

TOWN OF COLONIE

Justice Court

Public Safety Center

312 Wolf Rd.

Latham, New York 12110

—◆—
Phone (518) 783-2738

Town Justice:

Peter G. Crummey

Senior Town Justice

Paula A. Mahan, Supervisor
Town of Colonie
Memorial Town Hall
Newtonville, NY 12128

April 25, 2014

RE: The State of the Colonie Town Court- 2013 update

Dear Supervisor Mahan;

It is a pleasure to submit electronically the annual update to our inaugural 2009 Report entitled, The State of the Colonie Town Justice Court. We continue to commend your attention to this Report so that the Town's Legislative Body can best understand the Colonie Justice Court and join us in our effort to maintain and enhance our Town's Court System.

According to the New York State Office of Court Administration, the Colonie Justice Court, in 2013, was ranked the twenty fifth (25th) busiest criminal court regarding finger printable offenses in the entire State Court System. As you can imagine, our criminal case load places us as the second busiest court in Albany County- (see addendum 1 attached). Overall, our Court handles approximately 25,000 criminal, vehicle and traffic and civil cases per year.

In 2013, our Court collected \$2,526,985.82 in revenue. Of that amount, the Town of Colonie retained \$1,195,620.60 the State received \$1,205,052.48, and Albany County received \$126,071.74 (see addendum 2 attached).

As you know, our Justice Department budget for 2013 was \$ 729,924.00. As one could readily see, the Court system more than pays for itself and in fact, the revenue generated by our Court should be reinvested into the Court system as outlined in our inaugural report and in our 2010, 2011 and 2012 annual updates.

Many of the recommendations made to the Town Board in our inaugural report require Town Board action and we wholeheartedly urge the Town Legislative Body to take the action as requested. Most of our requests for relief have been denied which is counterproductive to the delivery of Justice.

Additionally, our overall 2014 budget request was decreased by more than \$27,000. Our personal services line item was unilaterally decreased \$36,000, by the elimination of an existing Typist position, without notice to or input from this Department.

We continue to include in our Department's annual budget proposals to meet the dire needs of our Department and enclosed please find copies of our most recent, and denied, budget requests again for your convenience (see addendum 3 attached). We continue to urge you to grant these requests.

It is our hope that our Department's need for courtroom improvements be approved as part of our 2015 budget request. We are seeking the replacement of the flooring in both the large and small courtrooms as they have become not only a potential safety concern but also a disgrace. Attached are photos which depict the deplorable condition which underscores the necessity of our request. (see addendum 4)

In addition, we request that funds be approved to enhance the security of the Department.

SECURITY RECOMMENDATIONS REDACTED FOR SAFETY PURPOSES

I would refer to the attached articles which bring to light the need for increased court security and the rise in Court Room violence throughout our court system. (see addendum 5 attached) Further, we refer you to the National Center for State Courts recent publication entitled Guidelines for Implementing Best Practices in Court Building Security. The aforementioned report may be found at the following link to the National Center for State Courts website at: <http://cdm16501.contentdm.oclc.org/cdm/ref/collection/facilities/id/153>

Nonetheless, during 2013, the Court took the action it could to better facilitate Court functions.

In 2013, we submitted application for the Unified Court Systems' 2013-2014 Justice Assistance Program (JCAP) grant. Our application included a request for 19 new and/or updated computers, as well as funding for courtroom improvements. Based on our efforts, we have received 19 new computers to enhance the delivery of justice and become compliant with necessary technological upgrades. Although we applied for an additional \$16,000 for courtroom improvements, for the second year in a row, that grant funding was not forthcoming. As previously referenced in this report, this means that our necessary request will now be included in our upcoming budgetary proposal to be obtained with Town Funds.

Further, the Court redirected its evening court sessions to better meet the ever increasing load of jury and non-jury trials and hearings by allowing them to begin at 6:00 p.m. to better ensure the delivery of justice to the parties involved. In fact, the Court has been deluged with requests for criminal case hearings and trials and the Court has presided over a record number of jury trials, bench trials and criminal hearings in 2013.

Nonetheless, and because of the Court's designation of trial night and hearing night, justice has been more promptly delivered. No longer are the days when a jury trial date is years out but such cases can be

set in a matter of months. The Court has radically reduced the backlog of pretrial hearings and trials even though the requests for such are on the rise.

Through this Court's initial leading efforts to designate the Albany County Correctional facility as the Town's overnight holding facility, State legislation was signed into law as Chapter 343 of 2012 establishing the facility as an overnight housing facility for all of the Courts within the County (see addendum 6 attached). The cost savings and enhanced delivery of justice in implementing such Law are fully presented in our 2009 Report. With the assistance of Colonie Police Chief Heider and law enforcement agencies, we have begun to integrate this resource into our justice delivery system. As overnight holding was only a portion of our initial Greener Court proposal, which was to also include video arraignment, we hope to make strides toward this goal, as well. Further utilization of Correctional Facility holding also works to eliminate arraignments without counsel which is the goal of the Judiciary.

In the wake of Chief Judge Jonathan Lippman's call, in his The State of the Judiciary 2012, for defense counsel to be present even at arraignment, at all hours of the night, the urgency in adopting proposals, which we have advocated for five (5) years, remain upon us.

