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**In re amendment of SCR Chapter 68  
relating to court security, facilities,  
and staffing.**

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**SUPPORTING MEMORANDUM  
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The Court Security Subcommittee of the Planning and Policy Advisory Committee (PPAC) respectfully petitions the court to amend Supreme Court Rule (SCR) Chapter 68 relating to court security, facilities, and staffing. Changes are being sought to reflect updated standards for courthouse construction, renovation, and technology, and to better define the responsibilities of county-level security and facility committees. Finally, this petition seeks to clarify the process for collecting data and creating reports associated with court security threats and incidents. This petition is submitted with the approval of PPAC, the court system's advisory committee for policy and long-term planning.

### **Background**

The safety of those serving in and utilizing court facilities has long been a focus of PPAC. In 1994, PPAC examined issues related to security, facilities and staffing, resulting in SCR 70.39, adopted by the Supreme Court in 1995. Supreme Court Rule 70.39 provided specific guidelines regarding court security measures and design components, and facilitated regular collection of data regarding court facilities and security incidents. Collection of this information has proved useful for counties which are considering courthouse renovation and construction projects or for counties seeking to provide additional funding for court security equipment and staff. In recognition of the shared county-state fiscal relationship supporting circuit court operations and security equipment and personnel, SCR 70.39 called for voluntary, not mandatory, compliance with the recommended guidelines.

Ongoing interest in court facilities and security at the state level led to PPAC's creation of a dedicated Court Security Subcommittee in 2008. The Subcommittee, charged with examining SCR 70.38 and 70.39 and making recommendations, consulted experts from the U.S. Marshals Service and the National Center for State Courts to determine best practices. The Subcommittee also administered a detailed survey related to court facilities, security equipment, and safety practices in each county. Survey results formed the basis for the "State of Security" report, which ultimately led to the creation of Ch. 68 through Rule Petition 11-03. Whereas the previous court security and facilities language resided within the court system's general Rules of Judicial Administration (SCR Ch. 70), Chapter 68 was created as a separate, standalone chapter upon its adoption in 2012.

Since the adoption of Chapter 68 almost a decade ago, court construction and renovation practices have evolved, and continued technological innovation has brought increased focus to the role and placement of technology in the courtroom. Many of the proposed changes in this rule petition aim to update language to reflect current practice, and to clarify the implementation of the rule at the local level.

This rule petition was drafted by the PPAC Court Security Subcommittee, in consultation with national experts and state-level stakeholders who participated in the process at various stages, including staff from the Office of the State Public Defender and from the State Bar of Wisconsin. Additional participants included a Senior Knowledge and Information Services analyst with the National Center for State Courts, as well as a Wisconsin-based architect who has participated in several construction and renovation projects, including court facilities and county administrative buildings.

Court security has consistently ranked among the most important topics facing the court system, and has been identified as a top concern in three of the four most recent Critical Issues reports, as well as in past Critical Issues reports dating back to 2004.<sup>1</sup> In addition, several incidents in recent years, including violent attacks against judges and their families, underscore the need for continued focus on this complex, important topic.

### **Specific Proposed Changes to Chapter 68**

#### *Role and Responsibilities of County Security and Facility Committees*

The local security and facilities committees created under SCR 68.02 continue to play a central role in the coordination of security and facility needs for effective court operations. Specific proposed changes include clarified procedures for collecting and submitting security incident reports, expanded staff training recommendations, and guidance related to completion of a judicial security profile to be filed with county and/or local law enforcement. Additional changes relate to general guidelines for building entryways and exits, and recommendations to secure and alarm building doors, as appropriate.

#### *Security Equipment: Duress Alarms and Cameras*

Supreme Court Rule 68.08 is amended to clarify placement and use of duress alarms, as well as recommendations for the appropriate use of security cameras.

#### *Courtroom Facilities: Courtrooms*

Proposed changes to SCR 68.10 regarding courtrooms are intended to reflect updated technology and jury box considerations. Chapter 68 currently includes suggested guidelines for the size of jury courtrooms but does not address the size of non-jury courtrooms. The proposed changes in this rule petition would include a minimum standard size for non-jury courtrooms.

