Ensuring the Personal Security of Judges*  

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A survey in 2007 revealed that there were 296 security threats to California judges between December 2005 and December 2006. A mandated, easily understood reporting system and coordination between law enforcement and the judiciary are essential to dealing with these and other security threats.

In February 2005, the judicial branch was rocked by the murder of the husband and mother of Judge Joan H. Lefkow, a United States District Court judge for the Northern District of Illinois. The murder apparently was perpetrated by a man who was upset with her ruling in a medical malpractice lawsuit. He later committed suicide during a routine traffic stop.

Closer to home, H. George Taylor, commissioner of the Superior Court of Los Angeles County, and his wife were fatally shot outside their Rancho Cucamonga home in March 1999. The case remains unsolved.

Personal threats against judicial officers and their families happen all too often. The visible role that judges play in trials makes them a target. With threats to federal judges on the rise and constant threats and assaults against judicial officers in California, we must take swift action to assess threats and manage threat data properly. A mandated and clearly understood system for reporting and tracking threats is vital to providing an effective level of personal security for California’s judicial officers.

In 2005, the Administrative Office of the Courts (AOC) formed the Emergency Response and Security (ERS) unit. The unit’s initial mission was to draft emergency-planning tools for the branch and, in particular, the trial courts as they prepared to transfer facilities to state ownership. By 2006, it was clear that security had become a major concern across the court system, both nationally and in California.

“Courthouses must be a safe harbor to which members of the public come to resolve disputes that often are volatile.”

- Chief Justice Ronald M. George, California Supreme Court

Safe, secure courthouses and effective response to threats are fundamental to ensuring the operation of the justice system. As Chief Justice Ronald M. George has said, “Courthouses must be a safe harbor to which members of the public come to resolve disputes that often are volatile.”

Efforts to Ensure Court Security

Court security has several objectives: (1) allocating funding for salaries, benefits, retirement, and equipment for all security providers, sheriffs, marshals, private security staff, and civilian court personnel; (2) operating, managing, and improving trial and appellate court facilities and security measures; and (3) securing the personal security of judicial officers.

A great deal of progress has been made toward the first two objectives. The Judicial Council formed the Working Group on Court Security to investigate and recommend financial standards and compensation for security providers. The AOC made weapons screening a priority after its 2005 survey of trial courts showed that 97 court facilities lacked entrance screening stations. In 2006 money was appropriated and equipment purchased for these sites.

At that time, little statewide work had been done to ensure the personal security of judicial officers. The need was evident. However, through discussions with individual judges, the California Judges Association (CJA), and other groups,

Court Security Objectives

- Allocating funding for salaries, benefits, retirement, and equipment for all security providers, sheriffs, marshals, private security staff, and civilian court personnel
- Operating, managing, and improving trial and appellate court facilities and security measures
- Securing the personal security of judicial officers
it became apparent that the response to individual threats was varied and differed vastly from county to county. Later in 2006 the Personal Security Ad Hoc Advisory Group, composed of judges, law enforcement personnel, and court executives and staffed by ERS, was formed to review the issues related to the personal security of judicial officers in California. From its initial meetings a number of specific issues surfaced:

• Lack of a unified and all-inclusive threat-reporting system for state trial court judges—little or no knowledge existed on the number of threats received by judicial officers in the state;
• Lack of educational information on personal security, travel security, and security for judicial officers’ families; and
• A general lack of understanding about judicial officers’ personal security and courthouse security programs, along with a compartmentalizing of security matters county by county.

Penal Code section 76(b) mandates that any threat made to any member of the judiciary be reported to the California Highway Patrol (CHP). The advisory group’s initial investigation discovered that few sheriffs knew of this requirement and that fewer still complied with it. The process for the trial courts to report threats is not clearly defined, and the information is rarely transmitted to the CHP. As a result, the judiciary lacks information and statistics on the types, severity, and frequency of threats made to our judicial officers. While the CHP does keep a database in Sacramento on threats to elected officials and appellate court justices, this information is generally not shared with the rest of the branch. According to the CHP, current staffing does not allow investigation of threats outside its primary mission.

During the course of the investigation, it also became apparent that, outside of the larger sheriffs’ departments, little in the way of personal security was addressed by court security providers. The ERS unit began to receive more reports from smaller courts that threats had not been dealt with to their judicial officers’ satisfaction. The ERS unit worked with local sheriffs, district attorneys, and other agencies in response to several incidents to ensure that information was shared and a full investigation conducted at the local level. This process allowed the ERS unit to obtain investigative updates from law-enforcement personnel and keep the individual under threat advised of any safety- and security-related developments.

The ad hoc group discussed the need for a comprehensive survey on the personal security perceptions of judicial officers. It was unclear whether a survey of this nature had ever been conducted in the state, but the need for raw data for future planning was of paramount importance. In January 2007, ERS conducted a statewide survey of justices and judges to obtain information about threats received between December 2005 and December 2006 and to determine the current levels of judicial officers’ confidence in their safety inside and outside the courts. The survey, designed to keep respondents’ identities anonymous, was conducted via the Internet and announced to justices and judges via e-mail, newsletter, and the Serranus Web site. It reached a total of 1,609 active justices and judges and achieved an overall response rate of approximately 53 percent with 855 completed questionnaires. At least one response was received from almost every court, and a total of 296 threats were reported.