As to other issues, in the fall of 2013, Judge Massry met with representatives of the Erie County Better Business Bureau to discuss a diversion program, currently implemented in western New York, whose purpose is to reduce recidivism in connection with shoplifting. A study conducted by the University of Buffalo reported an eighty percent (80%) reduction rate. The Court subsequently met with representatives from the district attorney's office, public defender's office and local judges. Through this initiative, a pilot program in Albany County was implemented in 2014. To date two (2) classes have been held with a 100% attendance rate.

The Court continues to distinguish itself as a leader among the Judiciary. Judge Crummey serves as President of the Albany County Bar Association and serves on the New York State Bar Association

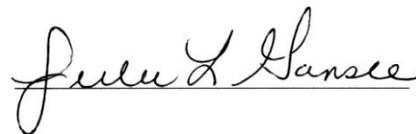
Special Committee on Youth Courts whose effort is to promote the creation of more Youth Courts throughout the State of New York. In 2013, Judge Crummey received the 2012 Distinguished Service Award from the New York State Bar Associations Law, Youth and Citizenship Committee. Judge Crummey also received the “Partners in Education Award” from the Capital District Council for Social Studies. Judge Massry continues to serve on US Senator Kirsten Gillebrand’s Service Academy Nominating Panel. Further, Clerk of the Court Julie Gansle serves as President –Elect to the New York State Association of Magistrates Court Clerks, Inc., serves on the New York State Task Force for Voluntary Reform of Justice Courts as well as the Town and Village Court Clerks Operations Manual Committee and continues to instruct newly elected Town and Village Justices as part of the Office of Justice Court Supports Taking the Bench classes.

As always, thank you for your consideration and support. Please feel free to contact us if you have any questions or comments. We would be pleased to provide a compact disc or paper copy of this report upon request.

Very truly yours,

A handwritten signature in black ink that reads "Peter G. Crummey". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Hon. Peter G. Crummey
Senior Colonie Town Justice

A handwritten signature in black ink that reads "Julie L. Gansle". The signature is cursive and elegant, with a horizontal line underlining the name.

Julie L. Gansle
Clerk of the Court

Cc: Honorable Andrew C. Sommers
Honorable Norman C. Massry

Hon. William E. Carl, Deputy Supervisor
Hon. Brian R. Haak, Town Board
Hon. David Green, Town Board
Hon. Linda J. Murphy, Town Board
Hon. Paul L. Rosano, Town Board
Hon. David C. Rowley, Town Board
Chief Steven H. Heider

ADDENDUM # 1

2013 Court Reporting Activity

Feb 01 2014

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Court ID	County	State	Court	Activity Placement		Estimated Court Events	Not Reported	Percent Reported
				State	Court			
Albany County								
NY001011J	1	12	Albany City Court	4184	242	94.22 %		
NY001291J	18	362	Albany City Traffic Court	1	1	0.00 %		
NY001013J	3	38	Albany County Court	1197	18	98.50 %		
NY001121J	17	357	Altamont Village Court	6	4	33.33 %		
NY001271J	13	335	Berne Town Court	28	14	50.00 %		
NY001061J	5	99	Beihleham Town Court	451	6	98.67 %		
NY001101J	9	243	Coeymans Town Court	124	38	69.35 %		
NY001041J	6	119	Cohoes City Police Court	374	12	96.79 %		
NY001131J	2	25	Colonie Town Court	1875	289	85.85 %		
NY001241J	12	316	Green Island Town Court	47	15	68.09 %		
NY001211J	4	55	Guilderland Town Court	823	141	82.87 %		
NY001181J	14	344	Knox Town Court	19	7	63.16 %		
NY001081J	8	234	Menands Village Court	141	3	97.87 %		
NY001071J	10	266	New Scotland Town Court	99	38	61.62 %		
NY001091J	11	270	Ravena Village Court	94	32	65.96 %		
NY001111J	16	355	Rensselaerville Town Court	8	7	12.50 %		
NY001251J	15	348	Voorheesville Village Court	15	6	60.00 %		
NY001051J	7	171	Watervliet City Court	238	27	88.66 %		
NY001141J	13	335	Westerlo Town Court	28	16	42.86 %		
Totals for	Albany		County are:	9752	896	90.81 %		

ADDENDUM # 2

2013	Total	State	County	Town	Other	Hand Park
January	\$231,999.05	\$106,941.30	\$12,882.85	\$112,174.90		\$150.00
February	\$211,803.45	\$110,736.00	\$11,167.90	\$89,749.55	\$150.00	\$30.00
March	\$222,450.15	\$113,827.70	\$11,370.75	\$97,251.70	\$0.00	\$90.00
April	\$233,789.20	\$112,094.63	\$12,605.49	\$109,089.08	\$0.00	\$135.00
May	\$195,978.30	\$94,093.50	\$11,213.70	\$90,671.10	\$0.00	\$45.00
June	\$181,670.35	\$76,886.50	\$6,421.95	\$98,361.90	\$0.00	\$120.00
July	\$223,887.15	\$108,792.95	\$9,703.10	\$105,391.10	\$0.00	\$60.00
August	\$219,292.15	\$98,231.75	\$6,435.15	\$114,625.25	\$0.00	\$30.00
September	\$210,789.20	\$102,496.15	\$7,255.10	\$101,037.95	\$0.00	\$15.00
October	\$239,294.54	\$109,705.50	\$11,544.08	\$118,044.96	\$0.00	\$30.00
November	\$168,247.03	\$79,348.50	\$8,855.51	\$80,043.02	\$0.00	\$15.00
December	\$187,785.25	\$91,898.00	\$16,616.16	\$79,180.09	\$0.00	\$105.00
TOTALS	\$2,526,985.82	\$1,205,052.48	\$126,071.74	\$1,195,620.60	\$150.00	\$825.00

