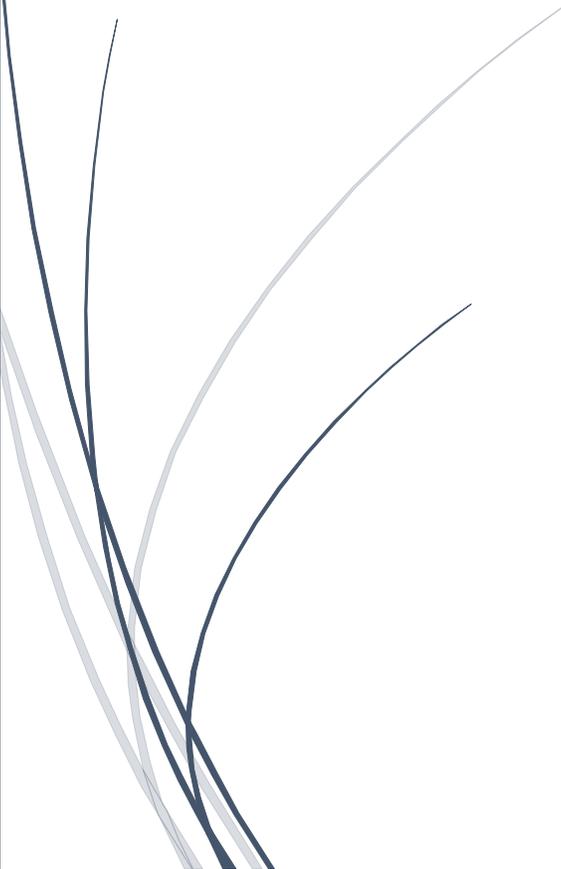




REPORT &
RECOMMENDATIONS
ON
MAGISTERIAL DISTRICT
COURT SECURITY

AUGUST 2020

EXECUTIVE SUMMARY



Members of the Magisterial District Court Security Task Group

Chair:

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Members:

The Honorable Edward D. Reibman, *President Judge, Lehigh County*

The Honorable Russell D. Shurtleff, *President Judge, Wyoming/Sullivan Counties*

The Honorable Ronald J. Haggerty, Jr., *Magisterial District Judge, Fayette County*

The Honorable Beth S. Mills, *Magisterial District Judge, Allegheny County*

The Honorable Bill C. Wenner, *Magisterial District Judge, Dauphin County*

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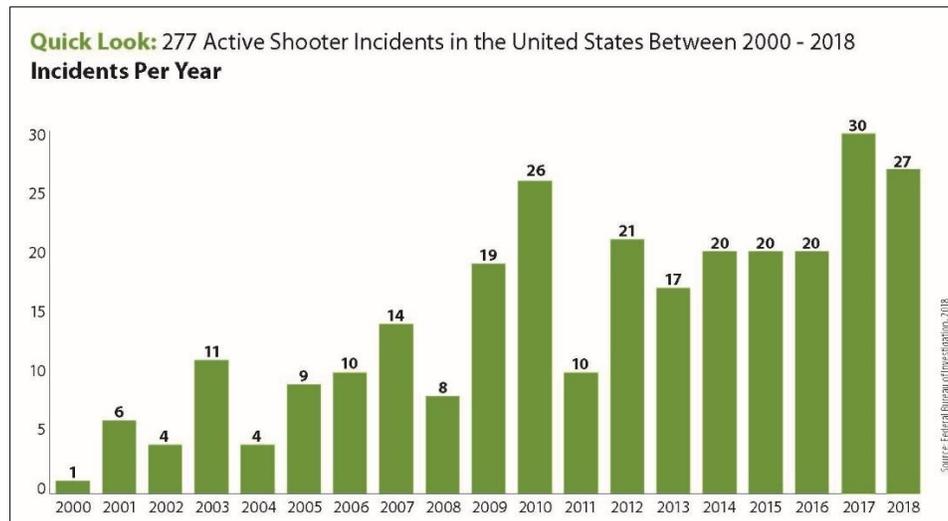
Executive Summary

Magisterial district courts are an integral part of the Unified Judicial System of the Commonwealth of Pennsylvania.¹ There are 512 magisterial district courts located throughout Pennsylvania. These courts serve as the first point of contact for most Pennsylvanians who interact with the court system.

The safety and security of a court facility is fundamental to a well-functioning court system, especially during times of judicial emergency and civil unrest. Since the magisterial district courts are located within county-owned or leased facilities, the safety and security of those courts is a shared responsibility between the Commonwealth and the counties.

It is no secret that our society has become more prone to mass violence in recent years. Mass killings have occurred at schools, public venues (concerts, bars, and theaters), government buildings, places of worship, and places of work.

