PPAC Subcommittee on Court Security

“State of Security” in Wisconsin Circuit Courts Report
March 2010

Planning and Policy Advisory Committee (PPAC)
of the Wisconsin Supreme Court
STATE OF SECURITY IN WISCONSIN COURTS

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I. Introduction

In 2008 the PPAC Subcommittee on Court Security released the “State of Security” survey to the judicial contact for each county security and facility committee. This lengthy survey sought to provide the subcommittee and the Director of State Courts with a greater and more detailed understanding of the security and facility conditions in Wisconsin’s courthouses.

This report is intended to provide a summary of findings to PPAC, the PPAC Subcommittee on Court Security, the Director of State Courts, and survey respondents. Given the quantity of data collected, the subcommittee felt it necessary to develop a report separate from its final conclusions and recommendations.

II. Methodology and Timeline

Over the course of the first year of subcommittee meetings, members and staff worked to develop the survey and process of distribution. In July of 2008 the “State of Security” Survey was released to county court security and facility committee contacts via a memo distributed by email which described the process and included directions on how to complete the survey. Contacts were strongly encouraged to complete the survey with their committees as the survey included many questions that likely could not be answered by the individual who received the survey. Initially a response time of 30 days was provided but it became evident early on that it was going to take longer than that to gather responses. Responses were received within a 3-month period. During these 3 months, staff was in communication with respondents to troubleshoot submission issues, clarify specific survey questions, and provide deadline extensions.

Please note the following caveats. Not all respondents answered every question. The information that follows is reported in percentages of respondents who answered the question. A number of respondents used the “other/please explain” answer to either restate that the specific question was not applicable to them or to provide further details about their specific situation. Finally, the subcommittee learned that the wording of some questions left their intent open to interpretation by those who were completing the survey. Therefore, some questions produced data that the subcommittee finds either contrary to practice or simply incomplete.

III. Survey Results

Sixty-six counties responded to the survey and provided information about 75 separate court facilities.

A. Security and Facility Committee

- 59 of 66 (89%) counties who responded have a committee
- Six counties do not have an active committee:
  - Ashland
  - Florence/Forest
  - Iron
  - Pierce
  - Sawyer
  - Washburn
Manitowoc County formed a committee in order to be able to complete the survey. Supreme Court Rule 70.39 states that security and facility committees shall be composed of the following representatives appointed by the presiding judge.

**Table 1: Security and Facility Committee Membership**
Percentage of responding committees containing each designated committee member.

<table>
<thead>
<tr>
<th>Committee Member</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>One circuit judge</td>
<td>97%</td>
</tr>
<tr>
<td>Chairperson of county board</td>
<td>87%</td>
</tr>
<tr>
<td>County executive</td>
<td>73%</td>
</tr>
<tr>
<td>Clerk of the circuit court</td>
<td>95%</td>
</tr>
<tr>
<td>Court commissioner</td>
<td>86%</td>
</tr>
<tr>
<td>The district attorney</td>
<td>100%</td>
</tr>
<tr>
<td>The county sheriff</td>
<td>98%</td>
</tr>
<tr>
<td>One lawyer designated by the president of the</td>
<td>81%</td>
</tr>
<tr>
<td>local bar association…</td>
<td></td>
</tr>
<tr>
<td>Representative of victim-witness support</td>
<td>74%</td>
</tr>
<tr>
<td>organization</td>
<td></td>
</tr>
<tr>
<td>One representative of the criminal defense bar</td>
<td>76%</td>
</tr>
</tbody>
</table>

**Table 2: Additional Security and Facility Committee Members**
Individuals from the following agencies/departments are also represented on local security and facility committees.

<table>
<thead>
<tr>
<th>Agency/Department</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Facilities/Maintenance Department</td>
<td>61%</td>
</tr>
<tr>
<td>District Court Administrator</td>
<td>24%</td>
</tr>
<tr>
<td>Emergency Management Coordinator</td>
<td>22%</td>
</tr>
<tr>
<td>Chief of Police/designee</td>
<td>20%</td>
</tr>
<tr>
<td>Court Security Officer</td>
<td>13%</td>
</tr>
<tr>
<td>Jail Administrator/supervisor</td>
<td>13%</td>
</tr>
<tr>
<td>Corporation Counsel</td>
<td>11%</td>
</tr>
</tbody>
</table>

**Table 3: Committee Responsibilities and Activities**
The percentage of security and facility committee that have undertaken tasks specified in SCR 70.39.