ADDENDUM # 3

TOWN OF COLONIE
2012 BUDGET ESTIMATE- WORK PAPERS
PERSONELL

Department: Justice Department

Page: 2 of 7

By: Hon. Peter G. Crummey & Julie Gansle

Date: 6/3/2011

1. Account Number: 01-1E-E12-1110-110 - Establish one position of Law Clerk to Judge(s) - Attorney to research and analyze legal questions and issues and prepare memoranda with recommendations, draft opinions, decisions, orders, jury charges, and other written material. Job description attached, with an annual salary of between \$50,000 and 80,000 depending on experience. As the case volume continues to expand and motion papers become an increasing part of the Court routine it is imperative that at least one position be established to assist the Court with legal research and opinions. This request was made in the 2010 and 2011 budget requests, as well.

2. Account Number: 01-1E-E12-1110-110 - As part of current footprint of the Justice Department, request \$2500 increase in salary for each of the Job Titles within the Department to include 6 current Typists, 2 Clerks to Town Justices, 1 Senior Clerk to Town Justice, and 1 Clerk of the Court. As outlined in our State of the Court Report, presented to the Town Board in January 2010 and updated in February 2011, the Colonie Court is recognized as one of the largest Town Courts in the State and continues to manage the caseload presented to it while the resources available continue to diminish. The courts volume and required knowledge demand of its staff an ever increasing workload. It has always been our goal that the title and salaries reflect that of the higher level courts, as the volume and workloads are reflective. As we continue to work with The Town on potential title changes, and providing the department the tools to meet the demands on our Court System it is our hope that this increase assists in reaching that goal.

3. Account Number: 01-1E-E12-1110-110 – As to the current state of the Judiciary, a cost of living adjustment (COLA) of 3% for each of the three Town Justices. For four of the past five years the Judges have not received any COLA. As the Judges continue to manage millions of dollars in funds as well as weekly caseloads in the hundreds, the

commitment to the Court must meet the commitment of the Judiciary. Further, discussions continue between the Supervisor's Office and the Justice Department in response to the aforesaid State of the Court Reports with an eye to addressing the needs and requirements of the Court in connection with establishing the judicial structure required to meet the ever growing demands on the Colonie Justice Court. Addressing this critical area could also alter the Judicial and staff line items but, as we know, court revenues not only support the entire department budget but also contribute to the Town's General Fund.

TOWN OF COLONIE
2013 BUDGET ESTIMATE- WORK PAPERS
PERSONNEL

Department: Justice Department

Page: 2 of 7

By: Hon. Peter G. Crummey

Date: 6/4/2012

1. Account Number: 01-1E-E12-1110-110 - Establish one position of Law Clerk to Judge(s) - Attorney to research and analyze legal questions and issues and prepare memoranda with recommendations, draft opinions, decisions, orders, jury charges, and other written material. Job description attached, with an annual salary of between \$50,000 and 80,000 depending on experience. As the case volume continues to expand and motion papers become an increasing part of the Court routine it is imperative that at least one position be established to assist the Court with legal research and opinions. This request was made in the 2010, 2011 and 2012 budget requests, as well.

2. Account Number: 01-1E-E12-1110-110 - As part of current footprint of the Justice Department, establish proper Job Titles within the Department. The titles of typist, as they apply to certain court personnel, should be reconsidered to accurately reflect the duties of said personnel. As outlined in our State of the Court Report, presented to the Town Board in January 2010 and updated in February 2011 and 2012, the Colonie Court is recognized as one of the largest Town Courts in the State and continues to manage the caseload presented to it while the resources available continue to diminish. The Court's volume and required knowledge demand of its staff an ever increasing workload. It has always been our goal that the title and salaries reflect that of comparable courts, with similar volume and workloads. As we continue to work with The Town on potential title changes, and providing the department the tools to meet the demands on our Court System it is our hope that this increase assists in reaching that goal.

3. Account Number: 01-1E-E12-1110-110 – As to the current state of the Judiciary, a cost of living adjustment (COLA) of 3% for each of the three Town Justices and retroactive COLAS to readdress prior requests for relief in this regard. For five of the past six years the Judges have not received any COLA. As the Judges continue to manage millions of dollars in funds as well as weekly caseloads in the hundreds, the commitment to the Court must meet the commitment of the Judiciary. Further, discussions continue between

the Supervisor's Office and the Justice Department in response to the aforesaid State of the Court Reports with an eye to addressing the needs and requirements of the Court in connection with establishing the judicial structure required to meet the ever growing demands on the Colonie Justice Court. Addressing this critical area could also alter the Judicial and staff line items but, as we know, court revenues not only support the entire department budget but also contribute to the Town's General Fund.