According to the Federal Bureau of Investigation (FBI), there were at least 277 active shooter incidents² in the US between 2000 and 2018.³ Of those active shooter incidents, 26 occurred on government property.



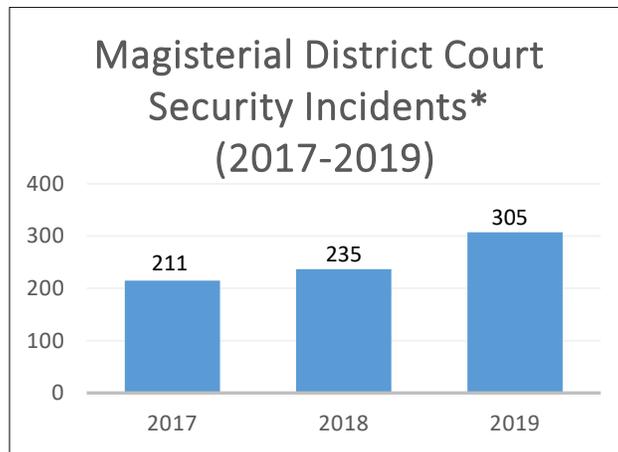
¹ See Pa. Const. Art.V, §1.

² “Active shooter incidents” are defined by the FBI as events in which one or more individuals actively engage in use of firearms to kill or attempt to kill people in a populated area.

³ *Quick Look: 277 Active Shooter Incidents in the United States Between 2000-2018*. Federal Bureau of Investigation. (2018). Retrieved 31 March 2020, from <https://www.fbi.gov/about/partnerships/office-of-partner-engagement/active-shooter-incidents-graphics>.

Pennsylvania has not been immune to this trend. In October 2018, a gunman opened fire in a Pittsburgh synagogue, killing eleven people and wounding six others.⁴ In November 2018, a gunman shot and killed a Paradise Township (Monroe County) employee during a Board of Supervisors meeting.⁵

According to the Pennsylvania Judicial Incident Reporting System (PAJIRS), there were 305 security incidents that occurred at magisterial district courts in 2019. This is a 30 percent increase in incidents compared to 2018.



*Incidents involve inappropriate conduct/approach, threats, suspicious persons, weapons, fled/attempt to flee, property damage, contraband, suspicious package, bomb, personal injury, drugs, theft, and biological hazard.

The recent uptick in incidents, including the following serious incidents, call into question the safety and security of those who work or appear in magisterial district courts.

- On September 19, 2018, a gunman opened fire in a magisterial district court in Fayette County wounding four people before police shot and killed the gunman.⁶
- On June 28, 2019, a defendant fled a holding cell in a Delaware County magisterial district court and was killed while attempting to wrestle a gun from an officer in the parking lot.⁷

⁴ Robertson, C., Mele, C., and Tavernise, S. (2018) *11 Killed in Synagogue Massacre; Suspect Charged With 29 Counts*. New York Times. Retrieved 31 March 2020, from <https://www.nytimes.com/2018/10/27/us/active-shooter-pittsburgh-synagogue-shooting.html>.

⁵ Gamiz, M. (2018) *Man Charged In Paradise Twp. Shooting May Face Trial*. The Morning Call. Retrieved 31, March 2020, from <https://apnews.com/54568d743f054c18b88c346dc148c222>.

⁶ Jacobo, J., & Proto, D. (2018). *Gunman in courthouse shooting that injured 4 was scheduled for assault hearing, authorities say*. ABC News. Retrieved 31 March 2020, from <https://abcnews.go.com/US/dead-injured-shooting-pennsylvania-courthouse-officials/story?id=57940613>.

⁷ Vella, V. (2019). *Police shoot, kill Chester man outside district court in Delco*. Philadelphia Inquirer. Retrieved 31 March 2020, from <https://www.inquirer.com/news/shooting-district-court-linwood-delaware-county-20190628.html>.

- On December 3, 2019, a defendant shot and seriously injured himself in a Dauphin County magisterial district court's waiting room.⁸

The Court Administrator of Pennsylvania established the Magisterial District Court Security Task Group in January 2019. The purpose of the Task Group was to bring relevant stakeholders together to review the current security posture of the magisterial district courts, as well as applicable rules and guidelines, and provide recommendations that will achieve better safety and security for the general public, court staff, and judges at each of the magisterial district courts across the Commonwealth. In May 2020, the Court Administrator also requested the Task Group to review magisterial district court security through the lens of public health considering the COVID-19 pandemic.

After reviewing previous reports on court security, 526 court security survey responses received from 506 magisterial district courts and 20 central courts⁹ (six magisterial district courts did not respond)¹⁰, and relevant best practices, the Task Group unanimously recommends the Court Administrator of Pennsylvania, the Supreme Court of Pennsylvania, the General Assembly, and county governments consider:

RECOMMENDATION 1: Each magisterial district court should have at least one armed court security officer present during regular office hours to screen individuals who enter the building and respond appropriately in the event of an incident.