<table>
<thead>
<tr>
<th>Responsibility and Activity</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Develop local court security policies and procedures</td>
<td>98%</td>
</tr>
<tr>
<td>Ensure the proper dissemination of court security information</td>
<td>90%</td>
</tr>
<tr>
<td>Review and assess court security incidents</td>
<td>89%</td>
</tr>
<tr>
<td>Assist in developing security recommendations for courthouse renovation, construction and/or remodeling</td>
<td>80%</td>
</tr>
<tr>
<td>Ensure the uniform reporting of court security incidents</td>
<td>67%</td>
</tr>
<tr>
<td>Recommend site appropriate security training</td>
<td>67%</td>
</tr>
<tr>
<td>Other</td>
<td>13%</td>
</tr>
</tbody>
</table>
Frequency of Meetings
SCR 70.39 states that “…the committee shall meet quarterly…”

Chart 1: Frequency of Security and Facility Committee Meetings
The frequency with which respondents hold committee meetings.

B. Court Facility - Screening
- 21% of facilities have screening at the building entrance(s)
- Of those facilities with screening, screening is conducted by:
  (Respondents checked all that apply):

Table 4: Who Conducts Court Facility Screening?

<table>
<thead>
<tr>
<th>Conduct</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Law Enforcement</td>
<td>53%</td>
</tr>
<tr>
<td>Retired Law Enforcement</td>
<td>22%</td>
</tr>
<tr>
<td>County Employee</td>
<td>19%</td>
</tr>
<tr>
<td>Private Contractor</td>
<td>16%</td>
</tr>
<tr>
<td>Other</td>
<td>16%</td>
</tr>
</tbody>
</table>

- 19% of respondents either do not screen or screen on an as needed basis e.g. high profile court activities

Table 5: Prohibited Items at Screening
What is your practice if a person has a prohibited item at screening?

<table>
<thead>
<tr>
<th>Practice</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Involve law enforcement if item is illegal</td>
<td>88%</td>
</tr>
<tr>
<td>Allow individual to remove from building</td>
<td>84%</td>
</tr>
<tr>
<td>Allow individual to dispose of item on site</td>
<td>53%</td>
</tr>
<tr>
<td>Permit person to check and retrieve item</td>
<td>31%</td>
</tr>
<tr>
<td>Other/Explain</td>
<td>28%</td>
</tr>
</tbody>
</table>
• 82% of facilities do not screen mail deliveries and/or packages

**Court Facility - Building Entrances**

• 64% of facilities have separate building entrances for employees or designated parties
• 42% of facilities allow employees or designees to by-pass screening at any entrance

**Court Facility - By Pass Screening**

**Chart 2: Individuals Allowed to By Pass Screening**

Some courthouses permit various persons to by pass security screening

![Graph showing individuals allowed to bypass screening](image)

**Court Facility – Building Access**

**Chart 3: Key Cards**

Is there a policy for distribution and collection of key cards?

![Key cards distribution chart](image)

92% Yes, 8% No

**Chart 4: After Hours Access**

Is there after-hours access to the building for designated personnel?

![After hours access chart](image)

95% Yes, 5% No

Other/Explain
C. Building Layout - Facility
- 39% of court facilities do not have separate sectors
- 16% of facilities were built after SCR 70.39

Building Layout - Courtrooms
- 84% of courtrooms have separate entrances for judges and court personnel
- 69% have separate entrances for in-custody defendants

D. Firearms

<table>
<thead>
<tr>
<th>Chart 5: Firearms in a Court Facility</th>
</tr>
</thead>
<tbody>
<tr>
<td>The following may possess firearms in the court facility (respondents check all that apply):</td>
</tr>
</tbody>
</table>

E. Courtroom Security - Duress Alarms

<table>
<thead>
<tr>
<th>Chart 6: Duress Alarms</th>
</tr>
</thead>
<tbody>
<tr>
<td>The following offices other than Chambers have duress alarms</td>
</tr>
</tbody>
</table>
**Chart 7: Duress Alarms in Chambers**
Specific locations in the chamber areas where duress alarms are located

- Judges Chambers: 85%
- Commissioner Office: 49%
- Court Reporter Office: 29%
- Clerk of Court Office: 92%

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**Courtroom Security - Bullet Resistant Material**

**Chart 8: Bullet Resistant Material**
Bullet resistant barriers are locate in the following courtroom locations

- Judge's Bench: 67%
- Court Reporter's Desk: 15%
- Clerk's Bench: 22%
- Barrier between gallery and litigation well: 6%

