



Risk Management Solutions

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The Future of Court Security

By Don Hardenbergh, President of Court Works in Williamsburg, VA

Importance of a Safe Environment

The courthouse is a hub of public activity. While many people are required to be in the courthouse for court cases (e.g., defendants, witnesses, attorneys, judges, and court personnel), many others go there to file deeds, record real estate transactions, change their names, register their businesses, and obtain a variety of licenses, from marriage to dog tags.

Free and open access to justice requires a safe and secure environment in which all those who come to the courthouse are free from fear and intimidation. Judges, employees, and the public need to feel safe if they are to conduct themselves in a fair and impartial manner and in accordance with a sense of judicial decorum.

Threats and Risk Assessment

Judges, judicial employees, and others in our nation's courthouses often become the victims of hostile acts. Most of this violence is interpersonal, in that it is an attack by one person against another. It may include family members or friends of a crime victim who suddenly attack the defendant in the courtroom. It may involve a party in a divorce or other domestic case who suddenly attacks his or her spouse. It also can involve a spouse or coworker who brings a weapon into the building to harm someone. Or it may involve gang members attempting to intimidate a witness or juror. What characterizes most courthouse violence, though, is that it is related to a specific court case.

Some violence, however, is symbolic: it is an attempt to make a general statement, using a public setting such as the courthouse as the platform. Such was the case with the bombing of the Oklahoma City Federal Building in 1995. That attack spurred an extensive review of the vulnerability of federal facilities by the Department of Justice. On the day after the bombing, the president directed the Department of Justice to assess the vulnerability of all federal office buildings in the United States.

Fifty years ago there were no metal detectors in our courthouses. Courts, especially county and municipal ones, were open public buildings where people were free to come and go. Many courthouses served as the seat of local government and included the municipal or county offices, such as the property assessor, tax collector, public works department,

and the voter registrar. Courthouses were a center of the community where people obtained their fishing, dog, and marriage licenses and probated their wills.

Today we add terrorism to the list of threats to our society, institutions, and citizens. To truck bombs we add chemical, biological, and even nuclear weapons to the list of threats that need to be considered. How has this changed the need for security in our courthouses? Are these threats credible when applied to a local trial court?

Over the years more and more courthouses have installed metal detectors and x-ray machines to keep weapons out of the building. Today, many of our local courts have instituted at least minimal security measures, even in our most rural courts, that limit the public's access to some areas of the building and prohibit firearms in the courthouse. The standard has become to create a secure perimeter with one public entry where everyone is screened for weapons. Many communities, however, still resist even minimal security measures because of the expense.

The good news is that new concerns about terrorism have renewed interest in making our courthouses safer places in which to work and conduct our judicial business. But do we need to make them into fortresses with blast protection barriers, chemical and biological sensors, video surveillance using face recognition software, and armed security patrols?

We need to realize that the most frequent incidents will still be minor altercations between

individuals involving some harsh words, some threats, and maybe some pushing and shoving. The worry in such situations is that they can become more serious where someone gets injured. Historically, violent acts where someone gets killed are rare, but they do occur.

But, with the exception of a few high-profile court buildings, the current heightened sense of threat from terrorism should not dramatically change the nature of the most common risks and the actions needed to counter them for most county and municipal court facilities. Most local courthouses are unlikely to become the target of an outside terrorist strike. Such targets are more likely to be chosen for their value as a national symbol. The risks of the future likely will remain similar to the



Metal detectors are used in courthouses throughout the country.

continued next page

risks of the recent past. That is, almost all situations will be related to a particular court case or other activity in the building.

What are the most frequent risks that courts must protect against? Threats run the gamut, starting with minor vocal outbursts from frustrated persons who are angry about appearing in court, such as traffic violators who direct their anger at cashiers in the clerk's office. These incidents still create stress in the office, and many clerks often mention such incidents when they request some type of barrier between them and the public. Usually, though, violence results from animosity between opposing parties (including friends and family members) or from family members of a defendant or victim. It is most likely to break out in the courtroom or corridor and takes the form of an attack on the defendant or attorney.

One particularly stressful time is criminal sentencing. Most of these incidents can be prevented through architecture that separates parties and provides sufficiently spacious areas for people to wait. Knowing which types of cases (domestic violence, divorce, child custody, etc.) are most prone to violent outbreaks allows security officers to prepare by having additional security on hand.

It is important, therefore, for each community and court to conduct its own risk and vulnerability assessment. The sheriff (or office responsible for security in the courthouse), in cooperation with the judges and local government officials, should periodically review the risk situation in each facility and develop a security plan to address the needs.

Not every building needs to be secured in the same manner. Risk assessments should consider the type of case, the likely location of incidents, the nature of the perpetrator, who the victim is, and the nature of the violence. For example, when assessing risks, we know that some of the most violent incidents occur in domestic cases between domestic partners. Emotions run high when dealing with issues of divorce, child support, and child custody.

An understanding of potential victims is also important. We often focus on the judge, but the most common target may be the defendant, a witness, or even a member of the defendant's family. Other targets may include defense attorneys, prosecutors, and spectators.

