

Safe and Secure: Protecting Judicial Officials*

Neil Alan Weiner, Donald J. Harris, Frederick S. Calhoun, Victor E. Flango, Donald Hardenbergh,
Charlotte Kirschner, Thomas O'Reilly, Robert Sobolevitch, and Bryan Vossekuil

Judges and others who work in our nation's courts—prosecutors, defenders, bailiffs, and sheriffs, among others—have become targets of a range of hostile acts. These acts include inappropriate communications, direct threats, inappropriate approaches, and physical assaults.

While much violence is personal and concrete, the direct result of a grievance, some violence is a largely impersonal and symbolic attack against public institutions or officials. These acts are attempts to make a general statement, using a public setting such as the court as a platform. Thus, a threat or attack against a judicial official, or against a courthouse, can also serve as a symbolic attack against the justice system as a whole. Symbolic attacks on the judicial system heighten the stakes and the challenges that must be addressed in a pluralistic democracy, for it is largely through the judiciary that individuals with conflicting interests can seek remedies and thereby defuse escalation before it reaches the level of outright violence.

Court security resources are limited at virtually every judicial level and in each judicial jurisdiction. Only in rare instances can a judicial official be provided with protection twenty-four hours a day, seven days a week. It becomes essential, therefore, to develop tools to assess threats and to distinguish between those threats that are real and those that are not. Although investigative, assessment, and management protocols have recently been designed for use in the federal judicial system, no such protocol is available for the protection of state and local judicial officials.

Effective protection of any public or judicial official has two key components. The first consists of a range of physical measures that may be employed to deter an attack. Armored limousines, metal detectors, and armed law enforcement officers are some examples. Such physical measures are often widely employed but inherently limited. Less visible but equally important are efforts to identify persons and groups who may have the intent and capacity to attack before they come within lethal range of the target. The process of identifying those who may pose threats comprises a sequence of activities involving investigation, assessment, and management. In order to be effective, such a program must be built upon an operationally relevant knowledge base of actual attacks and near attacks, and instances where persons have communicated threats or other

expressions of inappropriate interest. Such a knowledge base does not exist for judges and other court officials.

This article reviews recent efforts to respond to violence directed against federal, state, and local judicial officials, as well as against the judiciary itself, and proposes that a program of research be undertaken to aid in the development of protocols of threat investigation, assessment, and management. Two sources of evidence underscore the seriousness of the problem and the need for such a research program: (1) individual case histories and personal experience (recounted by judicial officials and leaders of their professional associations); and (2) quantitative information (such as the rates at which judicial officials experience threats and attacks and the degree to which these vary by geographical location and judicial jurisdiction).

The following individual acts of violence against the judiciary nationwide provide cause for concern:

- California Superior Court Judge Harold J. Haley was brutally murdered by two prisoners, James McClain and William Christmas, during an attempted escape from the Marin County Courthouse in San Rafael, California, on August 7, 1970. This single incident became the impetus for the establishment of the court-security division within the U.S. Marshals Service.
- In 1988, a man shot at a federal judge outside the judge's home in Pelham, New York. After pursuing the judge inside his house, the man shot the judge and later shot himself.
- In Plantation Key, Florida, during the course of his trial, a drunk-driving defendant pulled a gun, aimed it at the judge, and shot the courtroom bailiff who tried to intervene.
- A Maryland circuit court judge was injured in a pipe-bomb explosion in December 1990.
- In Grand Forks, North Dakota, a man appearing in court for failing to pay child support shot and seriously wounded the judge. On that same day, in Clayton, Missouri, another man shot and killed his estranged wife and wounded her attorneys while waiting for his divorce hearing to begin.
- Since 1979, three federal judges have been assassinated in or around their homes because of their involvement in court cases.
- On October 19, 1999, Judge Linda K. M. Ludgate of the

Footnotes

* The authors thank John P. Flaherty, chief justice of the Pennsylvania Supreme Court, and Nancy M. Sobolevitch, former court administrator of Pennsylvania, for their assistance in making this article possible. The authors also thank Rose Mary Figazzotto of the Administrative Office of Pennsylvania Courts, for all her data management and proofreading work; Vera Huang of the Center for Youth Policy Studies at the University of Pennsylvania,

for her statistical programming and critical review of earlier drafts; and Lynn Jenkins of the National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention, for her critical review of the article, for pointing to measurement and sampling deficiencies in the area of workplace violence and how to begin remedying them, and for directing us to key research citations.