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**Courtroom Security**
Who provides security in the courtroom?
- 57% of facilities have sworn officers
- 11% of facilities have retired officers
- 9% of facilities have no security in the courtroom
- 9% of facilities have security on an “as needed” basis
- 9% of facilities use a combination of sworn and retired officers in their courtrooms

- 81% of security personnel from above carry firearms.
Courtroom Security – Court Security Officers

- Officers are provided for all case types in 45% of all facilities
- 73% of domestic violence and other injunction courts have security officers
- 72% of felony courts have court security officers
- 69% of misdemeanor courts have court security officers
- 61% provide security for family court
- 54% of civil courts have court security officers

Court Security - Other Court Related Offices

Courthouse security can sometimes be complicated by the presence of other agencies…

- District Attorney
  - Present in 79% of court facilities
  - 69% have duress alarms

- Probation and Parole
  - Present in 19% of court facilities
  - 10% have duress alarms

- Child Support
  - Present in 69% of court facilities
  - 53% have duress alarms

F. Victim-Witness Areas

- 60% of facilities have victim-witness areas separate from those in the district attorney’s office
- 54% of these separate rooms have restricted access
- 45% of these separate rooms are secured when not in use

G. Jury Deliberation Room

- 75% of jury deliberation rooms are connected to the courtroom through a secured corridor
- 55% of rooms are not searched prior to use
- 49% of rooms are not secured when not in use

H. Prisoner Movement

- 61% of facilities have secure holding areas in the courthouse
- Only 46% of these holding areas have direct access to courtrooms
- 68% of facilities do not have a secure holding area for disruptive litigants to observe court
I. Videoconferencing

Chart 9: Videoconferencing
Do you use videoconferencing for criminal cases involving in-custody defendants?

Chart 10: Videoconferencing
How videoconferencing is used in the courts

J. Libraries

- 64% of courthouses have a library
- 88% of libraries are open to judges and court commissioners
- 83% of libraries are open to lawyers
- 29% of libraries allow access to the public

K. Parking

- 62% of parking areas are unsecured
- 55% of facilities do not have designated parking for staff, jurors, or witnesses
- 15% of parking areas have controlled access to secured areas or camera

L. Buildings and Grounds - Daily Inspections

Chart 11: Daily Inspections
Specific locations external to the court facility that are inspected every day
Buildings and Grounds - Alarm Testing
- 75% of counties test duress alarms at least annually
- 4 do not test alarms at all

M. Public Address System
- 63% of counties have a public address system
- 60% have procedures for utilizing it during an emergency
- 54% have an emergency procedure utilizing email
- 49% have a phone tree
- 14% counties have no means of communication in an emergency

N. Emergency Procedures

Chart 12: Emergency Procedure Manual and Contingency Plans
Counties with courthouse security procedure manuals and contingency plans

Chart 13: Emergency Procedure Manual and Contingency Plans
Frequency with which emergency procedure manuals and contingency plans are updated
Emergency Procedures
- Over 92% of counties have procedures in place for inclement weather and fire
- 84% have procedures for bomb threats
- 76% of counties report a clear chain of command in emergency procedures
- 57% have procedures for an active shooter
- Less than 50% have procedures for a terrorist situation or attack

O. Training and Prevention
Routine prevention activities performed at court facilities:
- 80% conduct fire and evacuation drills
- 47% create security manuals
- 44% conduct disaster preparedness prevention
- 38% publish information bulletins regarding specific risks
- 35% conduct regular security awareness training for court officials and personnel

Chart 14: Court Security Personnel Training
Frequency with which training is provided for court security personnel

P. Data Collection and Records
- 66% of counties maintain standardized records/documentation of on-site security incidents
- In 58% of these counties, the Sheriff’s Department collects and maintains this information

Format of incident reports:
- 43% maintain information in a written logbook
- 41% maintain information in an electronic database
- 37% maintain information in a paper file
Data Collection and Records

**Chart 15: Court Related Threats**
Do you document court related threats?

- Yes: 87%
- No: 7%
- Haven't had any threats: 6%

**Chart 16: Threats Against Court Personnel**
Do you track threats or incidents involving court personnel off site of a court facility?

- Yes: 37%
- No: 37%
- Other/Explain: 26%

Data Collection and Records

**Chart 17: Data Collection and Records**
Percentage of security and facility committees the review court security incident information regularly

- Yes: 45%
- No: 34%
- Other/Explain: 20%

Data Collection and Records

Is there other standard data that could be collected by PPAC that would be more useful to your security committee and county?

- 75% do not think there are additional useful data elements

Do you have security concerns that are not being addressed by the current SCR?

- 86% of counties do not have additional security concerns