

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**REPORT OF THE COURT  
SECURITY ADVISORY PANEL  
of the JUDICIAL BRANCH**

August 22, 2000

**Administrative Office of the Courts**  
**62 Elm Street, P.O. Box 4820, Portland, Maine 04112**


---

James T. Glessner  
State Court Administrator  
Telephone: (207) 822-0710  
FAX: (207) 822-0781  
TTY: (207) 822-0701

**MEMORANDUM**

Date: August 6, 2002

To: Peggy Reinsch

From: Ted Glessner 

Subject: Security Reports

Enclosed are two reports addressing the issue of court security. The first is the report of the Security Advisory Panel dated August 22, 2000. This report served as the basis for our request for additional funding in the biennial budget that we submitted nearly two years ago. A number of those recommendations were approved by the Legislature and have been implemented.

The second report was completed in April of this year. This was commissioned specifically to deal with issues that arose as a result of the events of September 11.

We are currently in the process of hiring a Director of Court Security and when that person is "on board," we will be pursuing a number of policy issues addressed in these reports.

I hope that this is responsive to your request. If you have any questions, please let me know.

JTG/cc  
Enclosures

## COURT SECURITY ADVISORY PANEL REPORT

### EXECUTIVE SUMMARY

The Security Advisory Panel, which was established by State Court Administrator James T. Glessner, was directed to consider the current court security program and make recommendations for its improvement. Pursuant to this directive and recognizing that Goal 4 of the Judicial Branch Strategic Plan seeks to address the security and safety needs in all Judicial Branch facilities, the Security Advisory Panel makes thirteen (13) recommendations.

- Recommendation 1.** Develop, adopt and implement a Comprehensive Security Plan.
- Recommendation 2.** Continue to contract with the Sheriffs in those counties where a mutually acceptable contract can be negotiated.
- Recommendation 3.** Establish a working group of representatives from these Sheriffs' Departments to work with the Judicial Branch Office of Court Security on the development and implementation of uniform policies and procedures.
- Recommendation 4.** In the counties where the Judicial Branch provides security services:  
(A) Establish thirty (30) "state employee" court security officer positions to provide primary court security services in Androscoggin, Aroostook, Cumberland, Franklin, Hancock and Sagadahoc counties.  
(B) Establish a contract with a private firm to provide a pool of trained and qualified security personnel to assist on an "as needed" basis in the aforementioned courts. Qualification standards for these positions would be established by the Judicial Branch.
- Recommendation 5.** In the operation of the statewide Judicial Branch security program, the following supervisory changes are recommended:  
(A) Require that the position in charge of court security be directly responsible to the State Court Administrator and be a member of the Judicial Branch Administrative Team.  
(B) Establish two (2) regional security coordinator positions.

- Recommendation 6.** Establish a Security Policy Advisory Committee with members to be appointed by the Chief Justice.
- Recommendation 7.** Utilize the Labor-Management Committee provided for in the MSEA Collective Bargaining agreement to work on security issues and concerns of employees.
- Recommendation 8.** Identify three (3) levels of court facilities for security purposes, and establish minimum standards of court security for each level.
- Recommendation 9.** Establish minimum standards for CSO coverage of court proceedings dependent on the type of court proceeding.
- Recommendation 10.** In conjunction with the Regional Court Administrators, conduct security audits of all court facilities, document needed improvements including the correction of Life Safety Code issues and develop a plan and budget for upgrading facilities system wide.
- Recommendation 11.** Develop security training programs for Judges/Justices/CMOs and court staff and expanded training programs for court security personnel
- Recommendation 12.** Recommend that Case Management Officers wear robes in the courtroom.
- Recommendation 13.** Develop a program for providing identification badges to all judges and judicial branch employees.

Each of these recommendations is described more fully in the body of this report.

## INTRODUCTION

Pursuant to 4 M.R.S.A. § 17(15), which requires the State Court Administrator to "Plan and implement arrangements for safe and secure court premises to ensure the orderly conduct of judicial proceedings", State Court Administrator James T. Glessner established a Security Advisory Panel in July of 1999. Panel members include Hon. John R. Atwood, Superior Court Justice; Hon. Keith A. Powers, District Court Judge; Joan M. Kidman, Esq., Case Management Officer; Dianne Hill, Superior Court Clerk; Linda

Jowett, District Court Clerk; John Deeds, Security Coordinator; and Norman Ness, Regional Court Administrator. This Panel was asked to "consider the current security program and make recommendations for its improvement".

### **HISTORY OF COURT SECURITY IN MAINE**

Prior to the establishment of the District Court in the early 1960's, general jurisdiction court activities were handled through the Superior Courts in each county and limited jurisdiction cases (primarily traffic) were handled in local municipal courts. The Superior Courts were county operated courts where the County Sheriffs provided court security services. Some of the Municipal Courts were held in municipal buildings or police stations where local police offices provided limited security services. Often the municipal court judge in a small community was a local attorney who held court sessions in his office with no security. The municipal courts were phased out with the establishment of the District Court system.

**Superior Court** - Prior to 1989, 4 M.R.S.A. § 112 required that "the Sheriff of each county shall attend the Superior Court thereof or the Supreme Judicial Court when either court is in session in that county or he shall specially designate a deputy, approved by the court, so to attend". Sheriffs read the meaning of this statute as a mandate that they provide court security services for the Superior Courts. In 1989, the statute was clarified on this issue and was reworded as follows: "the Sheriff of each of the counties, when requested shall attend the Superior Court thereof or the Supreme Judicial Court when either court is in session in that county or the sheriff shall specially designate a deputy, approved by the court, so to attend".

