparedness, response, and recovery*. Mitigation involves measures that will either prevent or reduce the impact of emergencies, disasters, and catastrophes. Preparedness activities prepare the community to respond when those events occur. Response activities involve the use of emergency procedures as guided by plans to preserve life and property during the onset, impact, and immediate restoration of critical services in the aftermath of those events. Recovery actions are taken in the long term after the immediate impact of the event has passed to stabilize a community and to restore some semblance of normalcy.

Emergency planning helps businesses and government, such as the judicial branch, to prepare for emergencies, disasters, and catastrophes. It helps agencies identify and anticipate potential risks, attempt to reduce their probability of occurring if possible, and reduce or avoid significant losses

to a business. In 2006, the Conference of State Court Administrators recognized the importance of emergency planning for maintaining the rule of law during a crisis:

Recent disasters have demonstrated that an immediate mobilization of the justice system—including the country’s state court systems—is essential to support societal stability and protect individuals, families, businesses, and institutions. . . . [¶] . . . [A] n operational court system capable of performing constitutionally mandated functions stands against the chaos created by an emergency and ensures that the judiciary can fulfill its mission of maintaining the rule of law, protecting individual rights, and providing for the prompt and lawful processing of those charged with crimes.<sup>21</sup>

Absent effective emergency planning, the public safety and security of the court community are at stake. Any number of situations can—and do—occur, from power outages and small fires, to earthquakes and floods, to wildfires and tsunami waves. For example, the August 2014 South Napa Earthquake occurred in and around the city of Napa and measured at a 6.0 magnitude. The event was the largest in the San Francisco Bay Area since the 1989 Loma Prieta earthquake. Significant damage and several fires were reported in the southern Napa Valley area, and there was also damage in the nearby city of Vallejo, in Solano County. The earthquake killed one person, injured about 200, and interrupted power to more than 69,000 Pacific Gas and Electric Company customers. The Napa County Historic Courthouse was significantly damaged.

We cannot predict when or where disasters might strike, but we can work to prepare for them and mitigate the consequences should we be faced with an emergency. A few years after 9/11, the Judicial Council undertook efforts to facilitate development of emergency planning tools for the trial court and council facilities. The council’s Office of Security takes the lead in emergency planning activities for the judicial branch, providing planning tools and training exercises for court and council staff. It also performs a small number of emergency response activities for council offices, such as providing emergency equipment and emergency response team oversight.

#### **A. Emergency and continuity of operations planning**

The Judicial Branch should have the expertise needed to help the courts and council to identify—and mitigate, when possible—potential issues that could harm facilities, judicial officers, court personnel, and council staff, or hinder their ability to perform essential functions. Plans are needed for preparedness, response, and recovery.

- An Emergency Plan is used for *immediate* response to any incident. It provides guidelines for managing, responding, and evacuating when an incident occurs. In addition to describing specific procedures and protocols necessary to implement

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<sup>21</sup> Conference of State Court Administrators, Resolution I, Emergency Preparedness in the State Courts (Dec. 2006), <http://cosca.ncsc.dni.us/Resolutions/resolutionEmergencyPreparedness.html>.

an effective response, it also details general practices for daily office safety. If necessary, use of an Emergency Plan is followed by activation of a Continuity of Operations Plan (COOP).

- A COOP is used to continue critical operations and recover in an *extended* emergency. Among other things, it identifies chain of command and resources necessary to continue essential functions during a wide range of potential emergencies, including localized acts of nature, accidents, and technological or attack-related emergencies.
- A Command and Control Plan is used to outline the chain of command, identify commanders and backups, and detail their roles and responsibilities. It focuses on specific instructions for leadership, procedures for emergency operations centers, and communication within and outside the agency.

The planning process is never complete. Threats change, the tools to manage threats change, and the planning process continues to identify new vulnerabilities. We cannot foresee when a disaster might occur. Without planning, the judicial branch would not be prepared to respond to emergencies—whether they required short-term response or extended continuity of operations. That would place its assets, its people, and its stakeholders at risk. Such planning is a necessary function for the branch.

