

JUDICIAL SECURITY POSES CONTINUING CHALLENGE

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SOMETIMES THE DIFFICULT DECISIONS FEDERAL JUDGES MUST MAKE TRIGGER HARD FEELINGS; AND, AS A RESULT, DISGRUNTLED LITIGANTS OR THEIR FAMILIES SOMETIMES CAN BECOME DANGEROUS AND UNPREDICTABLE. SINCE 1979, THREE FEDERAL JUDGES HAVE BEEN MURDERED AS A CONSEQUENCE OF THEIR WORK ON THE BENCH. JUDGE JOHN WOOD OF TEXAS, JUDGE RICHARD DARONCO OF NEW YORK, AND JUDGE ROBERT VANCE OF ALABAMA HAVE BEEN VICTIMS OF VIOLENCE. IN 2005, THE HUSBAND AND MOTHER OF JUDGE JOAN LEFKOW WERE MURDERED AT THE FAMILY'S HOME IN CHICAGO.

This year, the U.S. Marshals Service reports that the rising number of threats against federal judges comes at a rate of about 120 per month. It is an environment in which judges, their families, and all court employees must be aware and proactive. In an attempt to minimize these risks, the Committee on Judicial Security of the Judicial Conference of the United States is working with the Marshals Service to secure federal courthouses and is also developing comprehensive security policies.

The Committee on Judicial Security was established at the direction of Chief Justice William Rehnquist in October 2005 to give a greater focus on the importance of protecting the federal judiciary and the judicial process. I am its current chair. Our committee's role is to review, monitor, and propose policies that will protect court facilities and proceedings and will also protect judges, court employees, and their families when they are away from the courthouse as well.

In the face of an increasing number of threats and the level of violence, the judiciary and the Marshals Service have added home intrusion detection systems for federal judges' residences. Most now have these systems for their homes.

Many judges also have become more cautious about their routines of traveling to and from the courthouse in which they work. Although most threats come in the mail, by telephone, or on the Internet, the threats can also come in person. Depending on the types of cases and the levels of threat, judges may be assigned 24-hour personal protection details for short or long periods of time. The Marshals Service has established a 24-hour national threat management center at its headquarters in the Washington, D.C., area, with databases linked to the FBI and CIA. Earlier this year, a part of the center was dedicated to Judge Lefkow, whom John Clark, the director of the Marshals Service, praised for her "courage to speak out and her advocacy for reform in the protection of judges." "Thanks to Judge Lefkow," Clark said at a dedication ceremony, "the (center) bridges technology and good, old-fashioned police work, together making for a safer and more secure judicial system."



The role of the policy set by the Committee on Judicial Security entails crisis response, continuity of operations planning, education, and training in these programs, and protection of the personal information of judges and their immediate family members against public disclosure that could pose security risks. The committee also coordinates with other Judicial Conference committees on a wide vari-

ety of policy and budget matters.

A local security committee exists in each of the 94 federal judicial districts to assess the adequacy of security services and to ensure the effective and efficient use of security resources in that district. In harmony with national-level policies and practices, local security policies are developed and implemented by local rules and court orders. Examples include restrictions on carrying electronic devices into courthouses or courtrooms and screening policies for persons entering the courthouse.

As a result of recommendations made by the attorney general's Task Force on Court Security, in 1982, the Chief Justice of the United States and the attorney general jointly announced to the Judicial Conference the guidelines and procedures that would be used to implement an agreement on court security between the Marshals Service and the Administrative Office of the United States Courts. The agreement formalized the judiciary-Marshals Service partnership, and provided for marshals to be the sole point of contact for the judiciary on matters of security.

The 1982 agreement also established the districtwide court security committees and established what is called the Judicial Facility Security Program (JFSP). Funds appropriated by Congress to the judiciary are transferred to the Marshals Service for use in providing security at federal courthouses. JFSP's initial annual budget request was for \$12 million and 405 contract security personnel. Today, the budget includes funds for 4,500 contract security officers and annual funding in excess of \$450 million. The contract security officers—the officers visitors see at security posts when they enter a federal courthouse—assist deputy U.S. marshals in providing a physical security presence. The contract officers conduct entry screening at public and employee entrances, screen mail, ensure garage security, and provide roving patrols throughout the courthouse.

In addition, the judiciary also provides funding for the Marshals Service through Congress' Court Security Appropriation; these funds are used for the purchase, installation, and maintenance of security systems and equipment. This funding is also used for, among other things, access-control systems, X-ray machines, walk-through metal detectors, duress alarm systems, mail and package security screening, and surveillance cameras.

In some buildings in which the judiciary shares space with other federal tenants, the Marshals Service coordinates security efforts with other agencies, such as the Federal Protective Service and the General Services Administration. The GSA not only manages these multi-use buildings but also provides the infrastructure for providing judicial security.

On a related issue, the Consolidated Appropriations Act of 2008 (Pub. L. No. 110-116) authorized the U.S. Marshals Service to establish a perimeter security pilot program at seven primary courthouses, where the judiciary and judiciary-related offices such as marshals or U.S. attorneys occupy 75 percent or more of the facility's rentable square footage. The pilot program places the responsibility for perimeter security under the control of the district U.S. marshal, who is supported by the judiciary-funded and Marshals Service-

administered JFSP. This pilot program has been supported by the Judicial Conference.

For the past two years, the Committee on Judicial Security and others within the judiciary have been meeting to address issues stemming from the locations of pretrial detention facilities. This ad hoc group had determined that the most critical action to be taken is to ensure open communication between the relevant, local-level stakeholders—U.S. marshals, federal public defenders, probation and pretrial services officers, judges, and others. The group plans to recommend that all districts form a committee that focuses on detention to discuss this issue from a local perspective.

Earlier this year, several of our committee's members and I met with law enforcement officials and 25 federal judges whose courts are situated along the nation's southwest border to discuss the security implications of the drug-trafficking activities of the Mexican cartels. Those judges had expressed concern about their safety, with the most pressing issue being the so-called spillover effect of cartel violence within the United States. At the judiciary's request, Congress recently appropriated \$4 million to the Marshals Service for enhanced security measures along the southwest border (Pub. L. No. 111-032). The Marshals Service, in consultation with the Judicial Conference's Committee on Judicial Security, is developing a spending plan for this funding.

Part of the security mission is preparing for the unexpected. Staff at the Administrative Office of the United States Courts assists with funding and preparation of continuity of operations planning. In each district, each court unit has been asked to prepare a continuity of operations plan to implement during times of emergency, such as natural disasters or heightened levels of terrorism threats. Courts also have been asked to prepare for and practice building evacuations. Such plans have been helpful in recent years after hurricanes, earthquakes, and floods. During such emergencies, the judiciary activates an emergency response team to work with judges and local court officials in the affected regions.

The nation's judiciary has learned from experience—some of it tragic, unfortunately—that we must be alert, proactive, and prepared for the multiple risks and dangers of modern life. **TFL**

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