The survey results were striking:

• Of the 296 threats reported, 72 were described as imminent (about to happen or threatening to happen).
• 75 percent of the threats were against a specific judge, justice, commissioner, referee, employee, or family member. Most of these threats were received in the courtroom or court chambers through oral or written communication.
• 69 percent of the threats were classified as general rather than imminent. When threats were related to a case, those cases were predominantly criminal, followed by family-law cases. In more than half of all the threats, the plaintiff or defendant in the case was the person making the threat.
• 80 percent of the threats were reported, most often to the sheriff. The most common precaution taken was to notify courthouse security or staff.
• 85 percent of the justices and judges said the threat had been investigated to their satisfaction, and 79 percent reported that they received feedback about the investigation from the person to whom the threats were reported.
Ways to Protect Yourself
As a judicial officer, what can you do to protect yourself against threats? Many of the steps are simple. Here’s a checklist:

1. Find out if your court security provider or local law enforcement agency will conduct a security review of your home.
2. Install a home alarm system in your primary residence and use it regularly. The alarm should be monitored by the alarm company or by local law enforcement. Find out if law enforcement responds to all alarms.
3. Make sure all doors and windows to your home, including your garage door, are locked when not in use. Do not leave keys to your home anywhere outside the house, such as under doormats, over doors, in mail slots, or in any other obvious place.
4. Do not put your name or title on the outside of your residence or mailbox.
5. Do not use your home address on any public records or publicly accessible records. Consider holding title to your property in trust.
6. Change your mailing address to your work address and use a post office box or business-address telephone number on your personal checks.

7. Apply for confidentiality on driver’s licenses and vehicle registrations owned or leased by you, your spouse, and your children from the state Department of Motor Vehicles. Forms can be obtained from your local security provider or the CHP.
8. Make sure your telephone number is unpublished and unlisted.
9. Do not give out identifying information such as home address or telephone number unless absolutely necessary or required for governmental purposes.
10. Ensure that your home address and telephone numbers are not listed on Web sites other than those secured by government agencies. The AOC has created a Judicial Privacy Protection Opt-Out Program to help new justices, judges, commissioners, and referees remove personal information such as home addresses and telephone numbers from Web sites. ERS staff handles the initial opt-out request for participating judicial officers and is collaborating on educational materials with the Court Security Education Committee (which is appointed by the Judicial Council’s Governing Committee of the Center for Judicial Education and Research).

Threats to judges may come in many different forms: in writing, by telephone, verbally through an informant or a third party, or through suspicious activity. Threats and inappropriate communications can be anything that harasses or makes ominous or unsettling overtures of an improper nature and can include inappropriate pictures or drawings. Any received threats should be reported immediately, even if they appear minor or inconsequential. Your security provider will determine whether a threat is credible and warrants investigation. Here are some tips to keep in mind:

- If you feel you may be in imminent danger, call 911 immediately.
- If the threat is not imminent, inform your court security provider as soon as possible.
- Ensure that your local investigating agency reports the threat to the CHP Dignitary Protection Section, Threat Assessment Unit, at 916-327-5451.

The survey clearly has shown the need for a statewide system to report threats, process threat information, and share that information with agencies that need it.
order for that to be accomplished, law-enforcement agencies must come together to agree on a single format, a repository agency, and the information that can and should be shared.

As Judge Lefkow eloquently stated in her testimony to the United States Senate Committee on the Judiciary on May 18, 2005:

“Our system is the role model for the world. Without fearless judges, where are we as a nation? I have no doubt that each of you is equally committed to this idea. Your voices as elected officials are magnified. Judges, by contrast, speak most often through their decisions. We need your leadership in this area, and the stakes are profound.

The branch has come a long way in a short time, but personal security is a team effort, and we must bring together sheriffs, marshals, the CHP, and judicial officers statewide if we are to succeed in creating a solid prevention-based program. Judicial officers’ support of and participation in information-gathering initiatives are important facets of the process and are greatly appreciated.

As Judge Lefkow eloquently stated in her testimony to the United States Senate Committee on the Judiciary on May 18, 2005:

“In 2008, the ERS unit brought together the California State Sheriffs’ Association, the CHP, and the CJA to discuss how to proceed on this issue. In the interim, the ERS unit has delivered to courts across the state a number of training programs dealing with personal security, emergency planning, and courthouse security. Additional educational materials on travel security, pandemic preparedness, and radiation protection are now available, and the Court Security Education Committee is developing further personal-security-training materials.

Checklist Summary – Judicial Protection Measures

- Security review of your home
- Install a home alarm system
- Control house keys and lock all doors and windows—all the time
- Do not put your name on your residence or mailbox
- Do not use your home address on any public records—hold title to your property in trust
- Change your mailing address to your work address and use a post office box or business-address telephone number on your personal checks
- Obtain confidentiality on driver’s licenses and vehicle registrations owned by you, your spouse, and your children
- Telephone number should be unpublished and unlisted
- Do not give out identifying information unless absolutely necessary

In 2006, the ERS unit applied for funding through the Homeland Security Grant Program to develop software and obtain staffing for an initial test of a statewide system. The funding request was denied. In the long term, legislation is needed to develop a statewide system. However, it is critical that courts and their security providers work together on an agreement that would benefit the entire branch.

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ENDNOTES

*This article was originally published in California Courts Review (fall 2008). Used with permission.

RESOURCES


Section 6254.21 (c), Government Code of California, California Codes. http://www.leginfo.ca.gov/cgi-bin/waisgate?WAILSID=08867728547+0+0+0&WAILSection=retrieve