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Jimmie H. Barrett,

# Protecting Court – A Practitioner’s Guide to Court Security,

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Jimmie Barrett is an expert in court security in the United States with many years of experience. In addition to his scholarly activities he also trains security personnel for courts in the United States. He conducts webinars on the Internet which are open to the general public and are also useful for providing security for other institutions of formal social control. His work ranks among the body of works in the field of the secure operation of institutions of formal social control which emphasise that employee security is often forgotten in such institutions and that in addition to employers, the employees themselves can do a lot to increase security and improve the atmosphere of the working environment. Barrett’s work includes information about technical security, the socio-psychological factors of workplace security and the importance of protective social networks in such institutions. It was published during the time that the employees of the Faculty of Criminal Justice and Security of the University of Maribor were carrying out training of court personnel. Prior to early 2010 a few hundred court employees in Slovenia participated in training courses in the field of building security, personal security, secure procedures, the quality of relations between employees and responding to stress arising from work in courts; it is therefore a significant contribution in the sense of the inclusion of an experienced foreign colleague in training in Slovenia. In addition to Barrett there is only one other expert working in the field of threats to prosecutors and judges in Europe, Kauko Aromaa from Finland, who performed a study of threats to prosecutors and judges in the Scandinavian countries. He presented his findings at a conference of the European Society of Criminology in September 2009 in Ljubljana. A similar study was carried out in 1999 under the leadership of Dr. Ivan Bele by researchers at the former College of Criminal Justice and Security, an associate college of the University of Ljubljana, which is today the Faculty of Criminal Justice and Security of the University of Maribor.

Barrett’s guide presents in a reader-friendly way the various theories of providing security with examples from practice. The chapter conclusions are based on cases of threats to American courts and judges starting from the beginning of the nineteenth century. The author gives examples in which the court personnel themselves were partially responsible for the tragedies and accidents due to negligence, lack of tact and provocation, and does not support the assumption that violent individuals, murderers, devious criminals and organised criminal

associations are the only factors that represent threats to court security. The guide is divided into chapters on the occurrence of violence in court proceedings and handling unpredictable defendants through various measures, assessing court security and court security plans, everyday court routines, courthouse security management and taking account of measures for safe court operations, legal aspects of providing court security, responding to emergencies, criminal trials, assessing risk in the case of threats to judges and other court personnel and proposals for improving court security in times of continuously decreasing court budgets. The author used one hundred and thirteen references to write the guide. The guide also includes photos and diagrams. The introduction was written by the former Director of the US Marshals Services, Judge Henry Hudson.

In the first chapter the author presents cases of murder in courts starting in 1912 and analyses the circumstances of the violence which led to changes in court practice regarding safety requirements and the security of court procedures. Eleven judges were killed in the USA between 1970 and 2005; they were the victims of abductions and people who entered courtrooms with weapons and killed others in the courtroom in addition to the judges. One of the interesting findings of Barrett's analysis is that criminal courts as a rule have better security than civil courts and that several incidents with fatal consequences occurred in civil courts where divorces or other disputes were being heard. These episodes demonstrate why best practices in court security demand metal detectors installed at all public entrances to the courthouse facility and courtrooms during high risk/profile matters. Barrett holds that protecting courts and judges is protecting democracy and the rule of law, and a contribution to a civilised response to crime; it guarantees the holding of proceedings in which guilt is determined in a lawful and unbiased manner. In the conclusion to the first chapter the author warns that armed persons who enter courtrooms are not the only sources of threat, as recently new forms of threats have appeared such as radioactive and biological means of threatening life and human health. Uninformed and corrupt court personnel also present a risk factor. Barrett argues in favour of crime prevention through environmental design (Newman) and situational preventive measures, courthouse construction in accordance with the theory of defended territory, establishing procedures for safe work in courts, monitoring dangerous criminals and prisoners, use of restraining measures and devices for binding and restraint, installation of security surveillance devices in courtrooms, team response plans in the event of abduction or armed threat, medical interventions, defensive behaviour and conflict resolution methods, evacuation plans, employee surveillance methods, and organised media relations. He states that security personnel – in the USA they are civil servants – must be able to solve problems in courts in a respectful and composed manner, and they have to be trained to communicate in a respectful manner with judges, prosecutors, lawyers, police officers, witnesses, victims and the public who are participating in court proceedings.