Court of Common Pleas of Berks County, Pennsylvania, was attacked by a defendant during a status hearing. The defendant incapacitated two sheriff's deputies prior to beating the judge unconscious. The judge suffered a broken arm, nose, and facial bone before police and probation officers could intervene.

These incidents are only a small part of a more substantial story whose full dimensions are not fully understood. The problem of judicial security, like all occupational security, has only begun to emerge over the last two decades as an issue warranting rigorous scientific examination. The limited information available regarding judicial security derives from only a few federal, state, and local sources.

SHOULD WE SOUND THE ALARM? WHAT DO THE NUMBERS SAY?

The U.S. Marshals Service has collected information about inappropriate communications, threats, and attacks involving federal judicial officials from October 1, 1980 to September 30, 1993. During this period, 3,096 reports were recorded by the U.S. Marshals Service. Just under 8% of the reports involved inappropriate communications (242 incidents) that appeared to be linked to later, more serious actions. Of the 3,096 reports, 4% (118) involved incidents in which court officials were attacked or involved attacks against others, and another 4% (124) involved incidents in which other court officials were in danger of being harmed by persons who threatened or attempted to take inappropriate action.¹

The U.S. Marshals Service performed analyses expressly for this article for the two most recent reporting years, 1997 and 1998. Each year, there were approximately 1,700 judges sitting on the federal bench and there were approximately 700 separate inappropriate communications reported. Overall, 334 judges in 1997 and 345 judges in 1998 received these communications. In both 1997 and 1998, fully one in five federal judges received an inappropriate communication that raised concern about the potential for an inappropriate approach or attack. It is difficult to imagine that this level of concern did not have a disruptive impact on judicial functioning.

The National Institute for Occupational Safety and Health at the Centers for Disease Control and Prevention collects information annually on fatal workplace violence, which it compiles in the National Traumatic Occupational Fatalities Surveillance System.² Between 1980 and 1992, there were 9,937 workplace homicides, an average annual rate of 0.70 homicides per 100,000 workers. Five law enforcement and justice administration occupational groups were among the 18 highest workplace homicide rates between 1983-1989: sheriffs and court bailiffs; police and detectives—public service; security guards; supervisors—police and detectives; and correctional institution officers. Among these groups, sheriffs and court bailiffs had the

highest rate (10.9 per 100,000 workers). This is more than fifteen times the national average.³ Moreover, among the 18 occupational groups with the highest workplace homicide rates, the rate for sheriffs and court bailiffs was surpassed only by taxicab drivers and chauffeurs (15.1 per 100,000 workers).

At the 1999 mid-annual meeting of the Pennsylvania Conference of State Trial Judges, a discussion of court security and safety took place. Virtually all of those in attendance indicated by a show of hands that they had been threatened within the last year.⁴ That show of hands raised sufficient concern for the Court Administrator of Pennsylvania to mount a "survey of judicial safety" covering 1,112 of the state's judges, which included all judges in the state who come in direct contact with defendants and litigants. The survey focused on the types of threats—inappropriate (odd, ominous, troubling) communications, explicit threats, inappropriate approaches (e.g., followed, face-to-face confrontation or attempts), and physical assaults inside and outside the courthouse—sustained within the previous year as the result of discharging "judicial responsibilities." Related questions were asked about law-enforcement notification, the extent of physical injuries that were sustained, and the extent to which such incidents led to a change in the way in which judges conducted judicial business.

As would be expected, judges of limited jurisdiction courts (district justices, Philadelphia Municipal Court judges, Philadelphia Traffic Court judges, and judges of the Pittsburgh Magistrates Court) experienced more incidents than judges of general jurisdiction, and judges on active assignment had more problems than senior judges. The detailed results are shown in Table 1, which shows, for each type of judge, how many reported receiving an "inappropriate communication," a "threatening communication," an "inappropriate approach," a "physical assault," or "any threatening action" (i.e., any one or more of the types already listed). Notably, more than half (52%) of responding judges had experienced one or more incidents of various types.

