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President's Column

Francis X. Halligan, Jr.

I have chosen for my initial column a topic that is of importance to all judges, regardless of jurisdiction or locality, yet is often ignored—courtroom and personal security. Given the domestic violence theme of this issue and the special security concerns involving courtrooms that conduct hearings involving domestic violence and family matters, I thought that this subject matter was most appropriate. I have been interested in courtroom security for many years, due to my law enforcement background, having served as a police officer in Washington, D.C., and in New Jersey. Given the limited space I have for this column, I can only touch briefly upon this topic. It is my hope that by revisiting this subject, each of us becomes more vigilant and sensitized to issues involving both personal and courtroom security.

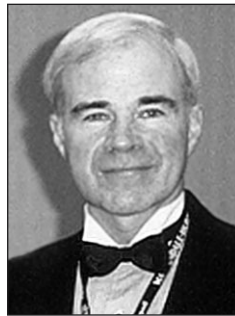
From a global perspective, since the tragic events of 9-11, all of us have seen heightened security measures in effect in both our private and professional lives. In addition to courthouses, most public facilities have taken added security measures to insure the safety of the general public. Most of us, subsequent to the incidents at the World Trade Center, have spent considerably longer periods of time waiting to be screened by those in charge of airport security. The presence of additional police, National Guard, and other security forces is most evident.

While serving as an assistant county prosecutor in northern New Jersey, a tragedy occurred in a municipal court that impressed upon me the need for heightened security. We were required to attend probable cause hearings in municipal courts that involved alleged felony offenses. A disgruntled defendant, who appeared before the court and was convicted of a traffic violation, left the courtroom, only to reappear outside, undetected, with a weapon. The defendant positioned himself outside of the municipal complex, which housed the courtroom, and fired a rifle shot, mortally wounding the judge, who was conducting court. Unfortunately, this was made possible due to the manner in which the building was constructed. The courtroom was located on the second floor, with the judge's bench being positioned behind a window and visible from the street level. This occurred many years ago and, fortunately, most court facilities are now constructed in such a fashion that this type of event could not occur today.

Each of us should be aware of the safety and security features that are to be integrated into court facilities during construction and renovations. As most judges have no expertise in this area, other professionals should be consulted to provide input before any construction or renovation begins. Once the plans are drawn and construction begins, design changes are

both difficult and costly. An architect should be chosen who is familiar with the special security needs of court facilities. Your local trial court administrator's office can usually provide insight and guidance regarding construction and renovation of court facilities.

Access and entrances to both the courthouse and courtrooms should be carefully guarded. Video cameras should be strategically placed in order to monitor both inside and outside of all court facilities, including parking areas. The number of entrances should be limited, given the problems presented by multiple entrances. A sign should be prominently posted, advising that all who enter the courtroom are subject to search.



The mere posting of this notice may in and of itself serve as a deterrent to those having weapons. Officers should use a metal detector at each entrance and search all those entering the room. Bags, packages, knapsacks, computers, and briefcases must be closely scrutinized. A list of prohibited items that cannot be taken into the courtroom, including electronic devices, should also be prominently displayed. Those entering the courtroom should be advised to remain seated during the session, as it is then easier to monitor those individuals. Officers should be positioned between the bench and those in the room and remain present at all times, including recesses. Witness stands should be constructed so as to deny the witness direct access to the judge. There should be no public access to the judge's chambers. Once in the building, the judge should not use public corridors without being escorted by security personnel.

Each judge's bench should be lined with a protective shield and be equipped with an alarm that can alert law enforcement personnel outside of the courtroom in the event of an emergency. All security personnel should be aware of contingency plans in case of an emergency.

Judges and their staffs should have secured, well-lit parking places, close to the court complex, that are not accessible to the public. Some judges and their staffs may wish to be escorted to their cars at the conclusion of the working day, especially if secured parking is not available.

Judges should not receive mail that identifies them as a judge at their home. When contacting contractors to do work within the home or ordering "take out" foods for consumption within the house, the judicial title should be avoided. All household members should have immediate access to police telephone numbers in the event of an emergency. The taking of these simple precautions may prevent a serious incident or tragedy. Stay alert and remain vigilant!