**District Court** - When the District Courts were established, 4 M.R.S.A. §173(4) required that "The sheriffs of the several counties shall designate and furnish deputy

sheriffs to serve as bailiffs in each division of the District Court within their counties, if so requested by the Chief Judge. Compensation for such service shall be paid for by the District Court out of its General Fund" It went on to add that "in those municipalities where a police officer has been furnished heretofore to serve as bailiff, the Chief Judge may continue to authorize the use of a police officer as a bailiff and the municipality shall be compensated therefor by the Maine District Court out of its General Fund." These statutory references made it clear that in the District Court, the Chief Judge had discretion in the selection of persons to serve as bailiffs. In 1989, the statute was amended to provide that a deputy designated as bailiff must be approved by the resident judge and in 1993, it was changed back to approval by the Chief Judge.

**State Court Administrator** - In 1987, the duties of the State Court Administrator were amended to include the below mentioned court security responsibilities. These responsibilities reflect 1989 and 1991 amendments to 4 M.R.S.A. § 17(15).

"Provide for court security. Plan and implement arrangements for safe and secure court premises to ensure the orderly conduct of judicial proceedings. This includes the authority to contract for the services of qualified deputy sheriffs and other qualified individuals as needed on a per diem basis to perform court security-related functions and services. "Qualified deputy sheriffs and other qualified individuals" means those individuals who hold valid certification as law enforcement officers, as defined by the Maine Criminal Justice Academy, pursuant to Title 25, chapter 341 [25 M.R.S.A. § 2801 et seq.], to include successful completion of such additional training in court security as provided by the academy or equivalent training. When under that contract and then only for the

assignment specifically contracted for, the qualified deputy sheriffs or other qualified individuals shall have the same duties and powers throughout the counties of the State as sheriffs have in their respective counties. Qualified deputy sheriffs performing contractual services continue to be employees of the counties in which they are deputized. Other qualified individuals performing these contractual services may not be considered employees of the State for any purpose, as long as the other qualified individuals are treated as employees of the State for purposes of the Maine Tort Claims Act (14 M.R.S.A. § 8101 et seq.) and the Maine Workers' Compensation Act of 1992 (39 M.R.S.A. § 101 et seq.) They must be paid a reasonable per diem fee plus reimbursement of their actual, necessary and reasonable expenses incurred in the performance of their duties, consistent with policies established by the State Court Administrator. Notwithstanding any other provision of law, the plans, arrangements and files involving court security matters are confidential. Nothing in this section precludes dissemination of that information to another criminal justice agency. In addition to the foregoing authority, the State Court Administrator may employ other qualified individuals to perform court security-related functions and services. These employees must have a valid certification as law enforcement officers, as defined by Title 25, chapter 341, including successful completion of additional training in court security as provided by the Maine Criminal Justice Academy or equivalent training and, when on assignment for court security functions, have the same powers and duties throughout the counties of the State as



sheriffs have in their respective counties. These individuals are state employees for all purposes."

In 1986, a full time position was established within the Judicial Branch to oversee the operations of court security services under the direction of the State Court Administrator. In 1993, the State Court Administrator realigned the responsibilities of administrative staff and assigned the lead responsibility for Court Security to one of four Regional Court Administrators. A Court Security Coordinator position was established to oversee day-to-day security operations.

In the late 1980's, the Administrative Office of the Courts started establishing annual court security contracts with the County Sheriffs as a means to more accurately budget resources and control court security costs. Since the implementation of the contract process, six of the Counties have decided not to continue providing court security services. Security in these counties is provided by individuals employed by Manpower Services under the direction of the Court Security Coordinator. In Androscoggin County, there is one full time state employee who serves as a local court security officer.

### **Characteristics of an Effective Court Security Program**

The State Court Administrator has identified a number of characteristics that are required in a security program to ensure an adequate level of safety in all court facilities and to ensure that court activities are conducted in a safe and orderly fashion. These characteristics indicate that court security must be consistent, reliable affordable, well organized, flexible, and staffed by qualified individuals.

### **Current Options for the Provision of Court Security Services**

As indicated earlier, the statute gives the State Court Administrator

administrative authority to provide security in three basic ways: 1 - To contract for services of qualified deputy sheriffs; 2 - To contract for the services of qualified individuals; and 3 - To hire employees.

### **Current Security System**

Currently, the court system primarily uses the first two methods although there is one state employee court security officer. Sheriffs' Departments provide services in Kennebec, Knox, Lincoln, Oxford, Penobscot, Piscataquis, Somerset, Waldo, Washington, and York counties. In the remaining six counties, (Androscoggin, Aroostook, Cumberland, Franklin, Hancock, and Sagadahoc) the Judicial Branch contracts with individuals through Manpower Services.

