

Citizens Have a Right to Safety in the Courthouse

DOW CONSTANTINE

The news traveled quickly to the top of the King County Courthouse in the heart of downtown Seattle: eleven floors below, three women had been cut down by a hail of gunfire. It was the morning of Thursday, March 2, 1995, when Timothy Blackwell entered the courthouse to attend closing arguments in his marriage-dissolution trial. His pregnant, estranged wife Susana and two of her friends were sitting on a bench outside a second-floor courtroom. Blackwell pulled a 9mm semiautomatic pistol from his briefcase and shot all three women at close range. Susana Blackwell and Phoebe Dizon died at the scene. The third shooting victim, Veronica Johnson, died the following day. That day, I was working on the twelfth floor of the courthouse as a King County Council aide. I well remember the horror of that day as county employees mourned these senseless deaths while facing new fears for their own safety.

This tragedy did not come without warning. A King County Superior Court security report found that forty-six handguns were confiscated from courthouse visitors in the first five months of 1994. In 1993 security staff members logged 2,000 incidents in the courthouse, almost one-quarter of which involved fights, assaults, or threats of violence. Hours after the triple murder, an anonymous King County Superior Court judge told *Seattle Times* reporters, "This was totally predictable and inevitable. This is the most dangerous building to work in the county."

Resulting Changes. The deaths of these three women were all the more tragic because they could have been prevented. By 1995 Washington state legislators had made significant advances on the issue of citizen safety in public buildings, including courthouses. While previous state law specifically stated that firearms were not allowed in courtrooms, it did not allow for general firearms bans in any public buildings. In 1993 State Rep. Rosa Franklin of Tacoma successfully championed legislation to allow entrance screening for weapons, but only in county courthouses with a proven history of security problems. However, in a state such as Washington, where courts are controlled locally and counties are specifically responsible for security in their own superior and district courts, it took time for the work legislators had done on the state level to be implemented by local jurisdictions.

In Rep. Franklin's home county, Pierce County, weapons screening was imposed at courthouse entrances by September 1994. The King County Council also approved \$200,000 in funding to purchase eleven metal detectors in May 1994, almost a year before the murders. However, the detectors had not yet been purchased, as money had not been allocated through the regular budget process to fund personnel to operate the machines. The delay was not strictly due to financial constraints: Several judges and the sheriff had urged the council just months before the shootings to buy X-ray machines to screen bags and to purchase more metal detectors. But Councilmember Kent Pullen, a gun-rights advocate, delayed a vote on the issue.

The day after the shootings, King County executive Gary Locke immediately ordered screening at all courthouse entrances. Within days, the King County Council approved an emergency allocation of \$412,000 to purchase X-ray machines, acquire more metal detectors, and pay for entrance-security personnel. Other urban court facilities followed suit. To the north, courts in Snohomish County began entrance screening four days after the King County shootings. Across Lake Washington, the city of Bellevue's district court joined them a week later. The results of courthouse entrance screening were stunning. In the first year of the King County Courthouse program, some 1,200 weapons, including 715 guns, were discovered in the possession of courthouse visitors. Originally, only firearms and illegal knives were banned. Within three years, complaints by courthouse employees to the media led to an order from the presiding superior court judge adding legal knives, screwdrivers, scissors, letter openers, and chemical sprays such as mace or pepper spray to the list of items confiscated at courthouse entrances. But the screening program came too late for Susana Blackwell, her unborn child, and her friends Phoebe Dizon and Veronica Johnson. We failed them.

Since 1990, there have been at least twenty-six shootings in courthouses across the United States. Some have been high-profile, such as the March 2005 escape of rape-suspect Brian Nichols from Atlanta's Fulton County Courthouse, which ended in four deaths and a much-publicized one-day manhunt. Other cases, which took place in smaller towns, were comparatively obscure, but no less tragic. Courthouse violence can happen anywhere. In 2004 *Fort Worth Star-Telegram* reporters Matthew Fernandes and J. Stephen Bolhafner compiled a list of courthouse shootings since 1990, later expanded and updated by James Bush of my staff. The updated list shows that of the twenty-six crimes cited, about half occurred in courthouses in major cities, and the rest in smaller jurisdictions of all sizes. These violent incidents were not limited to high-profile court cases, and only four of the twenty-six involved felony suspects seeking to escape custody.

Courthouse shootings are often intensely personal. Half the shootings involved family-law disputes such as child-custody or child-support hearings, divorces, or no-contact-order cases involving family members. Many of the shooters had been convicted or accused of spousal abuse. Courthouse shootings are also extremely deadly, in part owing to the fact that most involve pistols fired at close range. In twenty of these twenty-six shooting incidents, at least one person died: twenty-six incidents resulted in thirty-one deaths and twenty-seven injuries. In eight cases, the shooter also died at the scene.