While not surprising, it is important to look at the differences in incident rates based upon the jurisdiction of the judge. Most judges of limited jurisdiction serve in a location other than the county courthouse and generally have less protection than judges of general jurisdiction. Additionally, active judges experienced higher rates of the surveyed incidents than senior judges. Senior judges are typically judges age 70 and over who work on an as needed basis. Because senior judges generally do not work as often as active judges, they are exposed to fewer

"Most judges of limited jurisdiction serve in a location other than the county courthouse and generally have less protection"

1. FREDERICK S. CALHOUN, HUNTERS AND HOWLERS 51 (U.S. Marshals Service, 1998).
2. Current Intelligence Bulletin 57, *Violence in the Workplace, Risk Factors and Prevention Strategies* (National Institute for Occupational Safety and Health, June 1996).

3. National Institute for Occupational Safety and Health, June 1995, Table 9.
4. Personal communication with Nancy Sobolevitch, Administrative Office of the Pennsylvania Courts.

**Table 1 : Pennsylvania Judicial Safety Survey
Type of Judicial Jurisdiction by Type of Threatening Action**

Type of Judge	Number of Judges Responding	Inappropriate Communication	Threatening Communication	Any Inappropriate Approaches	Physical Assaults	Threatening Action
All Responding Judges	1,029	440 -- 42.8%	238 -- 23.1%	268 -- 26.0%	12 -- 1.2%	533 -- 51.8%
Judges of the Courts of General Jurisdiction	355	154 -- 43.4%	80 -- 22.5%	64 -- 18.0%	2 -- 0.6%	184 -- 51.8%
Senior Judges of the Courts of General Jurisdiction	75	12 -- 16.0%	5 -- 6.7%	6 -- 8.0%	0 -- 0.0%	15 -- 20.0%
Judges of Limited Jurisdiction Courts	530	267 -- 50.4%	147 -- 27.7%	187 -- 35.3%	9 -- 1.7%	320 -- 60.4%
Senior Judges of Limited Jurisdiction Courts	69	7 -- 10.1%	6 -- 8.7%	11 -- 15.9%	1 -- 1.4%	14 -- 20.3%
All Judges of the Courts of General Jurisdiction	430	166 -- 38.6%	85 -- 19.8%	70 -- 16.3%	2 -- 0.5%	199 -- 46.3%
All Judges of Limited Jurisdiction Courts	599	274 -- 45.7%	153 -- 25.5%	198 -- 33.1%	10 -- 1.7%	334 -- 55.8%
All Active Judges	885	421 -- 47.6%	227 -- 25.6%	251 -- 28.4%	11 -- 1.2%	504 -- 56.9%
All Senior Judges	144	19 -- 13.2%	11 -- 7.6%	17 -- 11.8%	1 -- 0.7%	29 -- 20.1%

opportunities to be endangered due to their professional responsibilities.

Table 2 details the number of judges reporting threatening actions by locale (i.e., whether they were inside or outside the courthouse) and whether the judge reported the threatening actions to law enforcement. Of those judges receiving inappropriate communications, 85% reported at least one incident that had taken place inside the courthouse, while 27% reported at least one incident that had occurred outside the courthouse. Law enforcement was notified of inappropriate communications by 44% of the judges. Between 72% and 100% of the judges said that a threatening communication, an inappropriate approach, or a physical assault had occurred inside the courthouse; between 17% and 44% of the judges indicated that these same types of actions had occurred outside the courthouse. Law enforcement was notified by between 44% to 100% of the judges about these incidents, with the highest percentages for physical assaults. As these percentages show, the largest num-

ber of threatening actions occurred inside the courthouse. With the exception of the physical assaults, which are the most serious threatening actions, a substantial number of each type of threatening action was not reported to law enforcement.

Judicial functioning was affected because of these incidents. As a result of threats, inappropriate approaches, or assaults against themselves, 25% of the judges "somewhat" altered the way they conducted judicial business, and another 5% altered their conduct "a great deal." As a result of acts against one of their associates, 21% "somewhat" altered their business, and another 4% altered their conduct "a great deal." Overall, more than one in three judges (35%) changed their judicial conduct "somewhat" or "a great deal" because either they or one of their associates had experienced one of these incidents.

Unfortunately, it is extremely difficult to frame meaningful comparisons of these levels, or of the overall consequences of non-lethal violence, to other occupational groups because so

Table 2 : Inside or Outside the Courthouse: Number of Judges Experiencing One or More Incidents and the Number of Judges Reporting Incidents to Law Enforcement

	Inappropriate Communication		Threatening Communication		Inappropriate Approaches		Physical Assault	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Number of Respondents Reporting Incidents	440		238		268		12	
Occurred Inside Courthouse	375	85.2%	175	73.5%	193	72.0%	12	100.0%
Occurred Outside Courthouse	117	26.6%	67	28.2%	119	44.4%	2	16.7%
Law Enforcement Notified	193	43.9%	144	60.5%	119	44.4%	12	100.0%

Note: Each respondent may report multiple incidents; thus, percentages sum to more than 100 as several judges reported incidents in both locales.

little research has been done in this area. Only a few studies could be located that are broadly comparable to the Pennsylvania survey of trial judges.