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4. Account Number: 01-1E-E12-1110-110- As to the current salary of the Clerk of the Court, Julie Gansle, an increase in current base salary of \$10,000. She has remained at the same salary without any adjustment yet continues to expand her knowledge and experience. The Colonie Court is recognized as one of the largest Town Courts in the State of New York and our recognition is due to the continued efforts and contributions of the Clerk of the Court in managing the daily operations of the Court. Our Court is looked to as an example and footprint for other Courts to mirror. The Clerk of the Court is continually called upon for her knowledge and experience in managing this Court. The Clerk of the Court serves on multiple New York State Unified Court committees and continues to ascend on the Executive Board of the New York State Magistrate's Court Clerks Association. There are very few, if any, Court Clerks that have obtained their Juris Doctorate while continuing to maintain the level of excellence this Court is known for. To give a point of comparison, a Deputy Chief Clerk IV with the Unified Court System in 2010 had a base salary of \$85,000 with only a Bachelor's degree requirement and a Chief Clerk VI had a base salary of over \$105,000. The responsibilities continue to grow and at the very least a request for reclassification of the Deputy Department Head-grade 1 should be addressed.

TOWN OF COLONIE
2014 BUDGET ESTIMATE- WORK PAPERS
PERSONNEL

Department: Justice Department
7

Page: 2 of

By: Hon. Peter G. Crummey
6/4/2013

Date:

1. Account Number: 01-1E-E12-1110-110 - Establish one position of Law Clerk to Judge(s) - Attorney to research and analyze legal questions and issues and prepare memoranda with recommendations, draft opinions, decisions, orders, jury charges, and other written material. Job description attached, with an annual salary of between \$50,000 and 80,000 depending on experience. As the case volume continues to expand and motion papers become an increasing part of the Court routine it is imperative that at least one position be established to assist the Court with legal research and opinions. This request was made in the 2010, 2011, 2012 and 2013 budget requests, but has been denied each year.

2. Account Number: 01-1E-E12-1110-110 - As part of current footprint of the Justice Department, establish proper Job Titles within the Department. The titles of typist, as they apply to certain court personnel, should be reconsidered to accurately reflect the duties of said personnel. As outlined in our State of the Court Report, presented to the Town Board in January 2010 and updated in February 2011, 2012 and 2013, the Colonie Court is recognized as one of the largest Town Courts in the State and continues to manage the caseload presented to it while the resources available continue to diminish. The Court's volume and required knowledge demand of its staff an ever increasing workload. It has always been our goal that the title and salaries reflect that of comparable courts, with similar volume and workloads. As we continue to work with The Town on potential title changes, and providing the department the tools to meet the demands on our Court System it is our hope that this increase assists in reaching that goal.

3. Account Number: 01-1E-E12-1110-110 – As to the current state of the Judiciary, a cost of living adjustment (COLA) of 3% for each of the three Town Justices and retroactive COLAS to readdress prior denied requests for relief in this regard. For six of the past seven years the Judges have not received any COLA. Most Town employees have received salary increases

during this time period. Further, the State of New York has provided raises for its Judiciary and it remains unconscionable that not even COLAS are provided to Colonies' Judiciary. As the Judges continue to manage millions of dollars in funds as well as weekly caseloads in the hundreds, the commitment to the Court must meet the commitment of the Judiciary. Further, a positive response to the aforesaid State of the Court Reports with an eye to addressing the needs and requirements of the Court in connection with establishing the judicial structure required to meet the ever growing demands on the Colonie Justice Court remains imperative. Addressing this critical area could also alter the Judicial and staff line items but, as we know, court revenues not only support the entire department budget but also contribute to the Town's General Fund.

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4. Account Number: 01-1E-E12-1110-110- As to the current salary of the Clerk of the Court, Julie Gansle, an increase in current base salary of \$20,000. She has remained at the same salary without any adjustment yet continues to expand her knowledge and experience. The Colonie Court is recognized as one of the largest Town Courts in the State of New York and our recognition is due to the continued efforts and contributions of the Clerk of the Court in managing the daily operations of the Court. Our Court is looked to as an example and footprint for other Courts to mirror. The Clerk of the Court is continually called upon for her knowledge and experience in managing this Court. The Clerk of the Court serves on multiple New York State Unified Court committees and continues to ascend on the Executive Board of the New York State Magistrate's Court Clerks Association. There are very few, if any, Court Clerks that have obtained their Juris Doctorate while continuing to maintain the level of excellence this Court is known for. To give a point of comparison, a Deputy Chief Clerk IV with the Unified Court System in 2010 had a base salary of \$85,000 with only a Bachelor's degree requirement and a Chief Clerk VI had a base salary of over \$105,000. The responsibilities continue to grow along with the salaries of the employees over which she supervises, at the very least a request for reclassification of the Deputy Department Head- grade 1 should be addressed.
5. Account Number: 01-1E-E12-1110-140 - Part-time hours totaling 1660 for Justice Court Senior Clerk, daily part-time hours as well as Criminal Court sessions. Part-time hours totaling 910 for Typist.

6. Account Number: 01-1E-E12-1110-130 - Overtime hours totaling 500 for Senior Clerk to Town Justice; 1000 hours for Clerk to Town Justices; 1200 hours for Typists. These hours account for the Courts weekly sessions of Traffic as well as Criminal Court.

