

Report of the N. H. Supreme Court Committee on Court Security

October 2005

The Supreme Court requested that this committee conduct a review of the existing security systems in the courthouses of New Hampshire and make recommendations for improvement therein. The committee submits this report.

Members of the Committee

Hon. Richard Galway
Associate Justice
NH Supreme Court

Earl Sweeney
Assistant Commissioner
Department of Safety

Sheriff Chester Jordan
Merrimack County

Chief Justice Robert Lynn
New Hampshire Superior Court

Hon. Francis Frasier
Hampton District Court

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Hon. Stephen Shurtleff
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Police Chief Steven Savage
Town of Plaistow

Bernard Hughes, CSO
Plymouth Family Division

Sheriff Daniel Linehan
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Hon. Edwin Kelly
Administrative Justice
District Court

Hon. Christina O'Neill
Probate Court

Hon. Michael Garner
Marital Master

Hon. Karl Gilbert
State Representative

Hon. Robert E. Clegg, Jr.
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Hon. Gillian Abramson
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Sheriff James Hardy
Hillsborough County

Stephen Monier, Liaison
U.S. Marshal

INTRODUCTION

The Committee has met numerous times since March, 2005 and has also toured a number of District, Probate and Superior courthouses and spoken with court personnel including judges, bailiffs, clerks, the United States Marshal for the District of New Hampshire, the Department of Safety, and members of Sheriff's Departments, in furtherance of our task. We also distributed a questionnaire to the 10 County Sheriffs as to the procedures generally followed during prisoner transport. Each administrative judge was asked to complete a courthouse physical security checklist. This checklist involved the areas of lighting, parking areas, landscaping, doors and windows, ceilings and walls, elevated areas, storage areas for weapons, ammunition, emergency power systems, perimeter and panic alarm systems, fire protection, courthouse communications, public areas, courthouse policies and procedures, and a physical description of the actual courtroom and prisoner areas. In addition, each administrative judge was requested to do a self-analysis proposal for upgrading the security in each court location to involve short term/little money expenditures, middle term/moderate money, and long term/significant expenditures. The committee members also personally looked at the design and security of many of the buildings themselves, the transportation of prisoners within and outside the courthouse, and the security of court personnel, both inside and outside the courthouse.

SUMMARY

Many of our courthouses are not well designed from a security standpoint, particularly some of the older locations. Many were built at a time when security was not the issue that it is today. In some of the courthouses, prisoners must be walked through

public areas, and in one instance even through the Judge's chambers to get to and from the cells to the courtrooms. Some do not even have holding cells. In some courts the Judge must pass by all the litigants on the way to and from the courtroom. In other cases victims and defendants must all wait in a single small space for their cases to be called. Some courthouses are located up flights of stairs and the lack of suitable waiting areas even places defendants, victims and witnesses in the stairwell waiting for their cases to be called. Not all courthouses have surveillance cameras and in others the cameras are poorly placed or more cameras are needed. There are multiple points of employee entry and exit in some courts, which increase security risks. In most cases there is no sally port for police vehicles and officers and prisoners are exposed when transitioning to and from vehicles. Some courts lack the personnel to staff metal detectors at all times when the courthouse is open, and some courts have not been equipped with metal detectors because the layout of the building provides no good location for placement of them. These problems will take time and money to solve.

RECOMMENDATIONS OF THE COMMITTEE

I. Long Term Security Planning

The committee recommends that the Administrative Office of the Courts create a formal capital improvement plan, using the security recommendations from the administrative judges, prioritizing the improvements with those that are the most urgent placed first on the plan, and work with the Governor and the Legislature to obtain funding. Any new courthouses built should be designed and erected for maximum-security benefits.

II. Immediate Improvements in Court Facilities and Security Management

Certain short-term recommendations should be carried out as soon as possible regarding physical security enhancements.

Recommendations:

- **The AOC should attempt to better secure the clerks' offices and administrative offices by means of physical security measures, which in the smaller courts could have the effect of potentially reducing the number of court security personnel required on non-court days.**
- **Duress alarms which are available to the judge should also be available to the court security officer or bailiff.**
- **There should be improved courtroom surveillance by the use of cameras with trained personnel in control rooms and the ability to communicate among all staff quickly.**

- **The Court Accreditation Commission should include within its purview issues of court security. This institutionalized commission can best address the problems, dangers and inadequacies of the present system in a forum where changes can be made and the funding secured to effectuate the changes.**
- **Consideration should be given to combining several courts into a single building, i.e., district, superior, probate and family, etc. This would bring about certain economies of scale in the expenses for both physical and human security needs.**
- **Video arraignments, with trained personnel operating them, reduce the security risks and the costs of transport. This should be studied and implemented.**

III. Enhanced Training for Court Security Personnel

The hiring and training standards for court security officers and bailiffs need to be upgraded and staffs augmented to more adequately address security concerns.

