

THE BRIEF



Information for Texas Municipalities about Texas Municipal Courts (March/April 2018)

What Does City Hall Have to Do with Court Security? Major Changes in Texas Law Require Local Leaders to Plan and Prepare

A shooter attempted to kill Travis County Judge Julie Kocurek in 2015. The accused assassin's trial began March 28. The trial is a reminder that the assassination attempt prompted a series of security improvements at all levels of the judiciary in every city and county in Texas.

S.B. 42, the Judge Julie Kocurek Judicial and Courthouse Security Act (effective September 1, 2017), requires cities large and small to take a new tact to court security.

The Act:

- Requires presiding municipal and administrative judges to create court security committees for all courts served by that judge and creates a statewide clearinghouse for resources and for best security practices;
- Changes the way security incidents at court buildings are reported, making it law enforcement's responsibility to report security incidents instead of the judges; and
- Mandates all court security officers receive specialized court security training (by August 31, 2019 for current court security officers and within the first year of appointment for new court security officers).

Think About Your Courthouse

Where is your municipal court? Is it in city hall, a building far away or nearby? Regardless of the locale, regardless of the population of your city, understand that all courts are potential targets and compared to other courts, municipal courts may be viewed as "softer targets." According to the National Judicial College prevalence of violence against judges has been escalating in American society. Judges are at risk because they are perceived by some to threaten people's family or home life, their income or employment, and their pride or self-image. City Hall has a responsibility to protect judges, court personnel, as well as the court users (defendants, attorneys, jurors) and all others who enter the courthouse doors.

The Link to City Hall

Cases in municipal court frequently entail defendants with disputes with people at city hall. There is an increasing awareness for potential violence. A dispute over code enforcement and long-term feud with government officials in Colebrook, New Hampshire left 4 dead and 3 injured in 1997. A similar longer term feud in rural Pennsylvania culminated in a triple murder in the Ross Township Municipal Building in 2013. In suburban Kirkwood, Missouri, six individuals were killed in 2008 in an attack on city hall.

Now is the time to make sure that all city officials and employees are collaborating to keep courts and the public safe.

Has Your City Organized Its Court Security Committee?

The Act requires presiding judges of all municipal courts to establish court security committees. The committee is required to include a representative of the city, a representative of the entity that provides court security, and others the committee determines will be of assistance. Collaboration is imperative.

Is Local Law Enforcement Ready to Report?

Under state law, it is local law enforcement's obligation to report within three days to the Office of Court Administration (OCA) any incident that happens in a courthouse.

Since January, OCA has seen a 175 percent increase in incident reporting.

What is the Plan for Court Security Officer Training? Training Deadlines Loom

All persons assigned to provide court security are minimally required to attend an eight-hour training to obtain court security certification. Pursuant to S.B. 42, the Texas Commission on Law Enforcement created the required curriculum for the certification. The title and course number of the certification is Court Security Officer (10999).

Courts are all different in how they provide security – some use private security; others use licensed peace officers who rotate duty; still others employ bailiffs, warrant officers, and marshals who work for the court. All current court security officers need the certification by August 31, 2019 (going forward, all new court security officers must become certified within one year of appointment). Cities should not wait until the 11th hour to get officers trained. Make preparations now. Information on the certification and its availability can be found on the TMCEC website: <http://tmcec.com/programs/bailiffs-warrant-officers/>.

Do Not Wait

Now is the time for city officials and staff to take appropriate measures to protect both court personnel and members of the public. Expenditures pertaining to court security can be supplemented by adoption of an ordinance creating a municipal court building security fund. Article 102.017 of the Code of Criminal Procedure contains a detailed list of physical items and services that may be purchased to improve court security. Many municipalities have already opted to create the municipal court building security fund to defray costs. Expenditures alone do not, however, ensure security. Protecting court personnel, the public, and avoiding civil liability require municipalities to develop, implement, and monitor security plans.

The Brief is a periodic briefing for Texas mayors, city council members, and other local officials highlighting issues and increasing awareness and understanding of municipal courts in the Lone Star State. *The Brief* is part of TMCEC's public information and education campaign, *Councils, Courts, and Cities* (C3). To receive additional information, including future issues of *The Brief*, send an e-mail to tmcec@tmcec.com with C3 in the subject line. For more information about TMCEC, visit: www.tmcec.com.