

# SJI News

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## e-SJI Exclusive

### Wendell Shingler, Director, Federal Protective Service, on Court Security at the State and Local Level

As head of the Federal Protective Service (FPS), a division of U.S. Immigration and Customs Enforcement (ICE) within the Department of Homeland Security (DHS), Director Wendell Shingler [pictured at right outside the New Orleans Superdome shortly after Hurricane Katrina hit] is responsible for providing law enforcement and security services to over one million tenants and daily visitors to federally owned and leased facilities nationwide. Prior to taking the helm at ICE FPS, Director Shingler headed the U.S. Marshals' Judicial Facilities Security Program. In that role, he was responsible for all security-related construction, systems, equipment and security officers at federal courthouses. This background gives him a unique blend of operational and facility expertise. e-SJI News sat down with the Director this month at an undisclosed location to discuss court security at the State and local level.

**e-SJI News: What do you believe is the single greatest security threat facing State and local courts? What other threats do you consider priorities?**

Director Shingler: I believe the greatest threat facing state and local courts are potential attacks from angry and hostile litigants and from the dangerous prisoners being handled by the courts on a day-to-day basis. The majority of attacks at the state and local level fall into one of these two categories. This is not significantly different than the risks faced by the federal courts. The recent attack at the Atlanta state court by the escaped



prisoner who killed a deputy and a judge and the killing of the federal judge's family in Chicago are examples of the kinds of risks our nation's judicial system faces on a day-to-day basis.

In addition to these kinds of threats, all courthouses, because they are institutional symbols of our government, whether at the federal, state or local level, also face the risk of attack by terrorist groups, homegrown and international, or lone assailants. Even though we haven't seen organized attacks at court facilities by terrorist groups, I don't believe we can let our guard down in this area. Courthouse buildings and employees should be protected as much as possible from both vehicle bombs as well as from individual attackers who might take out their hostility by shooting someone in a courtroom.

**e-SJI News: Many State and local courts are located in mixed-use buildings. Some may house only one judge**

**and one or two staff. What unique security concerns do these situations pose?**

Director Shingler: Because there is usually not a significant security presence if any in these types of situations, security is challenging. I think state and local courts need to provide training to judges and staff at these kinds of locations on how to recognize potential problems and how to react when they see them. Security is also usually enhanced when there's a plan. This can be something as simple as having a secure room to take cover in, a duress alarm system, a pre-identified emergency call system and designated responders. Training should include not only how to recognize potential problems but also how to react. Sometimes potentially dangerous situations and people can be made less dangerous by how we verbally, emotionally, and physically respond.

**e-SJI News: Many courts depend on sheriff's office personnel for security. What can both sides do to improve cooperation and coordination?**

Director Shingler: I believe communi-

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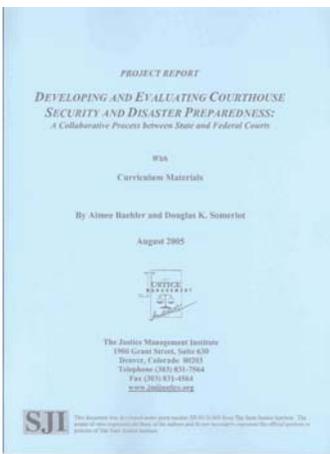
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# New Curriculum Helps Local Teams Plan for Courthouse Security and Disaster Prevention and Recovery

by Doug Somerlot, The Justice Management Institute



The past twelve months have included numerous reminders that courts and court facilities are subject to all of the possible catastrophes that can beset organizations and individuals in 21st Century America. In November 2004, Prince George's County, Maryland's historic courthouse fell victim to a fire. On February 28, 2005, a disgruntled litigant in Illinois took the lives of the husband and mother of a U.S. District Court

Judge. On March 11, 2005, in the Fulton County, Georgia Courthouse a prisoner overpowered a sheriff's deputy and stole her gun, using the weapon to kill four people including the Superior Court judge and court reporter. Hurricanes Katrina, Rita, and Wilma reminded us once again of the awesome power that nature can wield over human organizations and facilities. Each of these tragedies reminds all of us of the disasters that can befall us.