The Judicial Council has provided a customized planning tool to guide court and council planners through each step of the emergency and continuity planning process. In addition to making the tool available to all California courts, the council offers some training and assistance to the trial courts, and provides some assistance with emergency and continuity planning for council offices.

Another key component of preparedness is having a trustworthy method to communicate with court and council leadership and the staff during an event. Toward this purpose, the council administers a competitively bid Master Agreement to make a standardized emergency notification system available to the courts, and provides and maintains that service for council staff.

**i. Tool and training for creating, maintaining, and implementing an Emergency Plan, Continuity of Operations Plan, and Command and Control Plan**

In 2007, the council made the initial purchase of a web-based tool with funds from a grant from the United States Department of Homeland Security. The user-friendly tool is customized to guide court and council staff through a series of questions, resulting in the generation of a completed Emergency Plan and a comprehensive COOP that reflects the most current state and federal continuity planning standards and best practices and meets FEMA planning requirements for

state governments, which are a condition of mitigation planning assistance.<sup>22</sup> All plans are saved securely to the cloud, ensuring that loss or damage of a planner's computer, external drive, or server does not result in loss of the plans themselves, and allowing planners and their authorized users to access and edit their plans from any computer in any location.

Without the web-based planning tool, the courts and council would need to obtain experts on their own, to ensure the plans they created were sufficiently comprehensive. Further, they would need to set up their own secure cloud-based storage, or determine another method of storing copies of their plans in alternate locations, to avoid loss of information due to computer theft or malfunction, facility damage or closure, or environmental issues. Perhaps most daunting, the courts and council would also need to provide their own training to their leadership and staff, about the roles and responsibilities that each have. These activities would result in unfunded costs to the courts for the foreseeable future. Ongoing planning, maintenance, and training exercises are needed to ensure preparedness, swift response, and efficient recovery.

The council's web-based planning tool includes modules for easy creation and maintenance of an Emergency Plan, COOP, and Command and Control Plan. As the courts and council may have several facilities that require individual COOPs, the tool includes Master Data areas to allow users to update common information in all of their plans at once. To date, all of the trial courts that wanted COOP training have received it. More specifically, over 165 days of onsite trainings and plan development seminars have been provided upon request for over 1,000 court participants. Feedback from 615 trainee respondents indicated that 94 percent had only minimum or average emergency planning knowledge before the training. The sharing of court-specific emergency management expertise continues well after trainings, with courts contacting the council for advice.

Although only limited services are currently provided, those limited services are slated to continue to be provided by the Office of Security under the restructuring plan.

**ii. Emergency Plan, Continuity of Operations Plan, and Command and Control Plan for council offices and staff**

It is critical that the Judicial Council itself have an Emergency Plan, COOP, and Command and Control Plan for its offices. An Emergency Plan is needed to instruct council staff in everything from basic evacuation plans to what to do within the first 72 hours of an emergency. A COOP is needed to facilitate council staff continuing all essential functions within 12 hours of an emergency and

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<sup>22</sup> The Disaster Mitigation Act of 2000, also known as DMA 2000 (Public Law 106-390).

sustaining those functions for up to 30 days. A Command and Control Plan is needed to address executive team functions in managing the overall incident for the council's office and staff. Creation, maintenance, and exercise of these plans are necessary to provide safe and secure workplaces. If the Judicial Council is not prepared for the worst, it cannot respond effectively, and will be unable to continue its essential functions for the courts. That, in turn, will hamper the courts' abilities to serve the public and impede public access to justice.

Failure of the council to have effective planning tools is problematic not just for the council, but for the courts as well. Essential functions that need to be prioritized during an emergency include managing network and telephone systems for the branch, providing payroll services for the trial courts, and processing judicial emergency order requests from courts whose operations are also being affected by emergencies, disasters, or catastrophes.

As with the emergency planning for the courts, only limited services are currently provided. Those services are slated to continue to be provided by the Office of Security under the restructuring plan.

**iii. Emergency communication tools for council and courts**

Communicating information during and following a disaster is a key priority. Making sure employees know what to do in a fast-breaking emergency is not as easy as just sending an e-mail or text message. It takes *preparation* as well as rapid execution. Without information and notification tools, the council and courts would be forced to contact employees individually, taking more time to share urgent information and causing response delays that can endanger facilities and those that work in and visit them.