### **The Security Panel's Approach**

Since the establishment of the Court System in Maine, the state has witnessed many and varied cultural and social changes which have impacted the responsibilities of its courts. The needs and demands of the state's citizens have led the Legislature to greatly enlarge the court's sphere of dealing with society's problems. Accordingly, the Panel reviewed current case type responsibilities and looked at future directions such as increased emphasis on the resolution of family and youth problems and the institution of drug courts. From these observations, it can be determined that the issues and concerns that will challenge court security personnel will be many and varied and differ greatly from those of only a few years ago. The Panel also felt that it was important to solicit the concerns, thoughts, ideas, and suggestions from members of the Judicial Branch family. Accordingly, Justices, Judges, Case Management Officers, Clerks, Screeners, Secretaries, Court Reporters, Mediators, and Court Security Officers were asked to provide input to the Panel through the completion of questionnaires on

security issues. Using the data from the questionnaires, the research of others, and the requirements mandated by state statutes, we make the following recommendations.

**Recommendation 1.**

**Develop, adopt and implement a Comprehensive Security Plan.**

A security plan will provide a vehicle for the setting of goals and objectives; provide for staff, equipment and facility audits to identify and clarify problem issues; provide for the development of written security standards, policies, and procedures; provide for an action plan for resolving security problems; and provide the comprehensive framework necessary for the Judicial Branch to secure the resources to fully implement the plan. This panel sees many of its recommendations fitting into such a comprehensive plan.

**Recommendation 2.**

**Continue to contract with the Sheriffs in those counties where a mutually acceptable contract can be negotiated.**

As suggested by State Court Administrator James Glessner, this will allow the Judicial Branch to continue to work with sheriffs who have experience in providing court security and who have demonstrated this ability and commitment for many years. These contracts should be for two years with costs included as part of the Judicial Branch biennial budget. With a two year contract, greater advanced planning will be required on the part of the Judicial Branch.

Detailed advanced planning will provide the information necessary to enable the development of fair contracts that meet the needs of the Judicial Branch and, at the same time, ensure the provision of the financial resources necessary for the sheriffs to carry out the contract requirements.

**Recommendation 3.**

**Establish a working group of representatives from these Sheriffs' Departments to work with the Judicial Branch Office of Court Security on the development and implementation of uniform policies and procedures.**

To help ensure that the characteristics of an effective security program are met, we feel it is important to have a working group that meets regularly to work on maintaining uniform practices at all court locations. The need for uniform methods of security operation is of vital importance as many Judges/Justices/CMOs, members of the Bar, DHS workers, CASA volunteers, mediators, etc. travel between counties to participate in court proceedings.

**Recommendation 4.**

**In the counties where the Judicial Branch provides security services.**

**A. Establish thirty (30) "state employee" court security officer positions to provide primary court security services in Androscoggin, Aroostook, Cumberland, Franklin, Hancock and Sagadahoc counties.**

These positions would be assigned to and have responsibility for all courtroom proceedings and would have responsibilities for overall courthouse security in the buildings to which they are assigned. These thirty (30) state positions would be in place of thirty (30) court security officer positions now provided through Manpower Services.

The creation of these positions provides only for maintaining current levels of court security services in these counties. It is stressed that no increase in the level of service will result from this change. Although these employees would have statewide authority, they would have primary court location assignments. They would also be rotated periodically among court facilities in the coverage area to maintain a working

knowledge of the buildings covered. All court security officer positions would be assigned based on the court coverage needs.

The following listing identifies the court locations which serve as the basis for the thirty (30) positions recommended above.

Aroostook County (3)

Houlton/Presque Isle DCs	1
Caribou/Madawaska/Fort Kent DCs	1
Aroostook SC	1

Hancock County (2)

Hancock SC	1
Ellsworth/ Bar Harbor DC	1

Androscoggin County (7)

Androscoggin SC	1
Lewiston DC*	6

Cumberland County (14)

Cumberland SC** (Inc FT JO)	6
Portland/Bridgton DC (Inc 1 FT control room, 1 Bridgton, & 1 floater)	8

Franklin County (1)

Farmington DC	1
Franklin SC	0

Sagadahoc County (2)

Sagadahoc SC	0
West Bath DC	2

Full time floater (1)	1
-----------------------	---

<b>TOTAL</b>	<b>30</b>
--------------	-----------

\* Number includes the three (3) additional positions which will be required to staff the new District Court facility. Includes one (1) supervisory position.

\*\* Includes building supervisory positions.

Note: FT = Full Time, JO = Jury Officer

**B. Establish a contract with a private firm to provide a pool of trained and qualified security personnel to assist on an "as needed" basis in the aforementioned courts. Qualification standards for these positions would be established by the Judicial Branch.**

Persons in these positions would provide additional courtroom security as needed, perform special circumstance entry screening, serve as jury officers, and provide other security services as required such as building coverage when court is not in session, additional building coverage during court sessions, etc. A pool of part time CSOs and JOs could be established as illustrated below:

Aroostook County - 2 PT CSOs & 1 PT JO; Hancock County - 1 PT CSO & 1 PT JO  
Androscoggin, Cumberland, Franklin, & Sagadahoc Counties - 8 PT CSOs & 5 PT JOs  
(Additional CSO coverage to Hancock County could be provided from this pool.)

**Recommendation 5.**

**In the operation of the statewide Judicial Branch security program, the following supervisory changes are recommended:**

**A. Require that the position in charge of court security be directly responsible to the State Court Administrator and be a member of the Judicial Branch Administrative Team.**

With the emphasis that will be needed on the development and implementation of future court security programs and activities, it is imperative that the person directly responsible for court security leadership work directly under the guidance of the State Court Administrator. Having a middle layer of supervision provided by a Regional Court Administrator on a part time basis does not enable the priority of leadership the program will need as it faces the challenges ahead.

