

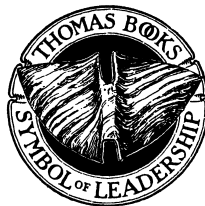
COURT SECURITY

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A Guide for Post 9-11 Environments

By

TONY L. JONES



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This book is dedicated to the people who have experienced courtroom violence. These people have experienced the incalculable costs of death, emotional distress, physical injury, facility destruction, disruption of legal processes, negative public perception, civil/criminal lawsuits, and the resulting embarrassment these acts generate. These people need to know that they are not alone; nearly everyone in a community is often touched in some way when courtroom violence erupts.

INTRODUCTION

Courtrooms are intended to be a place for peaceful, calm, reasoned resolution of disputes, and most courts are safe. However, in recent years, there has been a sharp rise in acts of violence in the courts. These acts of violence range from minor disturbances and physical assaults to senseless acts of murder, injury, and mass destruction, and are used as a means of expressing personal anger or public dissent. Security risks at a courthouse are perhaps more visceral than in other environments, running the gambit from vandals at night, to revenge-seeking relatives, to galleries packed with rival gang members during a murder trial. One must also consider the number of arrestees awaiting bond, trial, or sentencing. At any time, there are angry people entering and leaving a courthouse complex. For example, the Supreme Court of Ohio and the Ohio Judicial Conference Committee on Court Security conducted a survey of court officials in 1994 and found the following statistics:

Types of Incidents (in order of frequency)

1. Escape or escape attempt
2. Physical assault with no weapon used
3. Disorderly conduct
4. Physical assault with a weapon
5. Suicide or suicide attempt
6. Vandalism
7. Hostage situation
8. Bomb threat
9. Theft
10. Bomb explosion

Courts in Which Incidents Occurred

1. General trial court, criminal—54%
2. Juvenile and domestic relations—17%

3. Municipal court—11%
4. General trial court, civil—8%
5. Justice/arraignment/first appearance courts—6%
6. Small claims court—8%
7. Traffic court—1%

Location of Incidents

1. Courtroom—41%
2. Lobby—18%
3. Offices—12%
4. Holding cell—9%
5. Public hallway—8%
6. Judges' chambers—4%
7. Elevator—2%
8. Jury room—1%

Type of Case Being Heard at the Time of the Incident

1. Criminal—56%
2. Divorce—11%
3. Juvenile offense—8%
4. Traffic—4%
5. Other domestic—9%
6. All other—18%

Victims of the Incident

1. Bailiff or court security officer—81%
2. Judge—24%
3. Defendant—8%
4. Plaintiff—6%
5. Witness—5%
6. Prosecutor—5%
7. Defense attorney—3%
8. Spectators and others—18%

Injuries Sustained

1. No injuries—54%
2. Minor injuries/no medical attention—19%

3. Minor medical attention—10%
4. Serious injury/hospitalized—10%
5. Death—4%

Stage of Case at the Time of the Incident

1. Sentencing—23%
2. Arraignment—18%
3. Trial—13%
4. Motions—9%
5. Return of verdict—6%
6. Other and unknown—31%

Reason for the Incident

1. Revenge—39%
2. Escape—39%
3. Intimidation—14%
4. Influence court—7%
5. Political—1%

Disposition of the Assailant

1. Arrested—68%
2. Suicide—2%
3. Escaped—2%
4. Injured—2%
5. Killed—1%

Even if people decide to ignore these statistics, they cannot ignore the fact that the world will never be the same after September 11, 2001. In the immediate aftermath of the events of September 11, 2001, the security action of choice was to place armed officers virtually everywhere. Uniformed police were suddenly besieged to protect so-called critical facilities and infrastructures of every description. The country asked these officers to protect valuable vulnerable assets with little or no training. Problems soon transpired in areas having highly technical on-site-responsibilities. It soon became clear that the nation could not afford full-time police officers at every critical facility and without special training the only thing the officers were truly providing was a method to evacuate a facility and the timely contacting of response teams such as hazmat personnel. Therefore, every pre-September 11th secu-

urity procedure must be evaluated. In this evaluation, every security vulnerability and loophole must be addressed through the implementation of advanced state-of-the-art technologies, policies, and procedures.