A national school survey reported that 13% of the elementary and secondary school teachers surveyed in the public schools and 4% of those surveyed in the private schools had been threatened with injury by a student in the previous twelve months.⁵ In addition, 4% of those elementary and secondary school teachers surveyed in the public schools and 2% of those surveyed in the private schools were physically attacked by a student. The percentage of threatened teachers is far below the threat figures for Pennsylvania judges. However, the percentages of teachers who were physically attacked by students were comparable to that of Pennsylvania judges.

Only one other study could be compared to the results of the Pennsylvania safety survey, and then only broadly because the violence categories were not equivalent. The National Crime Victimization Surveys, conducted annually by the U.S. Department of Justice, collect information about violence in the workplace. In this context, violence is defined as rape and other sexual assaults, aggravated and simple assaults, and robbery. The data is collected for several occupational groups: retail sales; law enforcement; teaching; medical; mental health; and transportation.⁶ As shown in Table 3, the rate of physical attacks on Pennsylvania judges (1.2%) is almost identical to the overall rate for the occupational groups surveyed nationally (1.5%). There is some possibility that the national data is artificially higher, since the national data included robberies and the Pennsylvania survey did not, but the incidence of robberies (only 4% of workplace violence incidents reported in the national survey) was relatively modest and should not have greatly affected the comparison.

As can be seen in Table 3, the Pennsylvania judges rate of physical attacks would be fairly close to the medical and teaching categories but lower than the other categories. However, if one were also to include judicial security officials (sheriffs and bailiffs), we suspect that the rates for all judicial staff, including judges, would fall among those occupational categories with the very highest risk of physical assault. The workplace homicide information discussed earlier point in exactly that direction: sheriffs and bailiffs suffered an exceptionally high workplace fatality rate, second only to taxicab drivers and chauffeurs. These results, together with the ones cited earlier regarding the very high rates nationally of judicial workplace homicide, paint a very disturbing picture of a problem that needs much closer, sustained attention.

As the Pennsylvania survey of judicial safety confirms, for each officially recorded incident, many others are not reported. A serious challenge faced by researchers is that virtually nothing scientifically rigorous is known about almost any aspect of violence targeted at state and local court officials, both those that are recorded and those that are not. No subject—whether suspects and perpetrators; targets (judges, prosecutors, defend-

Table 3 : Percentages of Non-Fatal Attacks by Occupation Group (National Crime Victimization Survey, 1992-1996)

Occupation	Rate of Non-Fatal Attacks
Law Enforcement	
Police	30.6%
Corrections Officer	11.7%
Private Security	21.8%
Other	6.2%
Transportation	
Taxi Driver	18.4%
Bus Driver	4.5%
Other	1.0%
Retail Sales	
Bar	9.1%
Gas Station	7.9%
Convenience/Liquor Store	6.8%
Other	1.8%
Mental Health	
Professional	8.0%
Custodial	6.3%
Other	6.4%
Teaching	
Junior High	5.7%
Special Education	4.1%
High School	2.9%
Elementary	1.6%
Technical/Industrial	0.4%
Preschool	0.4%
College/University	0.3%
Other	1.0%
Medical	
Nurses	2.5%
Technician	2.1%
Physicians	1.6%
Other	1.1%
Other/Unspecified	0.8%

ers, sheriffs, bailiffs, and others); or the settings in which they cross one another—has been rigorously studied.

More is known about violence directed at federal judicial officials, but that work has only recently begun. Additional data are necessary regarding threatened, attempted, and actual

5. KAUFMAN, ET AL., INDICATORS OF SCHOOL CRIME AND SAFETY, 1998 (U.S. Department of Education and U.S. Department of Justice, Oct. 1998).

6. GREG WARCHOL, WORKPLACE VIOLENCE, 1992-96 (Bureau of Justice Statistics Special Report, July 1998, available in full text at: <http://www.ojp.usdoj.gov/bjs/pubalp2.htm#W>).