These recent events have reinforced the lesson that one of the best defenses against catastrophic events and personal tragedies is prior planning. When engaging in such planning courts must recognize that they depend upon many services provided by governmental entities over which they do not exercise direct authority. In response to this need to plan ahead, The Justice Management Institute (JMI) developed and tested a curriculum for developing Courthouse Security and Disaster Preparedness plans that involves inter-agency, multi-disciplinary teams from individual local state court jurisdictions. The curriculum was developed through a grant from SJI (SJI-03-N-068).

JMI's approach is a planning workshop for teams from a jurisdiction. Each team includes not only judges and court administrators, but also information technology personnel, security personnel, local staff responsible for building services, and a representative of the US Marshal's Service for the District in which the local court is located. Inclusion of the US Marshal's representative was designed to take advantage of the training, experience, and skills of that organization as well as to encourage the development of interagency cooperation necessary to protect local courts at the state and federal level.

The planning workshop includes plenary presentations, small group activities, and team planning sessions during which the attendees are presented information about security and disaster preparedness, given an opportunity to test

their own skills in dealing with catastrophic situations, and can begin collaboratively developing their own local plans. The planning workshop combines the information presented in the most recent NACM Mini-guide on Disaster Planning, *DISASTER RECOVERY PLANNING FOR COURTS: A Guide to Business Continuity Planning*, with the experiences of court managers who have experienced security or disaster related incidents in their own jurisdictions.

The workshop was pilot tested with five urban state trial courts in Washington, DC in February 2004. The evaluations submitted by the attendees indicated that they had gained useful information and begun the planning process. The SJI grant also provided funds to track the efforts of the local teams after they returned to home. Overall, the five participating jurisdictions are spread across the spectrum from having put plan development on hold, to reviewing existing plans, to having completed plans, to conducting drills and exercises.

The results of the efforts of the pilot courts, as well as the curriculum, are contained in a report entitled *DEVELOPING AND EVALUATING COURTHOUSE SECURITY AND DISASTER PREPAREDNESS: A Collaborative Process between State and Federal Courts*, which was distributed to the SJI Repository Libraries in August 2005. Copies of the report can also be obtained by contacting The Justice Management Institute at 1900 Grant Street, Denver, Colorado 80203 or, by e-mail, at [askJMI@jmijustice.org](mailto:askJMI@jmijustice.org).



## Trick or Treat for JERITT

The Judicial Education Reference, Information and Technology Transfer (JERITT) Project needs your help. After 15 years, and almost \$4.5 million, SJI may have to wind down its support of JERITT. JERITT logged 1,000,000 "hits" last year, yet it receives only \$1,000 in outside funding. If every person behind every hit had donated a quarter, JERITT would have had a \$250,000 operating budget. Isn't it time you parted with that quarter?



## Inside SJI



Fate

People often ask me, why can't you get more federal funding for SJI? Are the Appropriators really that tough (or, unspoken, are you really that incompetent)? In the spirit of trick or treat, and with apologies to H.G. Wells, I'll tell you how tough they are-

No one believes in the current political climate that their program is being watched keenly and closely by intelligences greater than theirs and yet as public spirited as their own; that as agencies busy themselves about their various concerns they are scrutinized and studied, perhaps almost as narrowly as a man with a microscope might scrutinize the transient creatures that swarm and multiply in a drop of water. With infinite complacency bureaucrats go to and fro over this globe about their little affairs, serene in their assurance of their empire over "their money". Yet across the gulf of the Capitol complex, minds that are to our minds as ours are to those of the beasts that perish, intellects vast and cool and unsympathetic, regard our budgets with envious eyes, and slowly and surely draw their plans against waste, fraud, and abuse. And early in every mark-up season comes the great disillusionment.

And then there's conference.

**Happy Halloween!**

**e-SJI Exclusive: Wendell Shingler**

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cation and training are vital to improving the relationship between any protectee and their security provider. Court staff and security personnel should meet regularly to discuss security plans, operations, potential problem cases or trials, and potentially dangerous prisoners or defendants. Without proper communication between the two groups we are leaving security to chance, which is not good. I think coordinated training between the two groups is also vital. It provides an opportunity for both sides to understand what to do in case of an emergency and how each component will or should react. Training also forces each side to evaluate its operational procedures and make adjustments based on lessons learned. This is very important. In this day and age I do not believe courts and sher-



Typical Appropriator



Appropriations Mark-up



Appropriations Conference

iff's offices can be independent of one another when it comes to security. For security to be effective, they must work together, be focused, well organized, and coordinated.