In the second chapter Barrett compares courts with fortresses from the past and finds that this institution still has a special symbolic meaning for people, and that the majority of them believe that the courts are safe. Criminals who have numerous dealings with courts do not believe this myth. Barrett particularly points out that

courtrooms are charged with emotion (anger, jealousy, disappointment etc.) and that poorly protected courtrooms lead to unnecessary exposure of victims and witnesses to potentially violent individuals. He therefore suggests risk assessment from the perspective of the physical environment (ballistic tests of the judge's bench, jury box and witness box, suitable light switches, heavy chairs, benches, installation of alarm switches, high-quality ventilation systems), carrying out procedures (regulation on implementing trial procedures) and measures against undisciplined and dangerous people (regulations that regulate punishments for disturbances in courtrooms and measures for handling perpetrators). Not only the interior of the courtroom (size, layout of furniture and equipment) and the courthouse (number of courtrooms, size of hallways, stairwells, lifts, restrooms, access for people with special needs, detention areas), are important, but also the area surrounding the courthouse (access, parking lots, lighting and the immediate vicinity). The author states that every courthouse needs to have a generator in the case of power outages (accidental or planned). Court safety inspections have to be performed daily, weekly and monthly, taking account of the security plans and the nature of the cases being heard in the court. For the most effective and least disruptive provision of court security, Barrett recommends cooperation among experts in the field of court security and exchanges of experience.

The third chapter deals with daily court operations and daily safety assessments in the case of proceedings involving dangerous or disreputable defendants or cases which receive a large amount of media and public attention. He emphasises the role of security personnel, their orderliness, consistency, politeness and ability to take action. He particularly emphasises the rule of court behaviour (etiquette); they include appropriate clothing not only for court personnel, but also participants in court hearings, and the psycho-physical status of participants in court proceedings (e.g. inappropriate conduct due to the effects of psychotropic substances). The work day at court begins and ends with an inspection of the building, hallways and courtrooms.

The organisation of court security is the subject of the fourth chapter; the author underscores the importance of analyses of security problems. He also finds that in the past there was no money for improving court security until someone killed or seriously wounded a judge, a participant in a court proceeding or security personnel. An analysis in 2007 showed that in a certain district in Florida 3129 prisoners were brought to court, and inspections detected 1708 knives and other types of weapons. In the USA a great deal has been done with regard to court security in recent decades and a special service has been introduced which operates in the framework of the Marshals Services or the Sheriffs' Office and which specialises in court security.

The legal aspects of providing court security and maintaining order in court are the main topics of the fifth chapter. An interesting case cited by the author (p. 65) refers to a "joker" from Oklahoma City who during a break in a court proceeding tore his clothes off and threw them into a restroom. They immediately provided him with other clothing at the courthouse and when he attempted to tear them off as well, security personnel took action against him. This case demonstrates a response to inappropriate behaviour by the defendant, [...] where the judge must

*ask the defendant to refrain from behaviour if his conduct is disruptive, contemptuous or disrespectful. If he does not stop, he must be removed from the courtroom. He can return only when he promises to act appropriately [...].* The author also presents cases where extreme restraining measures were used in the past, such as masks to prevent spitting, use of tasers etc. When there is a threat of danger, the trial can be conducted using video technology and the screening of statements on a television screen in the courtroom. The author gives several examples of inappropriate conduct in the courtroom which led to taking action against the perpetrator.

The sixth chapter deals with taking action during courtroom emergencies in the case of bombs, triggering of fire alarms, power outages, medical interventions, property damage, disruption of order in court, protests, attempts to flee, the presence of dangerous substances in the court premises etc. Trials of dangerous criminals or hearing cases which attract a great deal of media attention require careful preparation. The pressures of the media and the public lead to tensions and represent “exceptional situations” in the courtroom. Such cases require careful preparation of all procedures and the provision of increased security for the defendant, the victim, witnesses and court personnel. They also require additional security for judges owing to the numerous public pressures, potential threats and attempts to influence the judges, as well as increased and more intensive presence of security personnel in the courthouse and its immediate vicinity and good coordination with local police because of possible protests and violence outside the court.