"A fair and impartial judiciary needs a safe and secure environment within which justice can be pursued without intimidation."

attacks—their types and numbers; whether and how often inappropriate communications preceded them; the specific behaviors that pose a threat; the personal and social backgrounds of perpetrators and targets; and the relationship between the perpetrators and targets. Finally, little is known about what has been done to

respond to the perpetrators or the effectiveness of these responses.

Some knowledge is available now, based on research by the U.S. Secret Service and the U.S. Marshals Service, that leads to the conclusion that threats, inappropriate approaches, and attacks against public officials (federal executive-branch protected officials and federal judges) occur for a variety of reasons and a range of motives.⁷ Importantly, many of these hostile and violent acts exhibit components of behavioral orderliness, rationality, coherence, deliberateness, duration, and, consequently, predictability. This means that these acts are often amenable to effective, strategic interventions.

The requirement that courts be free and open complicates security planning, making it more difficult to deliver protection. Court managers and security officers struggle to provide security without jeopardizing the administration of justice. The identification, through research, of appropriate security practices, procedures, programs, and policies can help alleviate this problem.

As mentioned previously, the U.S. Secret Service and the U.S. Marshals Service have begun to research and to design protective solutions for public officials covered by their agency mandates. Unfortunately, their work does not focus on state and local judicial officials.

We expect that research collected about state and local judiciaries also will benefit federal security practices, as cases from these jurisdictions increasingly find their way into the federal court system. The U.S. Marshals Service has observed the increasing transmission of inappropriate communications across federal, state and local jurisdictions. A pilot project called Protecting Justice, with the acronym PROJUS, has been undertaken. As part of the PROJUS project, nine local jurisdictions have been reporting inappropriate threats against local judicial officials to the U.S. Marshals Service. Through this program, the Marshals Service found that 10% of the persons who had inappropriately communicated with state and local officials had also inappropriately communicated with federal judicial officials.

RESEARCH NEEDED

A group of leading law-enforcement agencies, professional associations, and research institutions, represented by the authors of this paper, have proposed a multi-phased project to collect and analyze information and to develop threat assessment protocols, procedures, and policies applicable to state and local courts. The collaborative project seeks to achieve the following goals: the development of a data-reporting system and the collection of data and its analysis; the design of a threat assessment instrument and guidebook; and the development of educational and instructional materials, along with the provision of technical assistance.

A fair and impartial judiciary needs a safe and secure environment within which justice can be pursued without intimidation. Judges and jurors need to be free from fear; other court officials and employees need to feel safe in and out of their workplace; and witnesses, litigants, and visitors all need to feel safe while in and around the courthouse.

Threats to the safety of judges, judicial personnel, and other participants in our judicial system have prompted the implementation of enhanced security measures inside our nation's courthouses. These measures have focused mainly on the courts' physical environment and have been designed to "harden targets," to detect and confiscate weapons, and, thereby, to deter or interfere with the occurrence of violence. Target-hardening measures have included entrance screening through the use of metal detectors and x-rays; the use of separate prisoner, public, and staff circulation systems within the building; and the installation of duress alarms and video surveillance. These and other security measures that focus on instruments of violence have become commonplace in our county and state courts. What has not been adequately addressed, however, is how to assess and respond to inappropriate communications and threats against judicial officials and to dangers posed outside the courthouse.

Local sheriffs, who are most often responsible for court security, are not well equipped to handle inappropriate communications and threats against judges or other judicial staff, especially those that occur outside the courthouse. Sheriffs do not presently have the capacity to distinguish between a threat made and a threat posed: a person may make a threat but it may not constitute an actual threat. Yet, precisely such guidance is needed and frequently requested.⁸ In those places where court security does exist, it is typically directed toward the physical security of the courthouse and is often limited only to those hours that court is in session. Moreover, in many county courthouses, security procedures are only in operation during trials. At other times, the courthouse is not secured at all.

Sufficient resources are not available to provide judges and other judicial officials with round-the-clock protection.

7. BRYAN VOSSEKUIL AND ROBERT A. FEIN. PREVENTING ASSASSINATION: REPORTS FROM THE SECRET SERVICE EXCEPTIONAL CASE STUDY PROJECT (U.S. Secret Service, April 1998, unpublished manuscript); Robert A. Fein and Bryan Vossekuil, *Assassination in the United States: An Operational Study of Recent Assassins, Attackers, and Near-Lethal Approachers*, J. FORENSIC SCI. 321 (March 1999); FREDERICK S.

