

**STATE OF TEXAS**

**RESOLUTION**

**of the**

**TEXAS JUDICIAL COUNCIL**

**Courthouse Security Funding and Reporting**

WHEREAS, Texas courts are experiencing a high number of security incidents as documented by a recent Office of Court Administration (OCA) statewide survey of Texas trial judges and child support and child protection associate judges (with an overall response rate of approximately 32%) which revealed that more than 4,200 separate security incidents (*e.g.*, physical altercations without weapons, attempts to bring weapons into court) occurred in courtrooms, chambers and judicial offices in a one-year period;

WHEREAS, many Texas courts lack adequate security, the survey showed that approximately 13% of the state's trial courtrooms had no security staff assigned and nearly 40% of the state's trial courtrooms had no security resources other than security staff;

WHEREAS, the Texas Legislature has recognized a need for adequate courthouse security by establishing funding through the imposition and collection of a security fee: (1) upon the filing of most civil cases in counties in which the commissioners court has chosen to assess a courthouse security fee; and (2) upon the conviction of an individual in most criminal cases;

WHEREAS, Article 102.017 of the Code of Criminal Procedure directs that funds collected for courthouse security may be expended for security personnel, services and items in district, county, justice and municipal courts, but does not explicitly authorize the expenditure of courthouse security funds for security personnel, services and items in facilities used by associate judges, resulting in uncertainty as to whether courthouse security funds may be so expended;

WHEREAS, this uncertainty has commonly resulted in courthouse security funds not being expended on facilities used by associate judges as evidenced by the recent OCA survey which showed that associate judges have a lower level of availability to security resources than any other judicial subgroup;

WHEREAS, the facilities used by associate judges have as much (or more) of a need for security as facilities used by other judges as demonstrated by the recent OCA survey which showed that child support associate judges and child protection associate judges had a higher average number of security incidents per respondent than other judicial subgroups;

WHEREAS, a 2005 survey by the Office of Attorney General Child Support Division's field attorneys and staff concerning courthouse security revealed that most respondents were concerned and discomforted by a perceived risk of potential violence due to overcrowded courtrooms and the absence of peace officers;

WHEREAS, the possibility that courthouse security funds will be audited by the state auditor will bring an important measure of control to the expenditure of money collected for courthouse security purposes;

WHEREAS, knowledge of the various types of security threats facing courts will enable courts to be better prepared to face such security threats;

WHEREAS, the reporting of security incidents occurring in courts and the publication of such incidents will expand the knowledge of judges and others concerning the types of security threats facing courts;

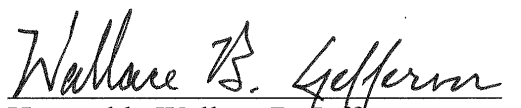
WHEREAS, the recent OCA survey showed that easy access to judges' personal information is the primary security concern of Texas judges, steps should be taken to enhance the security of individual judges and their families by making confidential certain personal information about judges that is held by governmental bodies;

WHEREAS, courthouse security can be greatly enhanced by means of an Office of Court Administration employee who assists courts in conducting court security surveys, developing security procedures, training court security personnel, and educating new judges and their families on court security issues, and who collects, analyzes and disseminates information related to court security incidents;

NOW THEREFORE, BE IT RESOLVED, that the Texas Judicial Council recommends that the Texas Legislature enact statutory changes that would: (1) explicitly authorize the expenditure of courthouse security funds on security personnel, services and items related to facilities housing associate judges; (2) authorize the state auditor to audit courthouse security funds; (3) require reporting of court security incidents to the Office of Court Administration; and (4) make judges' personal information confidential and not subject to disclosure by governmental bodies; and

BE IT FURTHER RESOLVED that the Texas Judicial Council supports additional state funding for one court security specialist at the Office of Court Administration who would assist Texas courts on all court security issues.

September 20, 2006

  
Honorable Wallace B. Jefferson  
Chief Justice, Supreme Court of Texas  
Chairman, Texas Judicial Council