



Annual Report on Court Security and Emergency Preparedness

Texas Office of Court Administration

Research and Court Services

Court Security Division

Submitted by:

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Introduction

On January 23, 2018, by an Order of the Texas Supreme Court, an Advisory Committee on Judicial Emergency Preparedness and Court Security (hereinafter the “Committee”) was created. The Committee was created partly in response to recommendations made by the Supreme Court’s Task Force on Emergency Preparedness, which called for the creation of a standing advisory body to be established as a way of ensuring that security and continuity of operations issues received the necessary attention needed to promote high quality security and emergency preparedness planning and responses.

The creation of the Committee also coincided with the Office of Court Administration’s (OCA) hiring of its first-ever Court Security Director, a hiring made possible with funding made available by Senate Bill 42, the Judge Julie Kocurek Judicial and Courthouse Security Act, passed by the 85th Legislature. A summary of the Act is below.

The Order authorized OCA to select members of the committee and directed OCA to provide staff to support it. The Order also directed OCA’s Court Security Director to provide an annual written report to the Supreme Court on issues of court security and emergency preparedness. This document serves as the 2019 edition of that report.

Committee Membership and Activities

The following individuals were selected by OCA to serve on the Committee:

Committee Members

- Jeffrey Boyd, Justice, Supreme Court of Texas
- Sandee Marion, Chief Justice, Fourth Court of Appeals
- Missy Medary, Presiding Judge 5th Region, 347th District Court, Nueces County, Texas
- Julie Kocurek, 390th District Court Judge, Travis County, Texas
- Paul Pape, Constitutional County Judge, Bastrop County, Texas
- Cheryll Mabray, Associate Judge, Llano, Texas
- Ann-Marie Carruth, County Court at Law Judge, Lubbock County, Texas
- Stewart Milner, Chief Municipal Judge, Arlington, Texas
- Laura Hinojosa, District Clerk, Hidalgo County, Edinburg, Texas
- Nim Kidd, Chief, Texas Department of Emergency Management, Austin, Texas
- Lane Akin, Sheriff, Wise County, Decatur, Texas
- Randy Harris, Constable, Tom Green County, San Angelo, Texas (*Replaces Bobby Gutierrez*)
- Bryan Flatt, Training Coordinator, Texas Municipal Police Officers Association
- **Bob Pemberton, Justice, 3rd Court of Appeals (*Retired*)**
- **Bobby Gutierrez, Chief Deputy, Travis County Constable’s Office No. 5, Austin, Texas (*Retired*)**

Committee Liaisons

- Sharon Keller, Judge, Court of Criminal Appeals
- Mark Atkinson, Executive Director, Texas Center for the Judiciary
- Susan Redford, Executive Director, Texas Association of Counties
- Thea Whalen, Executive Director, Texas Justice Court Training Center
- Hope Lochridge, Executive Director, Texas Municipal Court Education Center

The committee met by conference call on Monday, October 7, 2019. The purpose of the call was to discuss issues for the Court Security Committee and provide highlights of the Court Security Director's work since January of 2019.

Summary of SB 42, the Judge Julie Kocurek Judicial and Courthouse Security Act of 2017

The Judge Julie Kocurek Judicial and Courthouse Security Act is designed to improve the security of judges at all levels, both in their courthouse and at their homes. The law does the following:

- Provide for the suppression of the residence address of a judge and a judge's spouse's records maintained by the Texas Ethics Commission, a county registrar, and a county appraisal district. The law also allows a judge and judge's spouse to replace their home address on the driver's license with the address of the court in which the judge serves;
- Requires county clerks, upon the written request of a judge, to omit or redact personal information from an online database that is made public;
- Requires that a courthouse security committee be established by the presiding judge of a municipality or the local administrative district judge in each county;
- Establishes a \$5.00 filing fee on any civil action or proceeding requiring a filing fee to generate revenue to support judicial and court personnel training;
- Transfers responsibility for reporting security incidents to OCA from the local administrative judge to the law enforcement official responsible for providing court security;
- Requires any person providing security to hold a court security certification issued by a training program approved by the Texas Commission on Law Enforcement;
- Authorizes any commissioned peace officer in the state to provide personal security to a judge, regardless of the location of the law enforcement agency that employs or commissions the peace officer; and
- Establishes a Court Security Division at the Office of Court Administration and provided for the hiring of a Court Security Director.