ADDENDUM #4







ADDENDUM #5

LEADERSHIP COMMUNITY BETTER COURTS COURT EDUCATION PRIVACY POLICY & TECHNOLOGY ARTICLES BY AUTHOR

RELATED RESOURCES

[Article in PDF, Formal Resources](#)

HOME > BETTER COURTS > COURTHOUSE SECURITY INCIDENTS

Courthouse Security Incidents Trending Upward: The Challenges Facing State Courts Today

Violent acts surrounding court cases have been steadily rising despite the presence of increased courthouse security. What must courts do to counteract this trend?

Timm Fautsko
Principal Staff, National Center for State Courts

Steve Berson
Security Consultant, National Center for State Courts

Steve Swensen
Director, Center for Judicial and Executive Security

We live in a time when threats against judges and acts of violence in courthouses and courtrooms are occurring throughout the country with greater frequency than ever before. By their very nature, courthouse operations entail a heightened degree of risk. Every working day courthouses are visited by a large number of citizens, many of whom may be disgruntled and angry to the point of becoming lawbreakers. Individuals and groups have committed acts of violence in courthouses, often attempts to murder judicial officials, escape from custody, and disrupt or delay proceedings. Moreover, courthouses, which represent the ideals of democracy in American society, have become symbolic targets for antigovernment extremists and terrorists (domestic and international).

One only has to spend a little time immersed in social media to see how prevalent courthouse violence has become. Within a matter of minutes we can view videos of a considerable number of violent incidents that have taken place in courtrooms and courthouses across the country. Most of what we see in these videos involves, to one extent or another, unruly prisoners, disgruntled litigants, and upset family members. In addition to shootings, bombings, and arson attacks, there have been killings, assaults, failed bombing attempts, suicides, bomb plots, murder-for-hire conspiracies, and much more. Often, it is only a matter of opportunity, a fateful decision, or the inability to "wrestle" away a handgun that has prevented a physical confrontation from tragically escalating into a deadly one.

The expertise and objectivity entailed in an independent third-party assessment may also provide those who must appropriate funds a higher level of understanding and comfort that the assessed need is indeed legitimate and measured.

The number of threats and violent incidents targeting the judiciary has increased dramatically in recent years. At the federal level, the U.S. Marshals Service's Center for Judicial Security reports the number of judicial threat investigations has increased from 592 cases in fiscal year 2003 to 1,258 cases by the end of fiscal year 2011. At the state and local levels, the most informative data about state courts comes from studies conducted by the Center for Judicial and Executive Security (CJES). Their data show that

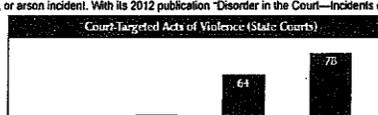
the numbers of violent incidents in state courthouses has gone up every decade since 1970.

In 2010 CJES's Judicial Counter-Violence Initiative released its study on "Court-Targeted Acts of Violence." This comprehensive study focused on courthouse shootings, bombings, and arson attacks. It covered incidents occurring in the United States over a 40-year period (1970-2009). Since publication of this study, CJES has continued to research and document courthouse shootings, bombings, and arson attacks, uncovering multiple incidents that had been previously unrecorded during the stated study period.

A breakdown of the CJES research data show that 199 incidents (shootings, bombings, and arson attacks) have occurred in state courts from 1970 through 2009: 20 during 1970-79; 37 during 1980-89; 64 during 1990-99; and 78 during 2000-09. In addition, CJES has documented 11 state courthouse incidents for 2010 and 13 for 2011. Clearly, incidents involving shootings, bombings, and arson are on the rise.

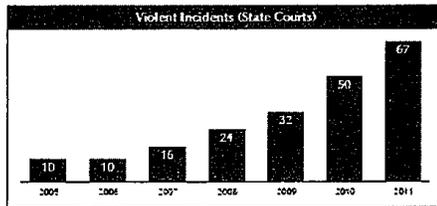
Additionally, CJES began in 2009 to track and record violent incidents in courthouses other than shootings, bombings, and arson attacks. These include killings and other assaults, bomb plots, and incidents of violence that stop just short of a shooting, bombing, or arson incident. With its 2012 publication "Disorder in the Court—Incidents of Courthouse Violence," CJES has documented 209 such "other" incidents involving state courts from 2005-11: 10 in 2005; 10 in 2006; 16 in 2007; 24 in 2008; 32 in 2009; 50 in 2010; and 67 in 2011. Again, these types of violent incidents are on the rise.

The CJES research reveals that a majority of all of these types of incidents are "case-



related." This means that the person committing or plotting a violent act was involved in a past or present matter before the court. To commit a violent act in the courthouse, a person must, in addition to having motive and intent, be able to 1) identify the target; 2) determine the incident venue; 3) attempt to circumvent or bypass security; or 4) identify an incident site that either has a lack of security or a recognized vulnerability, limitation, or deficiency that can be readily exploited.