The Judicial Council provides and manages an emergency notification system for council staff. An emergency notification system is a cost effective solution to simplify coordination of communication and reduce confusion and high consequence mistakes and delays. It allows users to provide efficient, high speed, secure communication during critical situations. The system allows users to notify people via any voice or text enabled device quickly and effectively. People can be contacted via landline telephones, mobile telephones, e-mail, and more. All actions and responses can be logged, so that users can see how their personnel, business, and local residents are responding to the situation, minute by minute. The council administers a competitively bid statewide Master Agreement to help the courts obtain high quality, standardized emergency notification systems of their own and service for a fair price. This relieves court personnel of the burden of managing the bid process for an individual project.

The council is also peripherally involved in maintenance of an emergency information line, a toll-free number on which administrators can record messages that their staff can call in to hear. Because of technical limitations, it was not possible for telephony staff to obtain additional lines for the Supreme Courts and Courts of Appeal, thus, the single toll-free number was shared by all. At the time it was set up, it was the best solution available for sharing emergency information.

The council is also involved in obtaining and maintaining Government Emergency Telecommunications Service (GETS) for council staff management. GETS is a program of the Department of Homeland Security, Office of Emergency Communications, that prioritizes calls over wireline (not cellular) networks. It is used by people who may perform critical national security and emergency preparedness functions, including areas related to safety and maintenance of law and order. Enrollees receive a GETS card, which they can use for emergency access and priority processing for local and long distance telephone calls on the public switched telephone network. By using the card, they increase the probability that their landline calls may receive priority over others in emergencies when the public switched telephone network is congested.

These services are slated to continue to be performed by the Office of Security under the restructuring plan.

## **B. Emergency response and preparedness training**

Preparedness training is essential to ensure that everyone knows what to do when there is an emergency, or disruption of business operations. Everyone should learn what protective actions to take to ensure their own safety and that of those around them. At a minimum, they should learn correct evacuation strategies, how to shelter in place, and who to turn to for information and instructions.

The lack of available safety training may increase the likelihood of judicial officers and court and council staff being injured during emergencies. The importance of preparedness training for judicial officers and court and council staff is due to their presence in the trial courts state wide, at Judicial Council and other open meetings and functions open to the public, and while working within government facilities. Ensuring that Judicial Council managers and supervisors know how to lead their staff effectively during an emergency is critical.

At the request of the trial courts, council staff develops courses of training for courts on topics including disaster and earthquake preparedness, shelter in place/evacuation protocols, and other safety and security related topics. Staff members work directly with individual trial courts to develop a course of instruction that addresses the specific needs of each court. Classes are between one to four hours in length and can be directed to line personnel, managers and supervisors, and court leadership.

Working in cooperation with the council's Center for Judicial Education and Research staff, a small number of similar courses of training are offered for council staff. The council also provides training for managers and supervisors on topics such as managing staff during emergencies.

## **Closing Comments**

Security at all judicial branch facilities is not only a necessary function, it is a moral obligation that supports the council's goal to provide and maintain safe and fully functional facilities for conducting court business. Precautions should be taken—from architectural design features that increase physical security, to security equipment and systems and trained personnel, to court security and emergency response plans and procedures.

It is necessary and appropriate for the council to provide statewide projects, programs, and services to enhance the security of California's courts. It should provide dedicated court security expertise, equipment, systems, training, templates, and whatever else it can to enhance security in the courts and help address critical needs and security deficiencies. It should also undertake to ensure the safety of judicial officers, branch staff, and visitors in the council offices—whether through building security, contracted security, or council-provided services. Proper planning must involve collaboration with the council, courts, court security providers, and other stakeholders.

For some time, the Judicial Council has recognized the need for heightened safety measures for judicial officers, enhanced levels of security at court facilities, and emergency and continuity planning to help the courts remain open to the public during disasters. In this time of reduced budgets, examination of new efficiencies, and efforts to ensure that only services that are truly needed by the courts are provided by the Judicial Council, the Court Security Advisory Committee submits that this report properly identifies the continuing necessary security and emergency functions for the branch.