**B. Establish two (2) regional security coordinator positions.**

If the current method of providing security services continues so that the sheriffs and the Judicial Branch provide services in different counties, the panel believes that it is important that there be two intermediate supervisory positions to coordinate these responsibilities. Each would be assigned a geographical area to oversee CSO's employed by the Judicial Branch and to assist in coordinating with the sheriffs' departments in that area in providing security services. These coordinators would also be trained as CSO's and fill in from time-to-time in providing direct security services. They would answer directly to the individual in charge of Judicial Branch security statewide.

The panel also recommends that the regional coordinators assume responsibility for management of jury officers in their respective regions. In counties where the sheriffs provide jury officers, the regional coordinators would serve as a resource to the sheriffs in providing jury management.

Should the Judicial Branch ever assume responsibility for the provision of security services in all sixteen counties, it is envisioned that four (4) regional coordinator positions be utilized with regions which mirror Regional Court Administrator regions.

**Recommendation 6.**

**Establish a Security Policy Advisory Committee with members to be appointed by the Chief Justice.**

This committee's responsibility would include making recommendations as to the comprehensive plan and its amendments as described in the previous section. The committee could also assist the Judicial Branch in working with other branches of state government, including the Legislature, to develop the resources to carry out the goals

and objectives of the plan.

The panel recommends that persons from within and outside the court system be involved in this committee. Thus, for example, the committee might include representatives of the judiciary, court employees including a CSO, the law enforcement community (e.g., Maine Chiefs of Police Association, Maine Sheriffs Association, U.S. Marshall Service, Maine Department of Public Safety), the bar, legislator(s), victim advocacy groups, related agencies (DHS and Corrections), prosecutors' offices, and members of the public. The panel believes that public members are important to this committee, particularly those who have had experience in the courts, as the courts exist to serve the public at large, and the panel's surveys reveal that parties and witnesses are the people at greatest risk in court proceedings. Members of the committee would be appointed by the Chief Justice and the committee would report to him. At his option, the State Court Administrator or a designee could serve as an ad hoc member of the committee.

**Recommendation 7.**

**Utilize the Labor-Management Committee provided for in the MSEA Collective Bargaining agreement to work on security issues and concerns of employees.**

This committee should also serve as an advisory resource to Security staff in the development of security planning efforts. The fact that a section on security is in the collective bargaining agreement illustrates the concern of our employees that security efforts be given priority emphasis by the Judicial Branch. Many of the people in our Clerks offices are on the front lines with the public on a daily basis and see the many potential situations where both the staff and the public are at risk. Their input into the



planning and evaluation of security programs will have a large impact on the success of Judicial Branch efforts.

**Recommendation 8.**

**Identify three (3) levels of court facilities for security purposes, and establish minimum standards of court security for each level. \***

Factors used to establish levels might include: volume of cases, number of building employees, number of courtrooms, size of building (i.e. number of floors, square footage), security devices in place (i.e. security glass at clerk's counter, alarm systems, security cameras) and availability of police response. The detailed aspects of these recommendations are a suggested base for establishing standards for providing court security services. All courts will need to be assigned to the appropriate levels and it may be desirable to add additional standards.

A. Level I

- (1) One (1) CSO in court building when court is in session.
- (2) Clerk's counter: minimum of partial safety glass partition for office security.
- (3) Perimeter screening: Walk through and hand held metal detectors on site for use as needed. Use required in high risk/high profile situations.
- (4) When Level I Superior and District courts are in the same building and court sessions are held on the same days, the facility should be considered a Level II facility on those days.

B. Level II

- (1) Full time CSO(s) in building during facility business hours (minimum one CSO at all times).
- (2) Clerk's counter: minimum of partial safety glass partition

for office security.

- (3) Perimeter screening: Walk through and hand held metal detectors on site and in operation during all days when court is in session.

C. Level III

- (1) Full time CSO staffs on duty during facility business hours.
- (2) Clerk's counter: minimum of partial safety glass partition for office security.
- (3) Perimeter screening: Walk through and hand held metal detectors and X-ray equipment on site and in operation during all public business hours.

**\*Note:** The majority of questionnaire responses support a goal of having entry screening and a full time CSO(s) in all facilities during all business hours.

**Recommendation 9.**

**Establish minimum standards for CSO coverage of court proceedings dependent on the type of court proceeding.**

Minimum standards for court security officer coverage for all types of court proceedings should be established through an ongoing detailed study of needs during the development of a system wide court security plan. However, it is a recommendation of this panel that the current level of court security officer coverage for court proceedings be maintained with the following exceptions pending the development of the court security plan.

- A. Superior Court: A minimum of two (2) CSOs shall be assigned for all high risk/high profile trials and sentencings and all trials with special circumstances.
- B. District Court: A minimum of two (2) CSOs shall be assigned for all PA/PH hearings, all Child Protective hearings, all high risk juvenile

proceedings, all high profile/high risk criminal proceedings, and all trials with special circumstances. The number of CSOs assigned for District Court arraignment proceedings shall be based on the number of persons or prisoners to be arraigned and the need to ensure the safe and orderly movement of all persons within the court facility.