Of note is that arson attacks, through the use of improvised incendiary devices, have increased in number and frequency. This is predominately a result of "Incident Displacement Effect," in which because of heightened courthouse security measures (e.g., security screening, controlled access, law-enforcement staffing, etc.) some individuals may have to choose locations other than the courthouse to commit violent actions. These "incident-displaced" locations might include security-screening stations and courthouse plazas, parking, and perimeter areas. The concern is that off-site locations, such as judicial residences, will become even more targeted. A few examples of measures designed to counter this effect include residential security and risk-based assessments, protective intelligence and investigation programs, crime prevention through environmental design (CPTED) features, physical security and surveillance systems, identity-protection programs, and sound personal and travel security considerations.



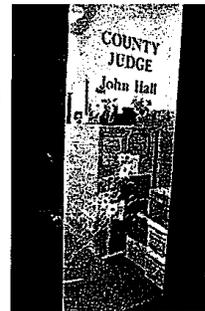
With the advent of courthouse security awareness, heightened security measures, refined policies and procedures, specialized training, and site-specific security measures, one might have expected that the number of incidents would have decreased rather than increased in recent years. However, when one delves further, it becomes evident that because of the environment surrounding court proceedings, normally "good-persons" may resort to doing "bad things." Those predisposed to violence may also act out on their impulses. This can be attributed to self-perceptions (actual or perceived) of what constitutes a "highly charged emotional event." High-threat and high-profile proceedings may be considered highly charged emotional events but so might criminal court, family court, traffic court, conciliation court, etc. It depends entirely on what the involved believes—not what you or I do. What does prevent most of us from acting out are

behavior or violence "inhibitors," including strong family support, employment and financial stability, morals, freedom from incarceration, good health and well-being, and respect for authority, law, and justice. If these inhibitors are weak or absent, and if an individual is placed in a "highly charged emotional event," there is a higher potential or risk of violence. The general rule is the more inhibitors one has, the less the threat or risk they pose; the fewer the inhibitors one has, the higher the threat or risk they pose. The stressor (i.e., what causes one to lash out) in a courthouse that may precipitate the violent act could be a sentence, verdict, testimony, bond revocation, custody status, or criminal, civil, or family court ruling, order, or fine. Therefore, official court actions can be classified as potential stressors, and all court proceedings have an associated inherent risk and potential for violence escalation.

It is not surprising that incidents of courthouse violence have been trending upward. The risks involved in courthouse operations are great and varied, and they can never be eliminated. But with proper attention and care, they can be minimized.

Minimizing the risks is not necessarily expensive. Much can be done with little or no additional direct costs. Getting organized and getting the word out on security matters can go a long way toward minimizing security risks. Getting organized means first establishing a formal court security committee. The committee should be chaired by a judge and include court staff and stakeholders with an interest in or responsibility for court security—for example, representatives from law enforcement, the district attorney, the county facilities department, human service agencies, and first responders. The committee should meet regularly and be empowered to exercise rigorous oversight on all matters relating to security within a courthouse. Without such a committee, it is difficult, if not impossible, to assess and address properly the large number of security challenges facing court leadership.

Getting organized also means developing a comprehensive and cohesive set of policies and procedures on security. The existence of such policies and procedures signifies that those in authority have given these matters proper thought, that concepts of best practices have been taken into account, and that an effort has been made for consistency with respect to security procedures. Once established and approved by the committee, policies and procedures must be promulgated and be the subject of a rigorous training regimen for everyone who works in the courthouse. Further, every single person who works in a courthouse has the potential to materially enhance the safety and security of their work environment, to be the "eyes and ears" of a workforce constantly alert to risks and threats, especially judges, court administrators, court staff, and other officials who have been well trained on well-publicized policies and procedures.



Of course, not all necessary improvements to security can be achieved without additional direct costs. There can be the need for security equipment, such as magnetometers, wands, x-ray machines, closed-circuit television (CCTV) camera systems, and duress and intrusion alarms. Moreover, there is also often a need for greater security-officer-staffing levels. Security equipment alone will not secure a courthouse. There must be a sufficient number of court security officers (CSO) to staff weapons-screening stations, to be present in courtrooms, to patrol hallways, and to conduct regular external inspections of the building perimeter and parking areas.

Obtaining funding is another challenge for court security. It is often the determining factor when considering whether to install equipment or increase security staffing. Officials around the country have been quite creative and innovative when it comes to funding. Some have gained the required funding through federal and state grants, Homeland Security funds, filing fees, asset-forfeiture programs, and mutual-aid collaborations. Others have had substantially more difficulty when it comes to funding. In that regard, the Bureau of Justice Assistance (BJA) awarded a 2011/2012 grant for the National Center for State Courts (NCSC) and CJES to conduct a 12-month national assessment on court security that includes identifying the current available resources to address the most critical needs. It is expected that when completed the assessment will be an invaluable reference with addressing this issue.

While security threats and incidents are rising in state courts, available funding for court security equipment and staffing is becoming more and more limited due to budget constraints. Based on recent security assessments that NCSC has conducted in approximately 225 courthouses throughout the country, there is ample evidence suggesting that critical needs for security resources are being left unmet. In one state, the NCSC security team assessed over 40 court locations and identified more than

<http://www.ncsc.org/sitecore/content/microsites/future-trends-2012/home/better-courts/1-1-...>

\$1.5 million in costs needed for additional security equipment.