Courtrooms must be secure because violence diminishes the respect for the institution as a place for peaceful resolution; if not, the chaos of violence may replace the rule of law. During the Judicial Conference of the United States, held on March 11, 1982, the United States Chief Justice and Attorney General emphasized the importance of court security by stating; “If we cannot ensure the safety of all participants in the judicial process, we cannot maintain the integrity of the system, we cannot—in sum—‘establish justice,’ as mandated in the preamble to the constitution of the United States.” Sadly, many courts at all levels of the judicial system have been slow or even reluctant to implement adequate security procedures.

The potential exists for violence to occur in any court system regardless of size or geographical location. Indeed, no court system is immune from security problems or violence. Court personnel and security officers are frequently called upon to “handle” aggressive or physically violent people. When court personnel fail to calm down an agitated person or are forced to engage in “physical management,” the risks of injury and liability for the officer, bystanders, and even the aggressor are significantly increased. In light of these facts, courts must move from the traditional reactive security mode to the proactive mode. Indeed, with the increasing incidence of sophisticated and complex security threats, it is imperative that security operations focus their energies on preventing, policing and remedying threats and attacks from both external sources and internal threats. Therefore, many bailiffs, constables, deputy sheriffs, police officers, marshals, and others charged with court security and the transportation of prisoners must reevaluate current methods of safeguarding the judicial process.

Philosophical changes and standards establishing “what” a court should do is a start. However, in the author’s experience, the “how to” portion of the security equation is left up to each court. As many bailiffs, constables, deputy sheriffs, police officers, marshals, and other personnel charged with court security duties have found, the “how to” process is very hard to complete without consulting specialized in-depth information.

The purpose of this book is to provide information concerning state-of-the-art court security operations and technologies, help determine areas where security improvements ought to be made, and shed some light on upgrading procedures for court security and the transportation of prisoners. The ultimate goal of this book is to clarify the fact that security, in today’s world, must be reexamined and revamped to protect human and physical assets. A dynamic and adaptive security system is required to address the evolving nature of security threats. Time is running out!

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COURT SECURITY

Chapter 1

PERPETRATORS PLANNING AN ATTACK

It has been said that for an individual to effectively counter an enemy, one must know his enemy. This statement certainly rings true in the case of courtroom security personnel charged with protecting the court, citizens, and perpetrators. There are generally three types of perpetrators who plan violent courtroom attacks; they are known as reactive offenders, mission offenders, and thrill-seeking offenders.

Types of Perpetrators

Reactive offenders have a perceived sense of entitlement regarding their rights, privileges, and way of life that does not extend to the victim. This offender may react due to a perceived threat that seemingly threatens the perpetrator's way of life, personal relationships, or privilege. A reactive offender typically focuses on protecting and defending against any perceived threat constituted by the presence of outsiders. This offender may resort to using fear and intimidation to send a message that will repel the outsiders. Victims of this offender often fall into the category of an individual or group who are perceived by the offender as constituting a threat. Acts of violence may occur in the offender's own neighborhood, place of recreation, or court. If the threat is perceived to subside, the reactive behavior may also subside. Reactive offenders generally feel little if any guilt because they perceive that violent behavior is a justifiable response to personal feelings of violation.

Mission offenders are often psychotic, suffer from mental illness that may cause hallucinations, have an impaired ability to reason, and often withdraw from other people. The mission offender's motivation revolves around believing that he or she has been instructed by a higher order (God, the Fuhrer, the Imperial Wizard, etc.) to rid the world of an evil. They may also believe that they must get even for any misfortunes they may have suffered. These offenders may also perceive a conspiracy of some kind being perpetuated by the

person or groups targeted for violence. This offender may feel a sense of urgency about their violent mission, believing they must act before it is too late. Victims often fall into the category of an individual or group who are perceived as responsible for the offenders' frustrations. All members of a despised group may be targeted for elimination. Acts of violence are likely to occur wherever the targeted group is likely to be found. Their mission often ends in the offender's suicide.

Thrill-Seeking offenders are often trying to fit into a group. Their motivation revolves around gaining a psychological or social thrill, to be accepted by peers, or to gain bragging rights. Victims may constitute any person or vulnerable group perceived as inferior by the offender. Acts of violence are likely to occur wherever the targeted group is likely to be found. Since attacks are random, it is often difficult to identify the offender. Attacks often involve desecration and vandalism, although they can involve more violent actions. Hatred of the victim is relatively superficial; offenders may be deterred from repeating actions if there is a strong societal response condemning the behavior.