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<sup>1</sup> See *Critical Issues: Planning Priorities for the Wisconsin Court System 2020-2022*, available at <https://www.wicourts.gov/courts/committees/ppac.htm>.

Changes are also proposed to streamline and update language relating to the availability of video, audio, and data technology.

*Court Facilities: Auxiliary Areas*

Chapter 68 currently encourages county court facilities to provide a library to be used by judges, law clerks, attorneys and others. Due to the transition of many legal reference materials to internet-based platforms, some counties have transitioned away from providing access to a physical library within the court facility. The addition of self-help service areas with dedicated computer terminals or interactive kiosks may help provide support to unrepresented litigants.

*Court Security: Personnel*

Development of an annual training program for all employees is addressed as a responsibility of the local security and facilities committee in current SCR 68.05(4)(e) (renumbered as SCR 68.05(4)(g) in Section 13 of the attached petition). The proposed addition of SCR 68.07(3) recommends that court security personnel, in particular, receive regular training on current court security techniques as well as training on policies developed by the local security and facilities committee. Whereas court staff, in general, should be trained on how to react to a courthouse emergency, court security officers may require additional training to ensure that they respond quickly and appropriately during an emergency.

*Threat and Incident Data Collection and Reporting*

Current Chapter 68 language calls for PPAC to submit an annual report to the Director of State Courts on security threats and incidents and on courthouse construction, remodeling and security innovations. See SCR 68.14(2). In practice, however, the mechanism for collecting and disseminating information regarding security threats and incidents is a function of staff in the Office of Court Operations, which reports to the Director of State Courts. The proposed changes to SCR 68.05(4)(b) and SCR 68.13(4) and (5) update language regarding the process by which

information is collected and disseminated to PPAC. The Director of State Courts also receives these reports, as an *ex officio* member of PPAC. This process ensures that statewide trends are presented to a wide audience and shared with the diverse group of court stakeholders and justice partners who serve as members of PPAC.

### **Other Considerations**

#### *Deletion of Section 4. Comment to SCR 68.01 and addition of Section 17. SCR 68.05(4)(j)*

The comment associated with SCR 68.01 describes consideration given to concealed carry legislation enacted in 2011 by the Wisconsin Legislature shortly after submission of the administrative rule petition (11-03) which created Chapter 68. This comment is no longer needed. The addition of language in proposed SCR 68.05(4)(j) directs local court security and facility committees to develop a procedure for allowing the possession of firearms by those who are statutorily authorized to do so.

#### *Staffing*

The Subcommittee did not review SCR 68.12 (Staffing), as this section does not relate directly to court security and safety.<sup>2</sup> The Subcommittee recommends that any review of SCR 68.12 be conducted in consultation with the appropriate stakeholders.

### **Conclusion**

Maintaining safe, accessible spaces in which to conduct court business is an ongoing area of need for the Wisconsin Court System. The changes proposed in this rule petition update and simplify certain functions that fall to county security and facilities committees, clarify court facility

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<sup>2</sup> The review process culminating in Rule Petition 11-03, which created Supreme Court Rule (SCR) Ch. 68, did not include consideration of staffing issues, as these were outside the purview of the subcommittee. Similarly, this Subcommittee convened with the goal of revising court security and court facility provisions of SCR Ch. 68. Due to the county-state partnership supporting circuit court staffing, any review of SCR 68.12 should be conducted in consultation with stakeholders having administrative authority and topical expertise in these areas.

requirements related to courtroom size and jury spaces, and improve the mechanism by which court security incident reporting is accomplished. For the reasons set forth in this Memorandum, the Court Security Subcommittee requests that the Supreme Court grant this petition.

Respectfully submitted this 21<sup>st</sup> day of October, 2021

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Hon. Michael Bohren  
Chair, PPAC Court Security Subcommittee

PPAC Court Security Subcommittee Members, 2018-2021

Hon. Michael Bohren, Circuit Court Judge, Waukesha County (Chair)

Hon. Andrew Voigt, Circuit Court Judge, Columbia County

Commissioner Sally-Anne Danner, Family Court Commissioner, Fond du Lac County

James Brigham, Deputy Sheriff, Dane County Sheriff's Office

Karl Jeske, Superintendent of Buildings & Facilities Management, Racine County (retired)

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