**Recommendation 10.**

**In conjunction with the Regional Court Administrators, conduct security audits of all court facilities, document needed improvements including the correction of Life Safety Code issues and develop a plan and budget for upgrading facilities system wide.**

This panel sees this review of court facilities as critical and a key part of the comprehensive planning process. Security issues (including separate spaces for victims, witnesses, and parties at risk) should receive high priority in the design of new court facilities and the redesign/upgrade of existing facilities. In county buildings and leased facilities, the building owners will need to be actively involved in this process.

**Recommendation 11.**

**Develop security training programs for Judges/Justices/ CMOs and court staff and expanded training programs for court security personnel**

It is recommended that security training programs be developed based on position responsibilities. Some aspects of training might be universal for everyone such as "fire drill" training and other aspects such as dealing with hostile persons at the counter might be geared to clerical personnel.

**Recommendation 12.**

**Recommend that Case Management Officers wear robes in the courtroom.**

While Case Management Officers have limited jurisdiction, their authority is

exclusively in the area of family matters. The security surveys have identified these types of cases as the area with the highest potential for conflict and the greatest security risks. The case management docket includes cases with formal protection from abuse orders, as well as many others with a history of intimidation and/or issues of power, control and abuse. The Security Panel recommends that the Case Management Officers should be permitted to wear robes. The wearing of a robe denotes the Case Management Officer as a position of authority and enables the parties and witnesses to feel safe in the courtroom. It also communicates to the parties that the force of law is behind the decision of the Case Management Officer.

**Recommendation 13.**

**Develop a program for providing identification badges to all judges and judicial branch employees.**

Identification badges with pictures should be available as employee identification and employees should be required to have this identification with them when in court facilities or at court functions. Although employees should not be mandated to wear or display identification badges, the badges should be capable of being displayed should a specific need arise.

STATE OF MAINE  
SUPERIOR COURT



JOHN R. ATWOOD  
Justice

Kennebec County Courthouse  
95 State Street  
Augusta, Maine 04330  
207/622-7475

April 2, 2002

James T. Glessner  
State Court Administrator  
P.O. Box 4820  
Portland, Maine 04112

**Re: Supplemental Report of the Security Advisory Panel**

Dear Ted:

Enclosed please find the Supplemental Report of the Judicial Branch Security Advisory Panel. While it is a few days late, I believe you and Chief Justice Saufley will find that it is responsive to the mission assigned to us by Acting Chief Clifford and you last November. As the enclosed report will show, we also addressed security issues which we believed were expedient and relevant to our mission.

As an exception to the foregoing, we did not attend to the issue of communication with other state agencies on exchanging security information. There were several reasons for this omission. First, we understood that the leadership on state intra-agency security information is to be with MEMA or the Home Security Task Force, and that, ultimately, we should respond to their communication initiatives. Second, we also believe that this is a task best undertaken by the individual who will be the supervisor of our expanded court security service. See Recommendation 5, Report of August 22, 2000.

Our panel, however, wished me to convey to you two security communication concerns. The first is that each courthouse should be equipped with a speaker or alarm system, perhaps through the telephones, which is capable of alerting judicial personnel, county employees and the public, of a security emergency and the need to evacuate or to take other action. The second communication issue has been articulated by some District Court Judges and CMO's at their recent meeting. They are concerned with state employee and/or public access to their e-mail addresses. Put Armstrong has advised us that there is nothing that can be done about this issue at this time.

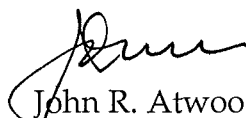
The panel wished me to advise you that all the recommendations in this report were unanimous except recommendation 3.

Next, as you know from our meeting on November 9, 2001, a number of the recommendations from our earlier report require implementation. It is understood that this action may have to wait for adequate personnel and funding later this year.

Last, I wish to thank members of the panel for their hard work, particularly Norm Ness, Rob Miller, and John Deeds, for their efforts in marshalling information for the panel and for their drafting of this report and its appendices.

I would be happy to meet with you or Chief Justice Saufley to discuss the contents of this report at your convenience.

Very truly yours,



John R. Atwood  
Justice, Superior Court

JRA:sl  
Enclosure

cc: Chief Justice Saufley  
Security Advisory Panel

**SUPPLEMENTAL REPORT OF THE  
JUDICIAL BRANCH  
SECURITY ADVISORY PANEL**

On November 6, 2001, the Security Advisory Panel previously established by State Court Administrator James T. Glessner was reactivated and directed to conduct a current assessment of security in the Judicial Branch. Three areas of security were specifically identified for review:

1. The adequacy of existing mail handling precautions.
2. Whether existing building evacuation procedures and practices are sufficient, appropriate for all facilities and familiar to all.
3. The adequacy of emergency communication systems both internally and with respect to our ability to acquire information needed to make decisions relating to security.

The Security Advisory Panel was encouraged, during the course of its discussions, to identify any other security issues as well. The panel was asked for a summary of its recommendations and actions to be taken by March 29, 2002.

Additionally, the panel was urged to identify recommendations that it deemed required immediate attention and to take steps necessary to implement them.

Pursuant to this directive the Security Advisory Panel makes the following eleven (11) recommendations: .....

