

VERNON COUNTY SECURITY & FACILITIES COMMITTEE
MEETING MINUTES
Jury Room - Courthouse
August 8, 2019

Members in attendance:

Darcy J. Rood, Circuit Court Judge
Brad Stuber, Court Security Officer
Charlie Jacobson, Captain – Sheriff's Department
Kristi Peterson, Judicial Assistant

- **Call to Order.** Meeting was called to order by Judge Darcy Rood at 10:03 a.m.
- **Affirmation of Proper Notice of Public Hearing:** Proper notice of a public hearing was affirmed.
- **Approval of Minutes:** A motion was made by Charlie Jacobson to approve the minutes of the April 4, 2019, meeting. Seconded by Brad Stuber. Motion carried.
- **Updates:**

Emergency Management/Training/Drills – Brandon Larson was unable to attend but provided the following report:

- a. Emergency Management has been busy with updating plans and flooding. We have caught up with all staff that needs Security Action plan training. Brad Stuber and I have met and discussed potential updates/changes to the Security Action plan.
- b. We are also going to get together and look at camera angles for possible adjustment and/or new places to put new ones in the future. I will be working with Maintenance to adjust angles as time allows in the near future.
- c. Lights in the stairwells have been left on or motion switches have been installed.
- d. We are working on doing some more drills. Fire drill possible soon as well as a suspicious package.

Court Services Report – The committee discussed the report (see attached).

Enhanced Security Equipment Update - The committee still has not received any information from Chief Deputy Campbell on finding a metal detector for the upper courtroom. Charlie Jacobson will follow-up with him on any developments. Judge Rood provided an article called Improve Courthouse Security (see attached).

Cameras/Locks – Connie from IT installed the new camera system on the court security officer's computer and the laptop for the upper courtroom.

Security Lights in hallways/stairwells: Lights in the stairwells have been left on or motion switches have been installed.

- **Other/New Business:** Judge Rood discussed possible changes to staff parking at the courthouse requiring employees to park in the lower parking lot to allow more parking in the upper lot for persons doing business on the campus.
- **Next Meeting.** December 5, 2019.
- **Adjournment.** A Motion to adjourn the meeting was made by Brad Stuber and seconded by Charlie Jacobson to adjourn the meeting. Meeting was adjourned by Judge Rood at 10:35 am



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JOHN B. SPEARS, SHERIFF

NATHAN CAMPBELL, CHIEF DEPUTY SHERIFF

**COURT SERVICES ACTIVITY REPORT
SECURITY AND FACILITIES COMMITTEE
APRIL 19-JUL Y 19**

ESCORTS OF INDIVIDUALS OUT OF COURTHOUSE

(These individuals may have been in a restraining order, victims, witnesses in-custody defendants or otherwise felt threatened.)

April-3; May-4; June-4; July-2

One individual was escorted out of the Courthouse during a Preliminary Hearing on May 22nd for causing a disturbance. Sgt. Davig was court officer that day.

Searches of persons and property before entering courtroom-12

No alarms responded to.

10/8 people were taken in to custody either for sentencing, warrants, probation violations or sanctions holds.

IT/Security Cameras

Connie came over after our April meeting and installed the camera system on my desk computer and the laptop in the Upper Courtroom.

Extra security has been present at times due to past threats towards Court Officials/Law Enforcement and individuals that have acted up in court.

2020 Court Security and Safety Conference

I will be hoping to attend the 2020 Court Security and Safety Conference which is held March 3-5, 2020.

Emergency Safety and Security Action Plan

Brandon and I have met and discussed issues regarding the possibility of staff or general public pulling the fire alarm during a personal threat situation. Implementing some changes to that during the safety training.

Safety Drills

Brandon and I are working on doing a few scenarios at the courthouse campus and possibly other locations. Once the new Highway Department is finished new floor plans and safety measures will have to be implemented into the security training.

Respectfully,



Deputy Brad Stuber

AS I SEE IT

Improve Courthouse Security: Screen All Visitors

Installing security screening at all Wisconsin courthouse entrances is worth the tradeoffs in cost and convenience.



BY HON. THOMAS J. WALSH

In March 2017, a family court case in Marathon County erupted into a domestic violence incident that led to the death of five people.¹ Two bank tellers were killed, a lawyer who represented the wife was killed, a law enforcement officer lost his life responding to the incident, and the assailant, the husband, was shot in a standoff with police and eventually died. The circumstances of this case demonstrate the danger that can surround family court litigation and human conflict resolution in general.

More specifically, it demonstrates the danger to average members of the community from events that transpire in our state's courthouses. Many courthouse users are well aware of the dangers. In a survey of courthouse users conducted by the State Bar of Wisconsin in 2015, 50 percent of the respondents stated that courthouse security staffing is "less than adequate."² This article addresses the current state of courthouse security throughout Wisconsin with a particular focus on screening courthouse visitors at building entrances.

The Courthouse Security Problem

Courthouses are unique buildings insofar as they are the location into which society invites people who are in conflict with one another. There are, of course, other locations where societal conflict may occur. A person may lose his or her temper at the county treasurer's office when paying taxes that are deemed too high. A parent may become outraged at the child support office when making a monthly payment

that is seen as unreasonable. Courthouses, however, are different.