- Based on a survey of magisterial district courts, a significant number of courts do not have court security officers screening the public at the court entrance on a daily basis.
- The National Center for State Courts (NCSC), a non-profit organization with the mission of improving judicial administration, recommends as a best practice that at least one court security officer be permanently assigned to the main entrance of a court facility.¹¹
- Screening the public as they enter the court will reduce the potential for security incidents occurring inside the court and will help to ensure that the public has the proper personal protective equipment when the Pennsylvania Department of Health and/or the Centers for Disease Control recommends the use of such equipment.
- The costs of implementing this recommendation will vary depending upon the type of security personnel that is hired by counties:

⁸ Metrick, B. (2019). *Person shot himself in the head in district judge's waiting room*. Pennlive. Retrieved 31 March 2020, from <https://www.pennlive.com/news/2019/12/person-shot-in-the-head-in-district-judges-waiting-room.html>.

⁹ Central courts are magisterial district courts established by the president judge pursuant to Pa.R.Crim.P. 131(B) for preliminary hearings or summary trials in all cases, or a certain class of cases, to be held in a central location or locations within the judicial district at specified times.

¹⁰ Last updated August 20, 2020.

¹¹ Hall, N. (2016). *Steps to Best Practices for Court Building Security*. National Center for State Courts. Retrieved 9 January 2020, from <https://ncsc.contentdm.oclc.org/digital/collection/facilities/id/170>.

Minimum Estimated Costs of an Armed Court Security Officer	
Deputy Sheriff	\$25/hour (does not include cost of benefits)
Constable	\$13/hour
Contract Security	\$30/hour

- Through Title V of the federal Coronavirus Aid, Relief and Economic Security (CARES) Act, Lancaster County was able to secure approximately \$95 million in relief funds, of which, approximately \$200,000 is going to provide court security officers at the entrance of the magisterial district courts.¹²
- The Task Group encourages the General Assembly, Governor, Judiciary, and counties to work together to identify a recurring funding source dedicated to providing at least one court security officer at all magisterial district courts as soon as possible.

RECOMMENDATION 2: Each magisterial district court should have the ability to properly screen an individual for weapons and the use of personal protective equipment, as needed, by utilizing a screening station staffed by a court security officer trained to physically remove any type of weapon from an individual should it be detected.

- Proper screening protocols, including the use of a magnetometer and an x-ray machine operated by a court security officer, can reduce the number of weapons entering the court facility.
- The common practice of having court staff, rather than security personnel, screen the public by using a handheld magnetometer wand as they enter the court is not recommended.
- The Task Group concurs with the NCSC’s recommendation of a phased in screening approach due to the physically diverse nature of the magisterial district courts, which may restrict the type of screening station that can be installed:
 - Phase 1: Establish a screening station where the court security officer is able to conduct a search of personal belongings brought into the court and to safely screen individuals using a magnetometer wand. (*Cost of magnetometer wand: \$250.*)

¹² Barr, B. (27 May 2020). *Lancaster County commissioners vote on how to spend CARES Act funds*. WGAL News 8. Retrieved 23 June 2020, from <https://www.wgal.com/article/lancaster-county-commissioners-vote-cares-act-funding/32683039>.

- Phase 2: After completing Phase 1, install a walk-through magnetometer at the public entrance to the court facility. Hire an additional court security officer to staff the magnetometer. (*Cost of walk-through magnetometer: \$3,500 per unit.*)
- Phase 3: After completing Phases 1 and 2, install an x-ray machine at the public entrance to the court facility. Hire a third court security officer to staff the x-ray machine. (*Cost of an x-ray machine: \$25,000 per unit.*)
- Once again, the Task Group encourages the General Assembly, Governor, Judiciary and counties to work together to find a funding source that will provide screening equipment for all magisterial district courts.

RECOMMENDATION 3: The Supreme Court should consider amending court rules to permit the expanded use of advanced communication technology (ACT), such as video conferencing, for judicial proceedings in order to reduce, or in some cases eliminate, security risks, both viral and physical, that are possible with in-person court proceedings.

- During the COVID-19 pandemic, the use of ACT was essential in conducting critical court functions, consistent with pertinent constitutional requirements and local court orders.
- Coupled with effective case management techniques, ACT enables the courts to reduce the foot traffic and crowding in a court, which can reduce security risks. ACT provides courts with flexible scheduling options that have been proven to increase appearance rates.¹³

RECOMMENDATION 4: The Administrative Office of Pennsylvania Courts should consider revising the *Magisterial District Court Facility, Equipment & Security Guidelines* (Guidelines) to include stronger security and public health standards to achieve better court safety and security for the general public, court staff, and judges.