Recommendations:

- **Adequate numbers of certified, trained, full-time professional security officers should be responsible for security and on duty in our courts.**
- **All security officers should meet standardized criteria in the areas of physical abilities, weapons training, sensitivity and awareness of potential dangers, and ability to communicate with the public, the court, and other security officers to anticipate problems, including annual re-certification. A training**

program developed and administered by the Police Standards and Training Council with approval of the Supreme Court would be the best option to allow for uniformity and standardization.

- The court security officers or bailiffs need to be more extensively trained in the use of weapons, whether they are firearms, pepper spray or stun guns. It is essential that there be a standardization of weapons and that security holsters be mandated. Objective weapons certification should be required bi-annually.**
- The present *per diem* system of compensating court security personnel leads to a lack of adequate administrative controls simply because of financial constraints, and should be changed.**
- Each courthouse should have personnel trained to operate a magnetometer and should have this equipment in place. High volume courts should have x-ray machines operated by trained personnel.**
- Each courthouse should have regular security drills and scenario training to prepare for various threats. Local and area law enforcement should be invited to participate in the drills.**
- There should be more uniformity among the 10 County Sheriffs regarding policies on the transportation of prisoners, both within and outside the courthouses.**
- Each courthouse of sufficient size should employ a Security Manager, who is able to communicate between transport personnel, jails, and bailiffs so that any dangerous situation will be immediately communicated to all personnel.**

- **Staffing of security personnel requires flexibility so that security issues can be addressed.**
- **There should be fully uniformed “floaters” in the common areas of the courthouse for the protection of the public.**
- **Security should be provided for mediation proceedings.**
- **Security staff must communicate with other security personnel about their observations of potential problems and communicate these to the judge.**

IV. Offsite Security for Court Personnel

Many judges and some other court personnel reported to us that they have received threats to their persons and families in the past. The court system should assume more responsibility for the safety of court personnel at their homes and other locations away from the courthouse.

Recommendations:

- **Judges should be discouraged from using judicial number plates on their vehicles and those of their family members.**
- **A proposed statute dealing with harm or threats to certain government officials (a copy of suggested language attached as Appendix A) should be enacted by the Legislature.**
- **Each judge or master will be informed that the most efficient way of securing protection for an immediate threat outside a court building is to call the statewide 911 emergency telephone number. The judge’s home phone number and any other phones registered in the judicial personnel profile will**

show that the person calling is a judge or master. This will trigger the 911 personnel to notify law enforcement of the potential threat or problem regarding the judge or master.

- **Each judge or master will be given a special number to call to advise the dispatch at The Department of Safety of any threat regardless of severity. The dispatch will notify the Attorney General's Office and the Attorney General's Office will control the investigation, as they will be prosecuting under the above referenced statute.**
- **Each judge and judicial master may complete a judicial personnel profile, which will provide information to the police regarding telephone numbers, residences, vehicles owned or leased, family members, vacation homes, etc. This is to be kept in a secured area in the 911 dispatch at the Department of Safety and updated annually.**
- **The AOC should hold a judicial education conference on security outside the courthouse, to be attended by judges, masters, and clerks.**
- **A system should be developed to protect the home addresses of judicial personnel, including privacy of local assessment records, etc., and exceptions to the Right -to-Know law enacted to accomplish this.**
- **Judges and court personnel should be encouraged to have unlisted and non-published home telephone numbers.**

Appendix A

An Act

Regarding Harm or Threats to Public Officials

Analysis

This bill makes it a serious criminal offense to threaten or harm certain public officials and provides for prosecution by the Attorney General.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Amend RSA 631 by inserting after RSA 631:4 the following new section:
631:4-a Threats or Harm to Public Officials.
 - I. A person is guilty of a Class A felony if he or she harms, threatens to harm, acts with a purpose to alarm, harass, or commits or threatens to commit any crime against a sitting member of the General Court, a present or past governor, executive councilor, member of the judiciary, marital master, court employee or volunteer, juror, prosecutor, or member of their families or any person known or unknown to them for the purpose of influencing an official's action or in retaliation for any action taken as part of the official's governmental duties.
 - II. Venue shall rest where the threat, harassment, crime or harm originated or was received and the office of the attorney general shall prosecute violations of this statute.
 - III. "Harm" for purposes of this statute means any disadvantage or injury, pecuniary or otherwise, provided that it shall not be construed to include conduct protected under the United States Constitution or the New Hampshire Constitution.
2. Effective date: This act shall take effect upon its passage.