Court Security Division Update

Highlights of the Court Security Division during 2019 include the following:

Assisting Judges and Spouses with Privacy Protections

In January 2019 all judges were provided with a summary of the new law and instructions on how to secure the privacy protections afforded by it. An effective strategy employed this year was attending and staffing an information table with the Court Security Division on site at Regional and Annual Judicial Conferences, and College for New Judges sponsored by the Texas Justice Court Training Center, Texas Municipal Court Education Center, and the Texas Center for the Judiciary.

This was an effective effort which brought OCA's infrastructure to the judiciary creating an environment that provided the judiciary the opportunity to submit their privacy questionnaire and have any court security related issues or concerns addressed on site with OCA staff, coupled with a structured presentation on court security. Subsequent feedback received from our training partners and our data affirmed this effort reached an overwhelming percentage of the judiciary in attendance that undertook advantage of this opportunity.

The Court Security Director also addressed SB 510, passed by the 85th Legislature. SB 510 provides for a current or former employee of a state judge to exercise their right to have their personal and residential information omitted from their local county appraisal district. OCA has undertaken the

responsibility of providing this important security related protection to the judiciary, court support staff, and sharing with OCA's judicial training partners.

In other areas, the Court Security Division reached an agreed arrangement with the Employees Retirement System of Texas (ERS). By agreement, ERS will provide judicial officers upon retirement, awareness and direction to OCA's website and contact information so retiring judges are, at a minimum, aware and can choose to utilize the advantages of the privacy provisions pursuant to SB 42.

OCA's outreach campaign to address privacy protections will continue to be an ongoing and critical component, as continual awareness in the methods outlined will be challenged as the number of judges will inherently increase as retirements, resignations, and elections will be a fluid factor.

Training

During 2019, the Court Security Division participated in over 25 training events hosted by various entities, including the following:

- Texas Center for the Judiciary
- Texas Association for Court Administration
- Texas Municipal Court Association
- Texas Justice Court Training Center
- Texas Association of Counties
- County and District Clerks Association of Texas
- Mid Rio Grande Development Council
- Travis County Sheriff's Office
- Texas Supreme Court Children's Commission

In an effort to continue our outreach to the judiciary, court support staff, and law enforcement involved in the court security mission, OCA initiated, in June of 2019, a 4-part court security webinar series with the first program focusing in Judge Julie Kocurek's own words - her experience with a violent encounter one evening related to her position as a criminal district judge and ongoing personal changes she and her family have made to elevate her awareness to potential threats. Our second series was a comprehensive presentation on the creation, functions, and how to effectively manage and engage a local court security committee as detailed by Travis County District Judge Karin Crump. In our third program, the Court Security Director addressed contemporary court security strategies, courthouse assessments, defining what is a court security incident and SB 42 elements. The final program in our series was presented by DPS detailing an overview of their Suspicious Activity Reporting (SAR) program via their web-based, Android and OS app program, *iwatchtx.org*. Their presentation focused on the purpose of the program, correlation and similarities found in school shootings and courthouse facilities specific to suspicious activities that can be found in both landscapes.

Court Security Committee Support

Counties and municipalities are required by law to establish a local court security committee. These committees are expected to establish security policies and procedures for the courts. During 2019, the Court Security Director visited over 60 counties and cities to assist with the establishment of these committees.

A statewide survey published by OCA to all Regional Administrative Judges is pending mass distribution to assess compliance with the provisions of SB 42. Results will further alert the Court Security Division to counties or municipalities where technical assistance will aid in standing up their local committees, ensuring compliance. It is anticipated a survey to assess the status of SB 42 conformity relative to municipalities will be published in 2020.