Risk assessment in court is an important factor for providing security. It is necessary to verify the integrity of employees, who could become vulnerable due to any sort of scandal or involvement in unpleasant business, which would hinder the performance of court proceedings. Judges and other court personnel are no exception to this. Judges who sit more demanding cases, where revenge by organised crime groups can be expected, require additional security. Barrett believes that violence aimed at courts, judges and court personnel is usually carefully planned, and therefore the state’s response has to be extremely professional.

In the concluding chapter, Barrett summarises his findings from the preceding chapters with a quotation from Seneca: “He who does not prevent a crime when he can, encourages it.” Different kinds of people gather in court. The majority of them respect order in the court and the rules of court behaviour which apply in civilised societies, but this is a place where people appear with different values, beliefs and viewpoints, and different conceptions of justice and honesty. It is also a place where strong emotions often appear and this can lead to violent reactions among people who would be peaceful in other circumstances; this applies to defendants as well as victims and the public. Court security personnel must be able to manage people’s behaviour so that it does not develop into extreme forms that lead to threats to the life and health of all present in the arena of the dispensation of justice. Security has to be provided to everyone present; the court must remain a symbol of state authority and the ideals of the judicial branch must be maintained. People experience courts in different ways. For some it is an institution where just decisions are handed down, for others an institution which causes deprivation and which incites violence, repression and fear. Taking account of the technical factors

of security as well as social psychology and the psychology of dangerous criminals is mandatory in providing court security.

At the end of this review, some findings from Slovenian research are presented which are reminiscent of Barrett's findings. A study carried out by Bele et al (1999) included 363 Slovenian judges. The research areas were as follows: experience with threats, familiarity with court security, technical and physical court security, problems in the field of court security, familiarity with the work of security personnel, self-defence and proposals for improving court security. The results indicate that 42 per cent of judges believe that the courts are poorly protected, and that a full 43.3 per cent had received some form of threat at work (direct physical threat, threats, telephone calls, spreading of rumours about revenge). The judges list as problematic areas a lack of protection against break-ins in court evidence storage areas and archives, a lack of emergency call buttons in courtrooms and the nonexistence of rules of conduct for parties to court proceedings. Five per cent of judges engage in martial arts for their personal safety, and 2 per cent carry weapons. They are aware that parties to proceedings can behave inappropriately, and that not only defendants are dissatisfied, but also witnesses and victims. The judges would like to have rules of court conduct, particularly in the courtroom. A small number of judges were threatened during court hearings – i.e. they were directly physically attacked. There were also a few anonymous calls about bombs planted in courts. The judges believe that security services in court add to a feeling of security, surveillance of parties, providing security for employees and property, prevention of entry of unauthorised personnel into official premises, reduction of the number of threats in the presence of security personnel, improved feelings among employees, warding off of potential rioters and order or an impression of order and organisation of work in the courts.

I recommend *Protecting Court – A Practitioner's Guide to Court Security* to employees of the Ministry of Justice responsible for court security, presidents of courts, judges, prosecutors, lawyers, individual security personnel, students of security and criminal justice and of course researchers in the field of the secure operations of institutions of formal social control.

Gorazd Meško

## Literature:

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Immigration Court Practice Manual. In 2006, the Attorney General instructed the Director of the Executive Office for Immigration Review, in consultation with the Immigration Judges, to issue a practice manual for the parties who appear before the Immigration Courts.Â The Practice Manual is a comprehensive guide that sets forth uniform procedures, recommendations, and requirements for practice before the Immigration Courts. The requirements set forth in this manual are binding on the parties who appear before the Immigration Courts, unless the Immigration Judge directs otherwise in a particular case.Â Chapter 10 Discipline of Practitioners 10.1 Practitioner Discipline Generally .