CALHOUN, HUNTERS AND HOWLERS: THREATS AND VIOLENCE AGAINST FEDERAL JUDICIAL OFFICIALS IN THE UNITED STATES, 1789-1993 (U.S. Marshals Service, Feb. 1998).

8. Personal communication with Edward Keyton, Director of Training, National Sheriffs' Association, April 1999.

Consequently, it is essential that procedures be designed to assess the likelihood that individual threats will be carried out. Without such procedures, there is no rational way of maximizing the effectiveness of limited resources.

Research is needed to address these needs by reaching the following goals:

- identifying characteristics associated with different types of inappropriate communications and direct threats that might indicate whether an assault may follow;
- developing a threat assessment instrument that can be utilized by state and local court security officers; and
- preparing a guidebook on how to manage and counteract threats.

In order to accomplish these goals, it will be necessary to collect data nationwide on threats, inappropriate communications, and attacks against state and local judges and judicial officials. The data will need to be analyzed to identify those factors that most influence a particular assailant's decision to attack and the circumstances surrounding that decision. State and local court security officials, law-enforcement agencies, judges, and court administrators will need to be surveyed to document the perceived extent and nature of threats and attacks, and appropriate responses.

PHASE ONE

The project will sample a representative cross-section of county/city judicial sites within states in order to collect nationally representative information on individual incidents of inappropriate communications, direct threats, inappropriate approaches, and attacks. Judicial and law-enforcement officials in each of the sampled jurisdictions will be asked to submit reports on each incident. One by-product of the project would be the creation of a consensus about national standards for reporting incidents directed towards judges and judicial officials (i.e., which incidents and which data elements must be reported).

Drawing upon the approaches developed by the U.S. Secret Service and the U.S. Marshals Service, the data will be examined to:

- identify typical threat, inappropriate approach, and assault scenarios;
- consider ways to monitor and adjust to them;
- determine how to gauge their chances of occurring; and
- formulate recommendations about how to control them.

In order to achieve its overall goals, we envision phase one of the project would contain seven elements: (1) a survey of state and local courts and law enforcement agencies; (2) design of a law enforcement data collection instrument; (3) identification of localities for law enforcement data collection; (4) creation and maintenance of a permanent national investigative database; (5) creation and maintenance of a permanent national research database; (6) data analyses; and (7) establishment of international connections.

Objective 1: Surveying State and Local Courts and Law Enforcement Agencies

The project will first design, field test, and administer surveys for gathering information from courts and law enforce-

ment agencies on practices, procedures, programs, and policies regarding judicial safety and security. This information includes: (1) perceptions of patterns and trends in judicial safety; (2) relevant security studies that might have been conducted by state and local judiciaries and law enforcement agencies; (3) plans to launch such studies; (4) factors thought to be related to judicial threats, approaches, and attacks; and (5) factors thought to be related to their prevention and intervention.

The surveyed courts will correspond to the same jurisdictions from which law enforcement data will be collected about specific judicial incidents. The equivalence in the two samples will produce overlapping information from courts and law enforcement agencies regarding their overall perceptions of judicial safety and security.

Objective 2: Designing the Law Enforcement Data Collection Instrument

The project will collect records from law enforcement agencies about threats, approaches, and attacks against state and local judiciaries. Local court administrators will be requested to collect this information from their corresponding law enforcement agencies and forward it to the state court administrator who, in turn, will be asked to forward it to the U.S. Marshals Service. Arrangements for collecting information will be made on a state-by-state basis depending upon each state's capacity to collect and forward information.

Drawing upon the data collection and threat-management protocols of the U.S. Marshals Service, the U.S. Secret Service, and the experience of state and local court security personnel, a data collection instrument will be designed to gather key information on each incident. The data collection instrument will be field tested on cases involving judges and other judicial officials collected by the U.S. Marshals Service as part of the PROJUST pilot program now being conducted in nine state and local agencies. Based upon their experience, we anticipate being able to capture the following types of information:

- the personal and social characteristics and histories of the assailants and target;
- the type and jurisdiction of the court;
- the type of judicial proceeding;
- whether the incident was premeditated or deliberate at the time it occurred;
- the origin of the assailants idea to threaten or attack;
- the progression from the idea-to-act to taking action;
- the assailant's motives;
- how/why the target was selected;
- whether the attack was planned over time;

"[I]t is essential that procedures be designed to assess the likelihood that individual threats will be carried out. Without such procedures, there is no rational way of maximizing the effectiveness of limited resources."