**Recommendation 1.**

**Adopt and implement a Personnel Identification Policy.**

To enhance the level of court security and to assist security personnel to readily identify persons with appropriate access to various areas of court facilities, it is recommended that the Judicial Branch establish a system of identification for all judicial; quasi-judicial; administrative and non-judicial staff and for all authorized non employees such as volunteers, contractors, etc. A proposed Personnel Identification Policy is attached in Appendix A.

**Recommendation 2.**

**Adopt and implement a uniform Weapons Policy.**

In December 1990, the Superior Court Chief Justice instituted an Administrative Order concerning the bringing of firearms and weapons into Superior Court and related areas. The Chief Judge of the District Court issued an Administrative Order on weapons in the District Court in May of 1991. These two administrative orders varied as follows. The presumption in the Superior Court is that police officers may not carry weapons without the approval of the Superior Court Chief Justice or the presiding justice. The presumption in the District Court is that those officers may carry weapons unless the presiding judge prohibits the officers from doing so. The Chiefs believe that there should be a single order covering this issue for all courts and requested that this panel develop a draft order for their consideration. The panel has studied this issue and developed a proposed Uniform Weapons Policy which is attached in Appendix B.



**Recommendation 3.**

**Provide uniform firearms and ammunition for all Court Security Officers.**

The panel spent considerable time discussing weapons, ammunition and other equipment utilized by Court Security Officers. Currently, Court Security Officers provide their own firearms and ammunition which results in different weapons and ammunition being used. The CSOs are required to be certified annually in the use of the firearm and ammunition that they carry. After considerable discussion, the panel concluded that there should be more control of firearms and related equipment by the Office of Court Security Services and that the Judicial Branch should provide uniform firearms and ammunition for Court Security Officers. This would enable better weapons quality control, improved firearms maintenance, simplified training, and a more efficient firearms system with interchangeable ammunition. The panel felt that decisions on the issuance of other weapons or disabling chemicals should be made by the Office of Court Security Services in conjunction with the State Court Administrator.

**Recommendation 4.**

**Adopt and implement an Incident Reporting Policy which requires all judges/justices and Judicial Branch employees to report any threatening or unusual incident or event.**

The Panel spent considerable time discussing the types of situations or events that should be considered security incidents and be reported, who should fill out and submit incidents reports and who should be notified. The panel concluded that any incident or event shall be reported where a person feels threatened or where a person feels the incident is unusual or out of the ordinary. The panel recommends that a policy be developed and enforced which mandates that all Judicial Branch personnel be obligated to report any incident or event in which they believe they have been threatened in any way. If a person believes the threat to be imminent, the request for assistance is to be initiated by alarm. Reports are to be made to the Court Security Officer, if present, or to a local law enforcement agency. Any work related threat made during non working hours is to be reported to local law enforcement immediately and to court security on the next business day. Said policy shall also require that all Court Security Officers, whether state, county or contract, complete and timely file incident reports with the Office of Court Security Services.

**Recommendation 5.**

**Adopt and implement a Mail Handling Policy.**

Following September 11th, suspicious mailings were received in various parts of the country including Maine. Fortunately, the mails were not used to transmit anthrax spores in our state but "copy cat" situations did occur. Given our need to be constantly aware of this new environment in

which we live, the Security Advisory Panel recommends the development and implementation of a Mail Handling Policy.

The Emergency Response Manual references the handling of suspicious mail/packages and response to biological and chemical exposure but it does not contain a specific Mail Handling Policy. In October 2001, John Deeds sent out a security memorandum on mail security awareness which provides guidelines for handling suspicious mail and packages.

This Panel recommends the following be included in a mail handling policy: 1) The AOC shall make sure disposable gloves and masks are available in all court locations. 2) In each court, the Clerk and CSO shall designate an area where mail is to be opened. Wherever possible and practical, mail should be opened in an isolated, separate, contained area away from HVAC conduits and public access. 3) The supervising clerk or person in charge of a mail receiving location, shall be responsible for personally reviewing the policy with employees opening the mail and for making sure gloves and masks are available. 4) Every employee shall receive a copy of the policy and an orientation to the designated mail opening area. 5) Procedures for accepting parcels from delivery agencies and supply companies should be developed.

Given the facility constraints and varying circumstances from site to site within our system, the panel recommends the final details of mail policy should be determined locally in conjunction with the Office of Court Security Services.

**Recommendation 6.**

**Develop and maintain Evacuation Plans and Protocols for all  
Judicial Branch facilities.**

Emergency Response Manuals for all Judicial Branch locations contain an Evacuation Plan for that location. In many instances, this plan is incomplete or outdated and evacuation drills have not been conducted. The Panel feels that evacuation policy and procedures are inadequate and recommends immediate implementation of the following protocols:

1) Evacuation Plan- each building shall have an evacuation plan particular to that building;

2) Plan approval and registration - each building evacuation plan shall be registered and approved by the Office of Court Security Services. The development and registering of the plan for court facilities should be the responsibility of the supervising Clerk and CSO. The Office of Court Security Services should be responsible for the development and registering of Administrative facilities including the Portland AOC, Violations Bureau, Judicial Center, Augusta AOC, and Electronic Recording Office.

3) Coordination - for each building where the court does not have sole use of the building, the RCA shall contact the landlord to coordinate the development of evacuation plans and the posting of signage and exit diagrams. For state owned or controlled buildings, the RCAs should work directly with the Office of Court Security Services on these issues.