Any of these offenders may become what law enforcement professionals call "Active Shooters." These active shooters often intend to kill as many people as possible and may have no plan or intentions of escape. The active shooter may intend to do as much damage as possible and then commit suicide by his or her own hand. Additionally, the active shooter may confront the police and force action or attempt to escape the crime scene. Finally, active shooters can be expected to be heavily armed with more than one weapon and carry a large amount of ammunition.

Perpetrators Planning an Attack

There may be some readers who believe perpetrators commit acts of violence with little thought or preparation. However, this does not appear to be the case with many of the more violent incidents recently witnessed. Indeed, once a perpetrator has targeted a court for attack, an extensive planning phase may be set into motion. Granted, sophistication of an attack and the planning phase for the attack will vary in detail. However, the mechanics of an attack will likely focus on the following areas to some degree: target selection, tactics, operation style, and the completion of a plan of attack.

Target Selection

Once motivated, the perpetrator will select a target court after answering the following questions. Is the target courthouse critical, accessible, easily

restored, vulnerable, and what effect will the attack and subsequent death and destruction have on the local and national population? A target courthouse is deemed critical when destruction or damage will have a significant impact upon unique specialized functions. Of course, the criticality of a target courthouse may change with political, economic, and sociological fluctuations.

A target court is accessible when the perpetrator can easily infiltrate the target site. Perpetrators will often gather detailed intelligence concerning the court's location, physical structure, and efficiency of security measures. A target court is easily restored if restoration efforts are considered efficient and quick or if judicial activities can be easily transferred to other locations. This is important as the offenders may consider the effort not worth the risk. However, if restoration will be expensive, difficult, time consuming, or impractical, the target court may become a favored target for attack.

Courthouse vulnerability focuses on whether the court is open to attack by the means and capabilities available to the offenders. Offender means include explosives or bombs, both conventional and unconventional; arson; assassination; raid-type attacks; hostage taking; sabotage; insider assistance; and mob/gang actions, etc. Offender capabilities include available manpower, logistics, support networks, money, training, and the availability of weapons and explosives. A focal point of offender capability lies in the fact that court attacks always enable streamlined assets, when compared to defending assets (it may only require one offender to successfully attack a courthouse protected by numerous security systems and personnel). Offenders will often compare their means and capabilities to the target court's location, type, security systems, security forces, and available assistance.

Finally, the offender will often consider how the public will react to the attack? Will there be economic, political, psychological, and sociological impact? Can a nationwide court system be affected by these attacks or, at the very least, will only a certain area be affected? For example, many local economies cannot afford heightened security measures or the building of new courthouses. Will citizens fear the prospect of entering the courthouse? Will criminal justice and other professionals be afraid of entering the courthouse? Will the government and judicial systems become repressive in order to protect citizens, and will citizens accept or even demand this type of reaction? Can sociological unrest be developed or exploited?

Naturally, each question does not require an affirmative answer for a perpetrator to target a certain courthouse; however, as favorable factors accumulate, chances are that a court will be chosen for attack. Particularly desirable targets are high profile in nature, for example, large courthouses, courthouses located in or around large cities, and courthouses representing a popular landmark for a community.

Perpetrator Tactics

In order to understand the effectiveness of perpetrator attacks, their tactics must be examined. A perpetrator may specialize using only one tactic or utilize several techniques that range from simple acts of sabotage to utilizing weapons and explosives. The tactics chosen usually correspond to the offender's abilities, philosophies, expertise, funds, or by what tactic is most effective at the time. The following list represents goals a perpetrator may seek:

1. Destroy or damage judicial institutions.
2. Gain control of a judicial institution.
3. Eliminate criminal justice officials.
4. Harass judicial institutions and systems.
5. Harass the community.
6. Harass organizations with criminal justice ties.
7. Harass government organizations—this includes police organizations.
8. Attract media attention.
9. Terrorize a society.

Once a goal or goals are identified, the perpetrator will settle on tactics to achieve the desired outcome, for example: the use of subversion, sabotage (passive and/or active), threats or hoaxes, bombs, arson, assassination, media manipulation, armed raids, and hostage taking.

Subversion and Sabotage

Subversion is often the perpetrator's main goal and is best described as actions designed to undermine the economic, psychological, or political strength of a judicial entity. Sabotage (a very effective form of subversion) permits the selective destruction of facilities using a minimum of manpower and resources. Often, sabotage is utilized by subversive offenders or organizations to gain recognition, momentum, support, and to recruit members.

