

STATE OF TEXAS

RESOLUTION

of the

TEXAS JUDICIAL COUNCIL

Court Security Committee Recommendations

WHEREAS, the Texas Judicial Council is the policymaking body for the Texas Judicial Branch, created under Chapter 71, Texas Government Code; and

WHEREAS, the Council is charged with improving the administration of justice; and

WHEREAS, in 2006 this Council passed a resolution calling for statutory changes that would improve the security environment for courts and judges and referring to, among other things, a high number of security incidents in Texas's courts, and security deficiencies in Texas's courthouses and courtrooms; and

WHEREAS, the 2006 resolution recommended increased training on security matters, more and better data regarding security incidents around the state, the protection of judges' personal information by exempting it from disclosure, and the hiring of an individual to work in the Office of Court Administration to assist courts in addressing security issues; and

WHEREAS, ten years later, in conducting its review of court security issues, the Court Security Committee has found that these conditions persist and that the proposed remedies, were not fully acted on and still have relevance; and

WHEREAS, after the November 2015 shooting of Travis County District Judge Julie Kocurek, the Office of Court Administration surveyed judges across the state, revealing significant concerns regarding court security; and

WHEREAS, the Court Security Committee has found:

- There is a lack of uniformity or best practices readily available to or used by court staff or law enforcement personnel responsible for court security.
- There is a lack of communication between and among judges, court staff, and law enforcement regarding court security best practices.
- There is a lack of training for judges, court personnel and security personnel on court security.
- There is a lack of reliable and useful data on court security incidents in the state.
- There is no individual at the state level dedicated to judicial branch security issues with whom judges, county/city officials, and state and local law enforcement officials can engage on the wide range of court security issues confronting courts today.
- There is a lack of ongoing planning occurring in counties and cities dedicated to identifying and sustaining court security improvements.
- There is a lack of funding in many counties and cities for incorporating desired court security improvements.
- It is difficult for judges, as appropriate, to conceal their identity for the purpose of protecting their safety and that of their families, including delisting their personal addresses and contact information from publicly searchable databases.

WHEREAS, in February 2016 this Council formed the Court Security Committee to “assess the status of court security in the state to ensure that the Texas courts remain a safe and open place for individuals to access justice to appropriately resolve their disputes and for judges and court personnel to administer justice, and identify statutes, funding sources, judicial policies or initiatives that could be enacted to further those goals;” and

WHEREAS, the Court Security Committee has studied these issues and has made recommendations for legislative changes; and

WHEREAS, the Council believes that the legislative changes will result in meaningful change to improve court security in our state to ensure that the Texas courts remain a safe and open place for individuals to access justice;

NOW THEREFORE, BE IT RESOLVED that the Texas Judicial Council requests that the Legislature:

1. Establish the position of Director of Security and Emergency Preparedness at the Office of Court Administration to assist judges and county officials in addressing court security needs;
2. Amend Sections 30.00007 (municipal courts of record) and 74.092 (local administrative district judges) and add a provision to Chapter 29 (municipal courts – not of record) of the Texas Government Code to require Municipal Judges (MJ) and Local Administrative Judges (LADJ) to establish a court security committee chaired by the MJ/LADJ or his or her designee, and require that the committee include both the entity with primary responsibility for providing court security and a representative of the county/city/funding authority;
3. Repeal or amend the reporting requirement of Art. 102.017(f), Code of Criminal Procedure, to promote greater reliability and utility of the security-related information reported;
4. Require all individuals providing court security to be appropriately certified in specialized court security;
5. Increase funding for courthouse security available to counties/cities by appropriating sufficient general revenue funds to cover essential security needs;
6. Consider amending statutes impacting a judge’s personal security as follows:
 - Allow judges to delist addresses to make delisting of personal information, including judge/spouse telephone numbers, from all public records automatic upon qualification for office;
 - Allow spouses to be included in delisting on appraisal records, including county deed records;
 - Authorize the retroactive and prospective removal of personal addresses from Texas Ethics Commission online searches;
 - Provide for penalties, as appropriate, to apply in situations in which a judge’s personal information is released; and
7. Consider authorizing and, if necessary, providing resources to DPS to provide personal security to threatened or attacked judges, at the discretion of DPS when a threat or attack is deemed credible.



Honorable Nathan L. Hecht
Chair, Texas Judicial Council

Contact: Scott Griffith
Director of Research and Court Services, Office of Court Administration
512-463-1629