4) Training - once a plan has been established for a building, each person should be given a copy of the plan and the clerk or office supervisor

and CSO will go over it with staff in the building. To assure individual accountability, staff shall sign a statement annually confirming that he/she has reviewed the plan. Judges, CMOs, mediators and court reporters shall be responsible for familiarizing themselves with the plan. It is suggested that in some locations it may be appropriate to maintain an "In/Out" or dot board to track who is in or out of a building or office. Such a board could be used to make sure everyone is accounted for should evacuations be required.

5) Drills - there should be two evacuation drills a year at each facility. One drill should be announced to allow people to prepare and read the plan and one drill should be unannounced. Such drills should be arranged by the Office of Court Security Services and local CSOs in coordination with landlords, local law enforcement agencies and fire/rescue organizations. Drills should not be scheduled at peak court times such as when arraignments are occurring. It is also suggested that implementation of this recommendation be delayed until September, when the new security officers will have been hired.

The Panel felt that the completion of evacuation plans was a priority and asked John Deeds to work with local CSOs to complete this task by the end of February. NOTE: Plans have been received from all locations and they are in the process of being reviewed by the Office of Court Security Services.

**Recommendation 7.**

**Conduct security audits of all Judicial Branch facilities and develop recommendations for needed improvements.**

The Judicial Branch has more than 50 facilities statewide which vary significantly in age, condition, ownership, layout, etc.. Each of these facilities has its own security issues and concerns. Newer facilities provide segregated public, private, and prisoner circulation zones while older facilities including county courthouses actually present obstacles to adequate security. This panel recommends that security audits of all Judicial Branch facilities be undertaken and that a multi year facilities security plan be developed to provide a basis for funding requests. Such a plan would also assist the Judicial Branch in setting priorities for facility upgrades and replacements.

**Recommendation 8.**

**Develop and submit specific legislation to provide Court Security Officers with appropriate law enforcement authority and jurisdiction.**

Recent discussions with Criminal Justice Academy personnel have raised questions regarding the law enforcement authority of the Court Security Officers we utilize through the Manpower Temporary agency. In addition, issues have been raised regarding the scope of training requirements for all Court Security personnel. This panel recommends that the Attorney General's Office be asked to review current statutes and related rules applicable to Court Security personnel and work with the Judicial Branch to draft legislation to clarify the legal status and law enforcement authority of our court security officers.

**Recommendation 9.**

**Develop a Comprehensive Biological and Chemical Response Plan as part of the Security Plan recommended in the original Security Panel Report.**

Currently, the Emergency Response Manual contains sections dealing with infectious disease control and chemical hazard exposure. Since September 11 however, the potential of bioterrorism incidents has risen to a much higher level with the anthrax spores and copycat events.

This panel recommends that our current biological and chemical response policies be reviewed and integrated as part of a more detailed Emergency Response Policy. Such policies should include protocols for court security officers, judges, and other court staff to follow in the event of such an emergency and a training curriculum for court personnel.

**Recommendation 10.**

**A Initiate a Policy whereby the Judicial Branch purchases protective vests for all State Employee Court Security Officers and state retained contract agency Court Security Officers and requires that the protective vests be worn when the officers are on duty.**

Historical events in other states demonstrate that Court Security Officers are the most likely court personnel to be placed in life threatening situations because of their job responsibilities. In Maine, we do not have full time entry screening at any of our court locations which raises the

possibility of Court Security Officers being placed in life threatening situations. Given this current situation, this panel recommends the purchase of protective vests for all state employee and contract agency court security personnel and recommends that these persons be required to wear the vests whenever they are on duty. The Panel feels that Jury Officers do not face the same degree of danger and does not recommend the provision of this equipment for persons in these positions.

The Panel also recommends that the Sheriff's Offices which provide court security services be encouraged to institute the same policy.

**B. Initiate a Policy whereby the Judicial Branch purchases six (6) protective vests for use by any Judge/Justice or court employee in specific threat situations.**

In recent years, some judges have received various threats from individuals who disagree with or who are unhappy with the decision of those judges. The Office of Court Security Services and law enforcement agencies vigorously follow up on these events, but often protective details are appropriate until the situations can be resolved. This panel feels it is important for the Judicial Branch to purchase six (6) protective vests to be deployed on an ad hoc basis for use by court personnel if they are placed in potentially life threatening specific situations.



**APPENDIX A**  
**State of Maine**  
**Judicial Branch**

**PERSONNEL IDENTIFICATION POLICY**

**PURPOSE.**

The purpose of this policy is to enhance the level of security within all court and administrative facilities operated by the Maine Judicial Branch by establishing a system of identification for all judicial; quasi-judicial; administrative and non-judicial staff and, for all authorized non employees such as volunteers; contractors, etc. Employee identification badges will be issued to and maintained by all staff as provided below and will serve to:

- provide assurance that all individuals present within private circulation zones within Maine Judicial Branch facilities are authorized to be there
- provide for a readily visible means of identification of visiting staff by staff who are regularly assigned to a specific facility
- provide for a readily visible means of identification of staff by emergency response personnel in the event of a security emergency
- provide for a readily visible means of identification of staff by litigants; other governmental agents; law enforcement personnel; attorneys; members of the public and other customers of the Maine Judicial Branch

**EMPLOYEE IDENTIFICATION BADGES.**

Employee identification badges as described below will be issued to all staff by the Office of Court Security Services which will be responsible for acquisition, distribution and replacement of the badges. The Office of Court

Security Services shall also maintain records of all badges issued and renewal dates and if necessary shall be responsible for confirming the validity of employee identification badges upon request. Employee identification badges will be valid from date of issue until termination of employment with the Maine Judicial Branch.