"The national research database will be analyzed to describe patterns and trends in threats, inappropriate approaches, and attacks"

- the types and number of communications the subject made prior to the attack;
- whether there were factors in the assailant's life that influenced the decision to threaten or attack;
- the technology used to threaten or attack; and
- the types and number of prior threats and attacks against other judicial officials.

One procedure for improving the quality and usefulness of the data involves compiling all documents relating to several judicial security incidents and subjecting them to intensive analysis by a multidisciplinary team of the researchers and local authorities familiar with the incidents. This will assist us in understanding which informational elements, perhaps including ones that are not routinely documented now, might be useful if collected in the future.

Objective 3: Identifying Localities for Law Enforcement Data Collection

The sample will be designed to gather a sufficiently large number of incidents to ensure that sufficient jurisdictions (e.g., state/local, urban/rural) and court proceedings (e.g., criminal, civil) of each type are included to permit the reliable tracking of national, regional, and local patterns and trends. First, all state courts that have complete centralized reporting of judicial data will be asked to participate in the project.⁹ Second, each state not able to participate in this way, because of decentralized reporting of judicial data, will have its judicial jurisdictions sampled. The population categories adopted by the Federal Bureau of Investigation's Uniform Crime Reporting System will be used to sample individual jurisdictions. At least 800 locations will be sampled, covering a population of roughly 80 million. This design will encompass more than one-third of the population of those agencies reporting to the Justice Department's Uniform Crime Reports.¹⁰

Objective 4: Creating and Maintaining the Permanent National Investigative Database

All agencies that have agreed to participate in the project's data-collection activity will be asked to provide detailed information on individual incidents. Participating agencies will be asked to report in an automated format whenever possible. It is anticipated that state and local courts and law enforcement agencies (e.g., state police, county sheriffs, or court security agencies) will do the reporting on a quarterly basis to the U.S. Marshals Service in order to insure currency of the information.

This information will be entered into a national database of individual incidents that can be used for individual case intelligence and investigation across jurisdictions.

We expect that state court administrators will be the primary means for involving the local courts in the study. This is the most efficient way to proceed because required administrative reporting structures and procedures already exist that can be adapted for this project. The leadership of the Conference of State Court Administrators has already agreed to bring this issue to the full membership. Memorandums of understanding regarding reporting requirements and responsibilities will be established between the specific state administrative offices and the U.S. Marshals Service as necessary.

Objective 5: Creating and Maintaining the Permanent National Research Database

An aggregate research database of judicial threats and attacks will be established at, and maintained by, the National Center for State Courts. This database will be identical to the one maintained by the U.S. Marshals Service, except that individual case identifiers will be deleted. The database will be updated at least quarterly.

In view of the fact that the national research database will initially be composed of a sample rather than complete enumeration of jurisdictions, we conceive of it initially as:

- (1) a surveillance tool that will assist in tracking national, regional, and local patterns and trends in judicial threats, approaches, and attacks;
- (2) a technical assistance tool for jurisdictions that desire help in planning their security needs; and
- (3) a tool for designing standard strategies for investigating, assessing, and managing threats to judicial officials.

Once it matures into a complete enumeration of incidents, the national research database would comprise a census of incidents against judicial officials and the judiciary.

Objective 6: Data Analyses

The national research database will be analyzed to describe patterns and trends in threats, inappropriate approaches, and attacks within and across geographical units as well as within and across judicial levels within these units. The analyses will be designed to (1) develop a threat assessment instrument for law enforcement; (2) provide a national surveillance system of judicial incidents; (3) develop technical assistance modules for state and local groups; and (4) develop a guidebook on judicial threat investigation, assessment, and management.

Objective 7: Establishing International Connections

Threats and attacks against judicial systems worldwide have mirrored threats and attacks against the American judiciary.¹¹ We anticipate that our work will help judicial systems in other

9. The court survey will be designed to identify those states that already collect information of threats and attacks against judges and court officials in a centralized way. States that already collect information in this way, such as Connecticut, will be included in full in the sample. We have also been promised the full coopera-

tion of the courts in Delaware, New Jersey, New Mexico, and Pennsylvania in trying to implement full statewide coverage.