How should courts respond to potential risks and threats? Overt security measures evoke an image of justice held hostage. In this age of increased threats to public safety, general court security measures remain a prudent necessity, but security measures should remain as unobtrusive as possible. Effective court security is achieved through:

- Architectural elements, such as separate public, private, and prisoner circulation systems, holding cells, and blast resistant construction
- Equipment and technology, such as surveillance cameras, metal detectors, and x-ray machines
- Personnel and operating procedures, including staff training, weapons policies, and emergency procedures

Minimum Countermeasures

Among the issues that should be considered when developing countermeasures to risks are:

- Site and setback of the courthouse
- Perimeter control
- Glazing – bullet resistant, shatter resistant
- Public entry screening
- Staff entry
- Central security
- Central holding/Sally port
- Staffing of holding cells
- Prisoner escort
- Court-floor holding
- Duress alarms
- Lighting
- Door/Access controls
- Surveillance cameras
- Retail space

- Motion and heat sensors
- Intrusion alarms
- Chemical sensors
- Biological sensors
- Trash removal, deliveries, and loading docks
- Emergency power and generator

In general, architectural and equipment standards that enhance safety include:

- A single point of public entry to the building
- Weapons-screening checkpoints with walk-through metal detectors and x-ray devices at all public entrances
- Properly sized and configured lobbies to permit appropriate queuing at entry screening checkpoints without making people wait outside
- A separate judicial entrance from a secure parking area with separate access to offices for elected officials
- Separation of public, judicial/staff, and prisoner circulation systems
- Secure vehicular sally port for transfer of prisoners to and from the building
- Central and court-floor prisoner-holding areas accessed by secure prisoner circulation for delivering prisoners to courtrooms safely and quickly
- Sufficient public waiting space to separate opposing parties, particularly in domestic cases
- Elimination of blind areas and dead ends or places where people can hide within the building

A major element in improving safety is entry screening to keep all weapons out of the courthouse. This policy often is seriously compromised by court staff, attorneys, and law enforcement officers. Too often when a weapon is fired in the courthouse by a defendant or other person, they took the weapon off of a security guard. The best policy is to prohibit *all* weapons, even those carried by law enforcement, from the courthouse. To make this policy work, gun lockers need to be located at entrances used by law enforcement officers in which they may place their weapons.

It must be remembered that employees, just as in other workplaces, can be the source of domestic or workplace violence. While it is an inconvenience, all persons, including staff and law enforcement, should be subject to the same security requirements as the public.

Conclusion

Even with the threat of terrorism, the primary risks to the integrity and safety of our nation's state and local courts will continue to be the same tomorrow as they have been in the past. In fact, most courts will be more likely to sustain damage from a natural disaster, such as a hurricane, flood, fire, or tornado, than from a planned terrorist attack. The violence perpetrated in our courts will be caused by individuals related in some way to a case before the court – the fight that breaks out between the parties or a victim, family member, or friend who takes revenge against a witness or defendant. Most attacks will be spontaneous and unplanned. Our responses to these types of risks will remain as they have been: the prudent use of security personnel, architectural elements, and appropriate technology, such as surveillance cameras and metal detectors.

But there is a threat out there, and, while the probability of a terrorist attack is very low, the consequences are horrific to contemplate. Prudence requires us to give it consideration when planning countermeasures. Minimum security measures (physical, technological, and personnel) provide protection against most threats and should lend at least some protection against many of the more violent threats if implemented properly. There are, however, some things that are just outside the ability of court security officers and others responsible for court security to protect against, requiring the courts to become more involved in larger, community-wide security planning efforts involving the local and state police, disaster relief planners, and others concerned with assessing and responding to terrorist attacks. ■

“The Future of Court Security,” from *Future Trends in State Courts 2004*, reprinted with permission from the National Center for State Courts

Screening Volunteers for Children and Youth Sports Activities

By Jason Humphries, Loss Control Rep., AMIC/MWCF

Each year, hundreds of youth sports organizations struggle to find ample volunteers to accommodate the large number of children seeking to participate in sports. Filling all needed positions can create a dilemma for the organizing sponsors which, in turn, can create a problem for municipalities that either offer city-sponsored sporting events or allow other organizations to use their sporting facilities. Private leagues and organizations cannot usually muster enough volunteers to fill all vacancies or areas of need. This can easily create an environment for criminals or potential criminals to fill the vacancies as volunteers. When this occurs, it allows child predators direct access to our children and, believe it or not, this is becoming a nationwide problem. As a result, more and more organizations are establishing volunteer background screening protocols to deal with this issue.

We need to make absolutely certain our municipalities are doing this as well and not relying on an outside organization to perform background checks for volunteers. Even if a city requires the organization to perform its own checks, it may still not be sufficient in rooting out potential predators. The private organization may not delve deep enough into someone's past to procure an accurate assessment of that person's credibility. It is very unfortunate that our society has reached this point but sadly, we have.