In 2012 judges and court administrators with responsibility for courthouse security continue to seek guidance and training on how to discharge that responsibility effectively. Specifically, they want to know what measures to take to minimize risks and how best to seek funding to pay for those measures with state or federal funds.

In addition to the CJES research discussed in this article, there are three premier documents to assist judges and court administrators in developing and implementing effective measures for courthouse security. These documents provide a wealth of information on the best security measures to implement, how to approach implementation in a cost-effective manner, and how to develop strategies to fund those measures that may be costly.

The stressor (i.e., what causes one to lash out) in a courthouse that may precipitate the violent act could be a sentence, verdict, testimony, bond revocation, custody status, or criminal, civil, or family court ruling, order, or fine. Therefore, official court actions can be classified as potential stressors, and all court proceedings have an associated inherent risk and potential for violence escalation.

The first of these three documents is the CCJ/COSCA Court Security Handbook: Ten Essential Elements for Court Security and Emergency Preparedness (2010). The ten elements are 1) standard operating procedures; 2) self-audit; 3) emergency management; 4) disaster recovery; 5) threat assessment; 6) incident reporting; 7) funding for court security; 8) security equipment and costs; 9) resources/partnerships; and 10) new courthouse design. Each element covered in the handbook features a general discussion of what the element encompasses and why it is so important, a practical guide on what needs to be done to put the element in place, and a list of additional references for more expansive and detailed information.

The second document is "Steps to Best Practices for Building Court Security," developed by NCSC (Faulsko et al., 2010). This document sets forth guidelines for best practices in all aspects of courthouse security. It also sets forth steps in phases that can be taken toward achieving these best practices. Recognizing that these measures at the "best practices level" can at times be costly, these steps are presented in realistic phases so any court in its discretion can adopt incremental improvements before reaching the level of best practices. These steps in phases are stepping-stones along an ascending path to court security improvement—improvement that can be achieved thoughtfully and over time.

The third document is "Guidelines for Implementing Best Practices in Court Building Security," a report produced by NCSC and funded by the State Justice Institute (2010). This report contains four parts: a) an identification of the estimated costs associated with improving security as recommended in the "Steps to Best Practices"; b) a framework of priorities that a court may follow in deciding when and how to make improvements, as recommended in the "Steps to Best Practices"; c) strategies for seeking the funds necessary to make such improvements; and d) a description of performance and accountability measures that a court can use to measure the effectiveness of implementation efforts and to sustain funding for those efforts.

In closing, judges and court administrators should give serious consideration to securing outside experts to conduct a comprehensive security assessment of their courthouses. A careful analysis by an independent third party will provide a fair and objective picture of what is really needed to improve courthouse security. The expertise and objectivity entailed in such an assessment may also provide those who must appropriate funds a higher level of understanding and comfort that the assessed need is indeed legitimate and measured. It should be noted that the assessments discussed here are not simple "checklists" or "inventories" but are contemporary documents that account for the complete multicomponent process of court security.

Providing a safe and secure environment for those who work in or visit a courthouse is a vital responsibility of judges and court administrators. Given the rise in violent court incidents and the constant threat of future incidents, and based on funding constraints, providing this type of a secure environment is a daunting challenge. However, with a careful and measured approach, improved communication, and access to funding, this challenge can be met in a way that will minimize the risks inherent in courthouse operations.

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Gunman shot to death at Middletown, N.Y. courthouse

...and lord with grudge against mayor stormed City Hall armed with shotgun
 BY CORINNE LESTCH, JANON FISHER / NEW YORK DAILY NEWS / Wednesday, February 8, 2012, 12:17 PM A A A



Police and medical personnel respond to the scene of a shooting at the Middletown court building Wednesday.

An armed man with a grudge against an Orange County mayor was gunned down in the Middletown city courthouse Wednesday after exchanging gunfire with court officers, police said.

One court officer was wounded in the shooting, said Police Chief Ramon Bethencourt.

Witnesses said the gunman, Timothy Mulqueen, 43, was wearing a dark hoodie and a scarf over his face when he pulled up to City Hall in the Hudson Valley town on a dirt bike about 9 a.m. and circled the area several times.

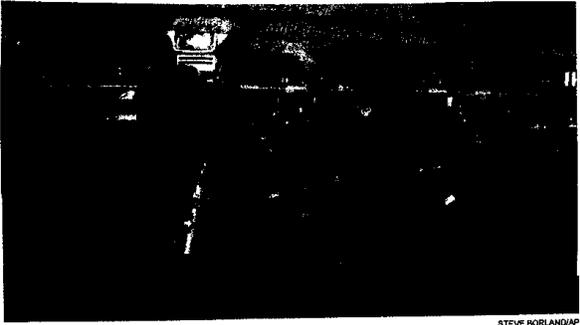
Mulqueen parked the bike, snatched a 12-gauge shotgun out of a case and then sprinted up the steps of City Hall with the weapon, police said.

He entered a vestibule leading to Middletown City Court, walked past the empty office of Mayor Joseph DeStefano and fired a single blast at two court officers, hitting one in the arm, the chief said.

The officers returned fire, striking Mulqueen, Bethencourt said. He was pronounced dead at Orange Regional Medical Center a short time later, authorities said.

The injured officer suffered a graze wound and was also taken to Orange Regional.