There are two types of sabotage: passive and active. Passive sabotage uses subtle, nonviolent techniques that may be difficult to recognize as a subversive activity. Passive sabotage includes mass absenteeism, demonstrations, protests, or organized substandard employee performance. Active sabotage may be high profile and easier to recognize as an offender activity. Active sabotage includes mechanical, incendiary, explosive, and administrative methods. Mechanical sabotage is the deliberate damaging or destruction of courthouse equipment by deliberate abuse, neglect, or the introduction of harmful additives into the critical parts of expensive or crucial equipment. Incendiary sabotage is the damage or destruction of courthouses by fire. Explosive sabotage is the damage or destruction of courthouses by explo-

sives. Administrative sabotage is the deliberate garbling of instructions or guidance, misdirection, destruction or loss of documents, computer hacking, and the blocking or interference with communications.

Threats or Hoaxes

Threats or hoaxes are intended to force a targeted court to respond without actually carrying out a physical act. Threats or hoaxes disrupt judicial productivity, normal day-to-day activity, and create fear and/or panic. This tactic can cost a judicial system vast amounts of money, damage judicial productivity, disrupt operating efficiency, and tie up valuable law enforcement and emergency response assets. Threats and hoaxes cost the offender nothing. However, if an offender uses this tactic too often, the need to actually carry out violent activity may be committed in order for future threats or hoaxes to be taken seriously.

The dilemma encountered by a targeted court experiencing numerous threats or hoaxes is this: can a threat ever be categorized as just another threat or hoax? (Remember the gamble is life—the pay off may be death.) How much is human life worth? Ultimately, the effectiveness of threats or hoaxes hinges on the value of life! **Note:** The hoax technique may also be a basic technique used by a perpetrator to “test” the effectiveness of response plans and personnel. This act may be a primary technique used by perpetrators to assist in their intelligence gathering efforts when considering potential or real targets. A hoax is often not just a hoax, but a serious analysis of potential targets, and should never be regarded as simply “just some kooky citizen intent on annoying us.”

Bombs or Explosives

Bombs/explosives are a favored tactic due to their propensity to maximize casualties, death, destruction, and sensationalism. An added attractiveness is the minimal use of assets and manpower. Bombs may be easily constructed on a low budget and technological base or be extremely sophisticated. A total explosive package may be commercially obtained, stolen, or constructed by improvisation. Bombs include conventional/unconventional types such as: vehicle bombs; suicide bombs; letter bombs; military weapons, i.e., rockets, mines, mortars, hand grenades, and booby traps. Increased technological sophistication and the availability of information may be seen in the use of complex timing devices and fuses.

Arson

Arson is a technique used by perpetrators to destroy judicial facilities through the use of flame-producing devices, but casualties or deaths are often viewed as bonuses. Arson is usually carried out through the use of incendiary devices that are designed to ignite after the offender has left the scene. Fire enhancing devices may also be left at the scene; for example, courthouse fire extinguishers may be filled with flammable liquid in the hope they will be sprayed on the fire. Of course, unsophisticated devices may be used as well.

Assassination

A perpetrator may also employ a tactic known as assassination to kill criminal justice administrators, judges, lawyers, law enforcement officers, jurors, and other support personnel. Assassination targets are selected based upon retaliation, symbolism, and for the publicity the act will generate. Assassination may be extremely attractive if a perpetrator views the target as “easy to attack.”

Media Manipulation

The media provides perpetrators with immediate publicity and dramatization of their cause. The media may represent an extremely powerful and effective tool used by offenders to enhance or perpetuate additional violent actions. Fear and intimidation may be spread nationwide and even worldwide through media coverage of a violent act. Media vehicles include exclusive interviews, videotape, audiotape, telephone-tape, and a convenient eye witness.

Armed Raids

Armed raids are usually military style surprise attacks that target judicial installations. The tactics involve violent combat-type actions, rapid disengagement and swift, deceptive withdrawal or suicide. Raids are often designed to demonstrate strength, destroy and/or damage facilities, kill and/or injure personnel, and to create fear or terror.

Hostage Taking

A final perpetrator tactic, hostage taking, is a high-profile activity designed to capture headlines. Hostage taking may be implemented as a retaliatory