**e-SJI News: Many in the court community point to the killings in Chicago and Atlanta as justification for calls for more court security funding. Was a lack of money behind either of these crimes? What are the lessons learned from the Chicago and Atlanta murders?**

Director Shingler: Many law enforcement agencies today are under stress from a variety of factors. Without a doubt, funding is one of these factors. I think it would be safe to say that all law enforcement and security agencies to be continually asked to do more with less. This forces the agency to draw a delicate balance between the budget and priorities. If there is not enough funding, less important priorities have to get less attention. This sounds simple but it's not. As an example, it is sometimes difficult for law enforcement and security agencies to pay less attention to criminal investigations and more attention to something that will not provide statistics or good performance measurements. Because lives are at stake, however, security must remain a priority. Even though security work doesn't always provide us with good statistics that can be easily measured, we have to find a way to ensure it remains a priority.

I think the lessons learned in Atlanta and Chicago are that judges, court staff, and security personnel have to remain vigilant, well prepared, well trained, well staffed, and well equipped. In both of these instances, the law enforcement and security personnel appeared to have done the best they could. The Marshals Service has successfully handled thousands of threat cases against judges and I'm sure the Atlanta sheriff's department has successfully handled thousands of prisoners. After these kinds of terrible incidents, however, the involved organizations and others usually review operational procedures, staffing, and policies to see what needs to be changed. In the case of the Marshals Service, I'm sure the Department of Justice, the federal judiciary, and the Congress have evaluated what happened and decided what needs to be done to help prevent another similar killing. I'm sure the same has been done at the state and local level regarding the tragedy in Atlanta. ICE FPS works with the U.S. Marshals Service and the U.S. Courts on a daily basis to determine the appropriate level of security necessary to protect the judiciary, the judicial process, and its participants.

**e-SJI News: Is there a role for federal agencies in court security at the State and local level and, if so, what is it?**

Director Shingler: I believe there is a role. The Marshals Service historically has worked with state and local courts to assist them in doing security assessments and identifying security needs. We in the ICE FPS have also provided assistance to state and local courts, primarily since many of our Regional Directors came from the USMS and or are involved with security on a continuing basis. In addition, Department of Home-

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land Security is responsible for coordinating the protection of our nation's critical infrastructure through a program called the National Infrastructure Protection Plan or NIPP. This is a major effort that is very broad in scope. It involves 17 sectors, from transportation to government facilities. FPS is responsible for the government facilities sector, which includes state and local governments. As a part of this effort we will be working with state and local governments and I'm sure to some degree, their courts. The focus of this effort will be to develop working relationships, sharing information and ideas, identifying best practices, security needs, etc. This is an ongoing effort that will continue to gain importance.

**e-SJI News: What kind of advice would you give a state court representative dealing with DHS for the first time and looking to "crack the shell" in terms of funding (monetary or in-kind)?**

Director Shingler: This is a difficult question for me because I'm not involved in the issuing of grants or anything like that. It would be my guess that any grant money provided by DHS will go to state and local police agencies and or oversight departments. The state and local courts will need to ensure they get the proper amount of attention from their state and local governments and the security providers responsible for their protection.

**e-SJI News: What no- or low-cost recommendations for improving court security in the near-, medium-, or long-term can you offer e-SJI News readers?**

Director Shingler: I would recommend that all court personnel be vigilant and prepared. Know what to do in an emergency or a potentially hostile situation. Have a plan. Ensure there is good communication between the courts and their security providers. As I mentioned earlier, communication should include the identification of potentially hostile or problematic trials, prisoners, and defendants. This is a low cost way to ensure that security providers focus their limited security resources in the right place. This brings up another important issue. I believe there should be more coordination between federal law enforcement and security organizations, and state and local courts in the threat assessment area. Many individuals that start off in state and local courts end up in the federal system. Subjects that are hostile or considered dangerous at the state and local level may pose a risk at the federal level as well, particularly if they end up in the federal system. We have even seen cases of state judges who were threatened and continue to be threatened by the same individual years after they had been elevated to the federal bench. Close coordination between federal, state, and local court security providers is another low cost way to help protect judges and courts at all levels.

**e-SJI News: What have we forgotten that you would like to address?**

Director Shingler: I think we've covered a lot of ground. I appreciate your interest in talking to me.

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