"The court officers today not only acted appropriately, they acted heroically," said State Court spokesman David Bookstaver. "If this gunman had gotten past these officers, there would have been a bloodbath."



Police and medical personnel respond to the scene of a shooting at the Middletown court building Wednesday.

more than 40 rounds of ammunition, said Bookstaver.

The Orange County district attorney is still investigating the motive for the shooting, but neighbors and city officials describe the gunman as a highly unstable loner who was arrested over the summer when he showed up at the mayor's home with a machete, a stick with nails and a razor.

In August, Mulqueen banged violently on DeStefano's door dressed in camouflage pants and a black shirt, according to the mayor's 23-year-old daughter.

"This person then got agitated after I told him my father was not home. This person started to make violent hand gestures and he began to yell at me," Nicole DeStefano said Wednesday. "The way this person was behaving made me fear for my safety."

Mulqueen was charged with menacing and possession of a weapon, but pleaded down to a harassment charge on Feb. 1 and paid a \$129 fine.

In 2000, Mulqueen was arrested for refusing to make court-ordered repairs on one of the three properties he owned in town, the mayor said.

Witnesses around City Hall Wednesday described hearing multiple shots and seeing workers ducking for cover under their desks.



Police and medical personnel respond to the scene of a shooting at the Middletown court building Wednesday.

One witness told NBC New York, "I hear a 'boom, boom, boom' ... I saw a bunch of people tripping over each other to get out."

Dawn Bulson, who was in a courtroom, said everyone in the room sprinted toward the exits in panic after hearing several shots.

"I'm too young," she told the Middletown Herald-Record. "I wasn't trying to get killed."

The City Hall area was locked down after the incident, and residents of neighboring buildings were temporarily evacuated.

Mulqueen's neighbors described him as an angry man.

"He looked a little unstable to me," said Mike Schluter, 41, who used to serve the gunman at Whispers, a local bar. "He had that stare like he was looking at you, but he was looking through you. He was disgruntled about this and that. He never seemed like he followed through on anything. He was a complainer."

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OTHER STORIES

Courtroom Violence on the Rise

BY: Caroline Courmoyer | January 19, 2012

Seconds after being convicted of third-degree criminal sexual conduct, Daniel Schlienz allegedly opened fire last month in the Cook County, Minn., Courthouse and injured four people, including a county attorney, reported the *Minneapolis Star-Tribune*. After being shot in the leg and the stomach, County Attorney Tim Scannell crawled ten feet to the top of a stairwell where he cried for help, said Schlienz's attorney, John Lillie, to the paper.

Lillie claimed that he didn't know that his client had a gun; the courthouse doesn't have metal detectors.

Less than three weeks later, District Judge Lloyd Zimmerman refused to hear cases at three suburban courtrooms in Hennepin County, Minn., because they lack metal detectors and he's tired of "not knowing whether I will be carried out in a body bag that day," he told the *Star-Tribune* in a separate story.

Both incidences beg the question of just how safe courtrooms are -- for the public and for judicial staff.

In recent years, the number of violent incidents in courthouses have been on the rise. In 2005, there were 15 violent incidents in U.S. courthouses. Six years later, there were already 28 by the time summer hit, according to a Center for Judicial and Executive Security (CJES) report. Data is only available up until July 13, 2011.

More than half of violent courtroom acts, CJES Director Steven Swensen says, are committed against courtroom staff, including judges, lawyers and police officers.

Safety is especially a concern in domestic-violence courts and probate courts, which handle fights over money and mental-health cases, according to Timm Fautsko, a court-security expert for the National Center for State Courts (NCSC). He attributes the rise in violence to the economic downturn.

"It's people over a period of time who have lost their civility," he told *Governing*. "It's economic stress. It's the stress of everyday society."

According to NCSC, walk-through metal detectors should be part of every courthouses' basic security plan. But many courthouses -- especially those in rural areas -- don't have them, according to Fautsko. He says it's usually because of the cost. Metal detectors can range from \$2,200 to \$8,600, according to a NCSC report.

In addition to metal detectors, NCSC also recommends courthouses have a single public entrance, a separate entrance for elected officials, enough space for opposing parties to wait separately, and no areas where people can hide.

At the request of the courts, NCSC will conduct court assessments of individual jurisdictions and offer recommendations for improving security. Fautsko just finished assessing courthouses in Alaska and Hawaii and will soon be headed to Hennepin County, Minn. The county requested the assessment before the Dec. 15 shooting and before Zimmerman gave court administrators an ultimatum, according to Fautsko.

Since Zimmerman refused to work in certain courtrooms, another judge volunteered to take on some of his cases in Brookdale, Chief Judge James T. Swenson told *Governing*. Zimmerman is now only hearing cases in the Hennepin County Government Center, which has had metal detectors since 2005 following a 2003 shooting.

As for Daniel Schlienz, he was charged with two counts of attempted first-degree murder, fourth-degree assault, possessing a gun in a courthouse, obstructing arrest and being a felon in possession of a firearm, his attorney John Lillie III told *Governing*. However, he died in a hospital on Dec. 27, 2011, after complaining of flu-like symptoms. The exact cause of death has not yet been determined, but authorities said that foul play was not suspected.

Scannell, the county attorney who Schlienz shot, was reportedly stable after the incident and expected to recover.

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