It is clear that for our children's safety, these checks are necessary. However, let's also consider legal ramifications and municipal liability for not conducting such screenings. If a city is allowing its facilities to be used for such sporting events and a claim of abuse arises, the city will probably also be named in any forthcoming lawsuit. However, our children's safety is at risk and we should take all necessary precautions to prevent them from being harmed. This is the more important parental and civic responsibility.

Information on background screening can be found at www.nays.org (click on "Volunteer Screening" under the pull down menu on the left). With all of the upcoming sporting seasons, it is essential for us to establish screening procedures for all volunteers, even if they are well-known in the community. Doing so could save a child from a predator as well as help prevent potential lawsuits against cities. ■

HOT TOPIC!

AMIC and MWCF clients will find the following websites helpful in answering many questions regarding fire protection, prevention, etc.

- **OSHA outreach website:**
http://www.osha.gov/fso/ote/training/outreach/gi_outreach_tp.html
- **OSHA construction outreach website:**
http://www.osha.gov/fso/ote/training/outreach/const_outreach_tp.html
- **OSHA outreach trainer requirements:**
www.osha-slc.gov/fso/ote/training/outreach/training_program.html
- **OSHA safety and health Links:** www.osha.gov/SLTC/
- **National Fire Protection Association:** www.nfpa.org/
- **Alabama Fire College and Personnel Standards Commission:**
www.alabamafirecollege.org/
- **USFA -National Fire Academy:** www.usfa.fema.gov/training/nfa/
- **International Fire Service Training Association:** www.ifsta.org
- **Firehouse.com:** www.firehouse.com

Previous Issues of *Risk Management Solutions* can be found: www.AMICentral.org or www.alalm.org – click on the MWCF link.

AMIC Welcomes New Employee



AMIC welcomes Caroline Cox who joined us this past May as our new receptionist.

Caroline is a 2006 graduate of Prattville High School and plans to continue her education as an evening student at Troy University in Montgomery. She has a keen interest in business and looks forward to gaining valuable experience as an AMIC employee. Following her college graduation, she may continue with a career in insurance.

Caroline is an avid reader and enjoys shopping and getting together with her friends on the weekends. Join us in welcoming Caroline and wishing her a bright future here at AMIC. ■

EMPLOYMENT PRACTICES LAW HOTLINE

1-800-864-5324

Through a toll-free Employment Practices Law Hotline, members can be in direct contact with an attorney specializing in employment-related issues. When faced with a potential employment situation, the hotline provides a no-cost, 30 minute consultation.

Defining Moment

How much will I be paid for property loss?

In property and auto physical damage insurance, there are several possible methods of establishing the value of insured property to calculate the premium and determine the amount the insurer will pay in the event of a loss. The two most commonly used methods are **actual cash value (ACV)** and **replacement cost (RC)**. It is very important to check to see which method is used in your policy as the pay-out amounts can be considerably different. ACV is defined as the cost to repair or replace the damaged property with materials of like kind and quality, *less depreciation of the damaged property*. RC is defined as the cost to replace it today with property of like kind and quality *without any deduction for depreciation*.

Automobile policies are written and claims settled on an actual cash value basis because vehicles depreciate over time. Conversely, real property, such as a building, is usually insured on a replacement cost basis because they usually increase in value over time. However, AMIC will not pay on a replacement cost basis for any loss or damaged property until the lost or damaged property is actually repaired or replaced. In the event of a loss on a building or personal property, payment is made on an actual cash value basis. Once the building is repaired or the personal property is replaced, the replacement cost basis will be paid putting our insured back to the place they were before the loss.

Hiring Summer Employees

By Carla M. Thienpont, Manager of Administrative Operations
Millennium Risk Managers, LLC

Summer is here, and with it comes the need for many of our members to hire additional full and/or part-time summer workers. Many of these workers are students, out of school for the summer, whose employment raises concerns and questions regarding age limits for workers' compensation insurance coverage.

Workers' Compensation Insurance has no age limits for these employees and coverage for them is immediate upon hiring as long as they are paid through the regular payroll; are considered employees; and will be given a W-2 form at the end of the year, rather than a 1099 form like sub-contracted employees. You must also notify Carla Thienpont at Millennium Risk Managers, LLC at **1-888-736-0210**, to double-check summer employees' coverage.

It is recommended that Alabama Child Labor Laws for workers under 18 years of age be followed. You may contact the Alabama Child Labor Office in Montgomery, AL, by calling **334-242-8265** for more information regarding child labor laws. ■

New Loss Control Seminar This Fall

The ALM Loss Control division will be mailing registration forms later this summer to all AMIC/MWCF members for the upcoming fall seminar covering the following topics: Equipment Safety; Establishing a Hazard Material Program; Driving Safety 101; and Health and Wellness Topics. Cost is \$20 per person. Lunch will be provided. For additional information, contact **Donna Wagner at 334-262-2566**.

2006 SKIDCAR SCHEDULE

- Oxford/Anniston July 11 – 21
- Decatur August 8 – 18
- Pell City September 12 – 22
- Scottsboro October 10 – 20
- Orange Beach November 7 – 17
- Montgomery December 5 – 15

**For more information, contact Donna Wagner
at 334-262-2566.**



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334-262-2566.*



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