Some cases defy categorization. In June 2005 a divorced father of three who had filed numerous legal challenges to child-support decisions arrived at the Seattle Federal Courthouse holding a hand grenade. He demanded to be allowed to deliver court papers to a judge. After a twenty-minute standoff, the man was shot by two different police officers when he made what they interpreted as a threatening movement. The hand grenade was later found to be a defused World War II-era relic.

Lastly, as effective as entrance screening can be in keeping weapons out of the courthouse, the need for security provisions does not end at the courthouse door.

Eleven of the twenty-six shootings took place outside the courthouse, on the courthouse steps, or in nearby parking areas.

Defining and Implementing Courthouse Security. What exactly do we mean when we use the term “courthouse security?” I would say that any person entering the King County Courthouse or any other courthouse has the right to know that comprehensive and competent entrance screening has been performed to keep weapons out of the building. They have the right to expect that the premises will be monitored by trained security personnel who can quickly intervene in any violent situation. They should expect a calm, controlled atmosphere that gives them a justifiable feeling of safety.

One feature of the post-Columbine, post-9/11 world is that the notion that Americans have a right to carry guns absolutely everywhere they go—even into the courthouse—seems quaint and outdated. But public opinion changes slowly, and these changes often require a push from our elected leaders. It’s important to remember that both Rep. Franklin’s courthouse-entrance-screening bill and successful legislation to effect a ban on firearms in all Washington schools—also proposed in 1993 by State Sens. Phil Talmadge and Lorraine Wojahn—faced significant opposition from gun groups.

After the 1995 King County Courthouse shootings and two other serious, but nonfatal, security breaches in state courts, the state of Washington formed a seventeen-member Courthouse Security Task Force. Composed of judges, attorneys, court representatives, and elected officials, the task force collected written comments and took testimony at seven public meetings across the state. The task force presented its recommendations in May 1996. They included a ten-point plan stressing the elimination of all weapons in courthouses, except by security personnel, through entry screening. Other recommendations included the presence of well-trained, uniformed security officers in all courthouses, tighter rules on transporting prisoners from jail to courtroom, use of technology such as video cameras and duress alarms, and a strict policy of reporting every violation of the law that occurs within a courthouse. There were not many surprises in the conclusions. Studies of courthouse security around the country generally recognize that it is of vital importance to keep weapons out of the courthouse and that entrance screening of people and their belongings is the most effective method of accomplishing that goal.

The old joke goes that there are two kinds of people in the King County Courthouse—people who work there and people who are not happy to be there, although some people fall into both categories. Like most jokes, there is truth behind it. For the most part, visitors to the King County Courthouse are compelled to be there. Who are these visitors? On any given day, these people are likely to be in the mix:

- A citizen reporting for jury duty
- A young mother seeking a protection order against her violent ex-husband
- A lawyer making a required court appearance for a client

- A work-release inmate checking in or out of custody
- A witness answering a subpoena to testify at a court proceeding
- A prisoner being escorted to trial

A recent informal survey conducted by the SeaTac Municipal Court (SeaTac is a Seattle suburb) shows that of sixty responding district and municipal courts in Washington state, twenty-four had no security, sixteen had limited security, and only twenty provided full entrance screening. A 2005 state survey demonstrated that, although entrance screening is common and used in most urban counties, our state's court security system is still a patchwork of different rules and practices.

Of the 10,000-some people who visit the King County Courthouse daily, about 2,000 are employees of various courts or divisions of King County. Many people are compelled by law to come to the courthouse and, for that reason, I believe we have the highest obligation to provide them with a secure environment. The biggest challenge to effective courthouse security is the cost of providing it. King County spends approximately \$6 million annually providing security and entrance screening at twelve locations: the King County Courthouse, the Regional Justice Center, juvenile court, and nine district court sites. For smaller jurisdictions, the costs of entrance-screening programs can prove daunting. Metal detectors and screening equipment cost tens of thousands of dollars, but the real major expense of entrance screening is the continuing cost of hiring and training the security officers to operate this machinery. In some small jurisdictions, courts cannot afford to provide both entrance screening and armed bailiffs in courtrooms. However, it is also costly *not* to provide security as failure to provide adequate security can also prove expensive to local jurisdictions. After the 1995 King County Courthouse murders, the families of two of the slain women filed a civil suit against the county, charging that these deaths were the result of inadequate courthouse security. The county settled the suit in August 1996 for \$1.6 million.

In March 2006 an eleven-member Court Security Committee was convened, with the goal of updating the recommendations and standards drafted by the 1996 Courthouse Security Task Force and establishing minimum security requirements for local courts. Fortunately, one goal is to establish for the first time a state funding source to help smaller jurisdictions purchase needed equipment.

As a former state legislator, cochair of the Washington State House Judiciary Committee, and vice-chair of the State Senate Judiciary Committee, I support our state government's stepping in to help with the expense of establishing courthouse-entrance-screening programs. As Washington counties provide court services under a state mandate, the state needs to help them keep courts safe for everyone. Keeping people safe in our courthouses is as basic a government duty as paving roads, extinguishing fires, and enforcing our laws. We must not fall short in providing the public this essential service. **jsj**