10. UNIFORM CRIME REPORTS, TABLE 12 (U.S. Dept. of Justice, 1996).

11. Calhoun, *supra* note 4, at 39-41.

countries to better protect themselves through collaborative research, information sharing, training, and technical assistance. In turn, we expect to learn from their experiences. We propose to engage with international partners, first in a limited way, and then expanding our contacts as the project unfolds.

Initially we will work with colleagues in Israel, who will design parallel court and law enforcement surveys, and law enforcement data collection instruments and procedures. A spate of bombings and bomb threats against the Israeli judicial system has catapulted the issue of judicial security to the fore in Israel. We will form a partnership with colleagues at the Minerva Center for Youth Studies at the University of Haifa to conduct the first cross-national work of its type in this area. This international relationship will stimulate comparative analyses that can assist in gauging the generality of our findings.

Due to its evolving expertise and prominence in judicial threat investigation, assessment, and management, the U.S. Marshals Service provides training in and delivers technical assistance on judicial security to several nations. At the present time, they are engaged with Russia, Venezuela, Italy, Finland, and Estonia, among others. The findings and products of this project can assist judicial systems beyond our nation's borders to better protect their court officials and, in turn, their capacity to discharge their judicial obligations in a fair and impartial way free from intimidation.

PHASE TWO

Once these seven objectives have been accomplished, a threat assessment instrument will be developed that can be used by state and local law enforcement and court security officials to assess individual threats. Then a guidebook will be designed, summarizing practices, procedures, programs, and policies to eliminate or reduce threats, approaches, and attacks. Both the instrument and the guidebook will be jointly developed by the research investigators at the National Center for State Courts and the University of Pennsylvania, with the consultation and assistance of the agencies working on this project.

ANTICIPATED CONTRIBUTIONS TO JUDICIAL POLICY AND PRACTICE

We expect to produce first-generation information about threats, approaches, and attacks against state and local judicial officials, as well as first-generation responses based upon case intelligence. As a result, anticipated contributions fall into two areas.

1. Policy and Planning:

- *Improved Strategic Decision-Making:* Development of information systems to improve the overall management and administration of judicial security and protection;
- *Results-Based Planning and Assessment:* Development and design of information systems and indicators to quantify measures of successful security initiatives; and
- *Greater Cooperation and Information Sharing:* Encouragement and creation of mechanisms for the transmission and sharing of information across federal, state, and local jurisdictions.

2. Applications and Operations:

- *Designing Better Response Strategies:* Development of comprehensive and coherent programs, procedures, and protocols focusing on the distinctive aspects of assailants, targets, and settings to bolster the safety of federal, state, and local judicial staff;
- *Improved Data Utilization:* Development of an increased capacity by federal, state, and local law enforcement agencies to access, share, and use law-enforcement data for individual case investigations;
- *More Focused Training:* Creation of the foundation for improved research-based training and instruction of federal, state, and local law enforcement agents and judicial staff; and
- *Database Infrastructure Improvements:* Design of a process and structure to create, maintain, and update databases that can be used for individual case investigations and for aggregate research analyses during and after the project.

"Safety and security are an indisputable predicate of an open and fair judicial system"

CONCLUSION

The goals of the proposed research project—"Safe and Secure: Protecting Judicial Officials"—are ambitious. Their attainment depends, as is often the case, upon the availability of funding to carry out the work outlined here. But the project's ambitions and costs are matched by the stakes involved. The safety and security of judicial staff must be of the highest priority at the federal, state, and local levels. Safety and security are an indisputable predicate of an open and fair judicial system, which, in turn, is a predicate of vigorous and undisturbed judicial functioning. There is no better way to realize one of the founding principles of our nation: to establish justice and to insure domestic tranquility.

Neil Alan Weiner is a senior research associate with the Center for the Study of Youth Policy at the University of Pennsylvania.

Donald J. Harris is director of policy research and statistics for the Administrative Office of Pennsylvania Courts.

Frederick S. Calhoun is the threat management advisor for the United States Marshals Service.

Victor E. Flango is vice president for research at the National Center for State Courts.

Donald Hardenberg is president of Court Works, a consulting firm for court management and planning located in Williamsburg, Virginia.

Charlotte Kirschner is a research analyst for the Administrative Office of Pennsylvania Courts.

Thomas O'Reilly is the administrator of the New Jersey Attorney General's office and a past president of the National Criminal Justice Association.

Robert Sobolevitch is a senior research associate at the Center for the Study of Youth Policy at the University of Pennsylvania.

Bryan Vossekuil is executive director of the National Threat Assessment Center of the United States Secret Service.