- The last time the Guidelines were updated was in 2014. Revisions to the Guidelines are needed in light of security incidents and the COVID-19 pandemic.
- Remediation of essential security features is estimated to begin at \$10,000 per magisterial district court. This includes, but is not limited to, the installation of solid core doors, intrusion resistant transaction glass, electronic alarm systems, and closed-circuit television (CCTV) system upgrades.

¹³ “Will Remote Hearings Improve Appearance Rates?” National Center for State Courts. 13 May 2020. Retrieved 8 June 2020, from www.ncsc.org/newsroom/at-the-center/2020/may-13.

RECOMMENDATION 5: In order to establish a minimum standard of security at each magisterial district court, the Supreme Court of Pennsylvania should consider amending Pa.R.M.D.J. 101 (related to establishment of offices and minimum office standards) to require that the *Magisterial District Court Facility, Equipment & Security Guidelines* (Guidelines) be implemented to the fullest extent possible.

- The Guidelines that were established in 2006 have become a vital tool for improving office standards; however, since there is no requirement for compliance, most magisterial district courts remain substandard.
- By requiring minimum office standards, each magisterial district court will be able to operate efficiently in a safer and more secure environment.

RECOMMENDATION 6: The General Assembly should consider amending 18 Pa.C.S. § 913 to (1) revise the definition of “court facility” to include common areas and ancillary court offices and (2) remove the requirement that magisterial district courts provide weapons lockers for the general public to check their firearms and other dangerous weapons upon entering the facility.

- The Task Group is concerned about a possible loophole in the law that would permit an individual to carry a weapon in common areas (i.e., lobby, waiting room, etc.) of a magisterial district court (and by extension, the courts of common pleas) if these areas do not have “adjoining corridors” connecting with any of the designated areas that are listed under the definition “court facility.”¹⁴
- Furthermore, the law does not prohibit carrying a weapon in an ancillary court facility that may house other administrative functions of the court that are not listed under the definition of “court facility.”
- A majority of the magisterial district courts indicated that they lack sufficient room for weapons lockers which results in court staff handling a court user’s weapon, sometimes in a crowded lobby, and placing it behind the transaction counter. Court staff should never be in the position to secure a weapon because of the potential risks involved.
- By prohibiting weapons in any part of a court building, including ancillary court facilities, and eliminating the gun locker requirement for magisterial district courts, the general public, court staff and judges would be better protected, especially when high conflict cases must be heard.

¹⁴ “Court facility” is defined as “the courtroom of a court of record; a courtroom of a community court; the courtroom of a magisterial district judge; a courtroom of the Philadelphia Municipal Court; a courtroom of the Pittsburgh Magistrates Court; a courtroom of the Traffic Court of Philadelphia; judge’s chambers; witness rooms; jury deliberation rooms; attorney conference rooms; prisoner holding cells; offices of court clerks, the district attorney, the sheriff and probation and parole officers; and any adjoining corridors.” See 18 Pa.C.S. § 913(f).

RECOMMENDATION 7: The Supreme Court should consider amending Rules 1950-54 of the Pennsylvania Rules of Judicial Administration to require that:

- The president judge, or designee, preside over the judicial district's local court security committee.
 - The local court security committee meet at least twice per year.
 - Each judicial district develop emergency action plans for each court facility.
 - The president judge annually certifies to the Court Administrator of Pennsylvania that the emergency action plans meet the requirements established by the Court Administrator and have been appropriately disseminated to all district court employees.
 - The local court security committee be involved in developing/updating the judicial district's continuity of operations plan and emergency action plans, as needed.
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- The Task Group understands that some of the local court security committees are not regularly active. This is concerning since the committees play a crucial role in making sure that the court security policies and protocols remain current with best practices.
 - The Task Group hopes that by requiring two meetings per year judicial districts will be more inclined to meet and discuss local security policies and develop training for employees.
 - By requiring each judicial district to have emergency action plans for each court facility, all court staff should be prepared and know what to do during an emergency situation.

RECOMMENDATION 8: The Administrative Office of Pennsylvania Courts should consider developing mandatory annual training for all Unified Judicial System (UJS) personnel, including judicial officers, on topics including, but not limited to, general emergency response procedures, active shooter and hostile intruder situations, personal safety and security procedures, and managing aggressive behavior.

- A majority of magisterial district courts indicated that they are not regularly given instructions on emergency procedures (i.e., weather-related emergency or active shooter procedures).
- NCSC recommends that security training be frequent, repetitive, and simple. The Task Group believes that the Administrative Office of Pennsylvania Courts is best equipped to annually train UJS personnel on what to do should an emergency situation arise.