Employee identification badges will be color coded to indicate employee status as defined below and will contain the following descriptors on the front of the badge:

- the Maine State Seal
- the caption:                   STATE OF MAINE  
  JUDICIAL BRANCH STAFF
- a color photograph of the employee

Employee identification badges will contain the following descriptors and information on the back of the badge:

- the full name of the employee

The definitions of color coded employee status classifications will be as follow:

- the color purple will be assigned to all judicial staff including the Chief Justice and Associate Justices of the Supreme Judicial Court; the Chief Justice and Justices of the Superior Court and the Chief Judge and Judges of the District Court and Case Management Officers

- the color blue will be assigned to all administrative staff including the State Court Administrator; Regional Court Administrators; Administrative

Office of the Courts Directors and staff; Office of Information Technology Director and staff; Adult Drug Court Director and other administrative staff as determined by the State Court Administrator

- the color green will be assigned to all other non-judicial staff including Clerks of Court and staff; the Electronic Recording Supervisor and staff; the Violations Bureau Supervisor and staff ; Official Court Reporters; Law Clerks; Judicial Secretaries and Financial Screeners

- the color red will be assigned to all court security staff including regular employees of the Judicial branch; Sheriff's department staff and other contract security staff

- the color orange will be assigned to all court mediators; volunteers ; interns; long term contractors and other regular non employees as may be authorized by the OCSS

#### **EMPLOYEE RESPONSIBILITIES.**

All Maine Judicial Branch employees will be responsible for wearing and maintaining employee identification badges as follows:

- One employee identification badge will be issued to all new and current employees at no cost to the employee.

- Employees are expected to have their employee identification badges on their person at all times while working at their regularly assigned workplace.

- Employees are expected to wear their employee identification badges at all times whenever they are away from their regularly assigned workplace and while visiting another Judicial branch facility.

- It will be the responsibility of the employee to acquire replacement badges for a fee to be set by the Administrative Office of the Courts.

- ID badges are the property of the Judicial Department. Employees are required to turn in their employee identification badges to their supervisor upon terminating their employment with the Maine Judicial Branch.

## **APPENDIX B**

### **ADMINISTRATIVE ORDER**

#### **CONCERNING THE BRINGING OF FIREARMS AND WEAPONS INTO SUPREME, SUPERIOR, and DISTRICT COURT AND RELATED AREAS**

Effective May 1,2002

All persons are prohibited from entering or remaining in any Supreme, Superior, or District Court facility which shall include any courtroom, judicial chambers, clerk's office, conference room, mediation room, law library, lobby or any other area or building within the control or supervision of the Maine Judicial Branch, if armed with a firearm, other dangerous weapon or in possession of a disabling chemical. As used herein, the term "firearm" has the same meaning as set forth in 17-A M.R.S.A. § 2(12-A); "armed with a dangerous weapon" has the same meaning as set forth in 17-A M.R.S.A. § 2(9-B); and disabling chemical" means chemical mace or any similar substance composed of a mixture of gas and chemicals or organic agents which has or is designed to have a disabling effect on human beings. The determination of the dangers of any item shall be at the discretion of the Office of Court Security Services and the court security officers assigned to any courthouse or other Judicial Branch Facility.

This order applies to people who possess a valid permit to carry a concealed firearm issued under 25 M.R.S.A. § 2(12-A). It is immaterial that the carrying of a firearm or other concealed weapon by a person would not constitute a violation of 25 M.R.S.A. § 2001.

This order does not apply to court security officers or other law enforcement officers who are armed as part of their duty attire unless the presiding judge or justice, by order, prohibits such officers from possessing firearms, dangerous weapons or disabling chemicals in a designated area of a court facility. All law enforcement officers

in civilian dress shall keep their weapon concealed and discretely advise the court security officer that he/she is armed with a concealed service or duty weapon. All court security officers and law enforcement officers shall keep their weapons in secure holsters.

Any law enforcement officer or court security officer who is a litigant or witness in an unofficial capacity in a court proceeding is prohibited from entering or remaining in any Supreme, Superior, or District Court facility which shall include any courtroom, judicial chambers, clerk's office, conference room, mediation room, law library, lobby or any other area or building within the control or supervision of the Maine Judicial Branch, if armed with a firearm, other dangerous weapon or in possession of a disabling chemical.

This order does not apply to people possessing a firearm, dangerous weapon or disabling chemical if the purpose for such possession is to offer the item as evidence in a proceeding. Prior approval of the presiding judge/justice is required before any firearm, dangerous weapon or disabling chemical shall be brought into any court facility for this purpose. All firearms, dangerous weapons or disabling chemical presented as evidence shall be inspected by the court security officer to assure that the items are rendered safe for handling in the facility.

The presiding judge or justice also has the authority on a case by case basis to exclude a person from the prohibitions of this order.

The Clerk of the Court or facility supervisor shall post a copy of this order in locations where it is likely to come to the attention of all who enter the premises under the control and supervision of the Judicial Branch.

This Administrative Order # \_\_\_\_\_ supersedes Administrative Orders # DC-91-3 and #SJC-320.