Security Assessments

The Court Security Division in calendar year 2019 conducted 39 courthouse assessments of county and municipal courthouses and court facilities. Fourteen assessments are pending scheduling, compared to twelve assessments completed in calendar 2018. These assessments set out ideal courthouse and courtroom design features and security and continuity of operations protocols and assess the degree to which courthouse and courthouse policies and procedures are compliant with them. Recommendations are included in these reports ranging from zero-cost policy considerations, modest expenditures to contemporary capital improvements. The increase and rationale for assessments are generally related to the development of local courthouse security committees and an independent assessment that initiates the local discussion of generating a robust court security program with discussion topics and recommended security priorities.

Assessments were conducted at the homes of 2 judges this year, adding to the value of the Court Security Division.

Security Incident Reporting

Security incident reporting at the local court level continues to trend upward in FY 19 over preceding fiscal years. The increase in reporting is attributable to municipalities and counties becoming familiar and aware of their responsibility in reporting court incidents and not necessarily an increase in court related incidents. There is an expectation that as municipalities and counties increasingly become aware of their requirement pursuant to SB 42, e.g., establishing local policies and procedures, procuring security related equipment, acquisition of bailiffs or dedicated court security officers, incident reporting will plateau.

Addressing Judicial Threats

Throughout the year, the Court Security Director continued to handle several sensitive judicial threats brought to OCA's attention directly from judges requesting assistance and direction on how to handle threats directed towards them. The Court Security Director maintains a relationship with the Texas Department of Public Safety (DPS), relevant federal agencies, and membership to the Austin Regional Intelligence Center (ARIC), and Homeland Security Information Network (HSIN) to ensure a streamline method of reporting or receiving judicial threats with appropriate administrative or criminal follow up.

DPS recently created a Suspicious Reporting Activity (SAR) tool which enables reporting by the Court Security Division of any judicial or courthouse threat-based activity. DPS analysts and assigned law enforcement officers can process fragments of information creating a matrix to connect dots to identify potential threateners, and if necessary, render a criminal referral for further investigation.

The Court Security Director this year has focused a great deal of messaging informing the judiciary and court support staff on the contemporary threat environment facing the judiciary and courthouses. The focus on judicial and courthouse threats throughout Texas continues to experience a general lack of attentiveness regarding implementation of fundamental physical security

enhancements. The general feedback received from the judiciary and funding authorities stems from a general lack of fiscal resources, principally from their local Courthouse Security Fund. It appears the recurring funding from this local source does not meet the expense of employing robust court security protocols – law enforcement element, technological enhancements, implementation of duress alarms, software and firmware updates, bullet resistant glass and material -- coupled with potential resistance of instituting security enhancements from the Texas Historical Commission relative to historical courthouses.

Two significant capital murder trials potentially impacting the Texas judiciary and courthouses that will have a national focus on mass shooters will be *Texas v. Dimitrios Pagourtzis* (Santa Fe School Shooter), and *Texas v. Patrick Crusius* (El Paso Walmart Shooter). The Galveston and El Paso County judiciary have contacted OCA for courthouse and residential assessments with a view towards preparing for potential criminal trials with elevated media interest and identifying available resources to promote and enhance their security environment.

Resource Development

The Court Security Division has created several resources and will continue to address and expand resource improvement and outreach for the judiciary so they can improve their personal and family security. Additional resources that jurisdictions can use to assess and improve their emergency preparedness policies and practices are also available. These can be found on OCA's Court Security webpage.

Conclusion

In 2019, the Court Security Division strived to meet the numerous requests throughout the State to address counties and municipalities concerns over their unique court security concerns. Unfortunate national mass shooting tragedies tend to be the driving force in statewide assistance requests.

On the positive side, Texas counties and cities are viewing courthouse, judicial, employee and public safety as a significant talking point developing into actionable policy and physical outcomes. The Court Security Division is anticipating the new hire of a Court Security Specialist in early 2020 that will be an integral part of the OCA's efforts to assist the Court Security Director and carry out the mission of providing important services to the Texas judiciary.