When implementing screening at the entrance to his county's courthouse in 2017, the Winnebago County Sheriff expressly recognized that difference. His comments reflected that the courthouse can be the setting of the worst days of people's lives.³ "It's an emotionally charged environment; people's lives are being changed forever...." He went on to state that "[t]here's a lot of emotion, and that's really why the courthouse is different (from other public buildings.)"⁴ If you have a dispute with your neighbor, your spouse, or a total stranger, society expects you to resolve it in the courthouse if you cannot resolve it among yourselves through peaceful discourse. No other public building serves that purpose.

Besides these disputants, other people come to the courthouse as a result of its peculiar status as a forum for conflict. Private citizens are ordered to come to the courthouse for jury duty and are not permitted to refuse even if they are concerned for their safety. Other individuals are subpoenaed to serve as witnesses in court cases and must appear or face sanctions for contempt of court. Perhaps they observed some event that is the subject of a dispute or perhaps they are experts who interacted with a party in some professional capacity. They are not permitted to avoid attendance at a court hearing if they believe their safety is at risk.

Some people, including school children, come to the courthouse simply to observe or

SUMMARY

In the United States, the expectation is that disputes between family members, neighbors, and total strangers will be resolved in the courthouse if they cannot be resolved through peaceful discourse. No other type of public building serves that purpose; thus, no other type of building presents identical security concerns.

Reports from counties in which all courthouse visitors are screened prove that dangerous implements are coming to the doors of Wisconsin's courthouses, and screening inside is interdicting many of those implements.

This article discusses and attempts to dispel some of the objections and obstacles to having screening at all Wisconsin courthouse entrances.

learn about how our justice system works. Although these people have a choice whether to enter the courthouse, they do not invite violence upon themselves just by entering the building. Thus, the issue of courthouse security is not one that merely involves protecting judges and lawyers; it is an issue of public safety for the whole community.

Although conventional wisdom would suggest that smaller, more rural counties would not need to be as concerned about these problems given their “small-town” atmosphere where nearly every person knows everyone else, these issues need to be addressed no matter the size or composition of the community.

The Cook County, Minn., courthouse is located in Grand Marais, population 1,359. In 2011, criminal defendant Daniel Schlien was convicted of third-degree criminal sexual conduct involving a 15-year-old girl.⁶ Schlien was in a conference room in the Cook County Courthouse with his lawyer and his mother discussing possible sentences when he got up and excused himself from the room. He went back into the courtroom, pulled out a gun and shot the prosecutor, Timothy Scannell; a trial witness, Gregory Thompson; and the courtroom bailiff, Gary Radloff. All three victims were hospitalized and all three survived. Yet, the fact that such an incident can occur in such a remote, small community illustrates that random acts of courthouse violence can happen not only in big cities such as Milwaukee or Madison but in any community in this state.

These stories are not the only ones.



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Violence in state courts is a problem throughout the United States and it is growing.⁷ There is no perfect solution. Most courthouses have armed officers either walking the halls or available on short notice. Further, many courthouses have cameras that, from a central location, can see anything that goes on in the courthouse. There may also be emergency buttons available in courtrooms to request assistance with security or emergency shooter

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procedures put in place with training for staff. But in the time it takes for an armed guard to run down the corridor of a courthouse to the scene of a shooting, a person bearing a weapon can harm members of the public and even cause loss of life. This simply is not good enough.

Implementing Courthouse Screening

In some respects it is difficult to gauge the success of screening at courthouse entrances because there is never the opportunity to learn what the result would have been if screening had not been in place. However, in Wisconsin the implementation of courthouse screening has shed some light on this question.

For example, within only one week after implementing courthouse entrance screening, Winnebago County law enforcement officers had uncovered knives as well as gun holsters, indicating that visitors left their guns outside.⁸ Sheboygan County installed screening equipment at the end of 2018. Since that time the screeners have confiscated items including knives, bullets, pepper spray, brass knuckles, and even fireworks.⁹ Before screening was implemented at the door of the Sheboygan County Courthouse, those items would have been circulating in the hallways and courtrooms. While we do not know

if they would have been used, we do know that preventing them from coming in ensures that they will not be used. Thus, dangerous implements are coming to the doors of Wisconsin's courthouses, and screening inside is interdicting many of those implements.

Although the Wisconsin Supreme Court has no legislative authority and no money to implement its wishes, the court is charged with overseeing the Wisconsin court system and has

weighed in on this problem. In 2010 it implemented a supreme court rule for all Wisconsin courts that states as follows:

“A court facility should have a single entrance with appropriate screening mechanisms in place to screen persons, carry-in items and packages. Screening stations should be equipped with a magnetometer, x-ray for packages and carry-in items, duress alarms and video surveillance.”¹⁰

This policy was set in place with respect to all courthouses in Wisconsin in which state court cases are actively heard.¹¹

A brief survey of all Wisconsin counties broke down compliance with this supreme court rule into three categories: full compliance with perimeter screening, walk-through magnetometers available, and other. The “other” category, discussed below, includes various stages of compliance with the directive.

The survey asked the district administrator for each of Wisconsin's nine judicial districts to indicate in which category their counties fell.¹² Of the 72 counties in Wisconsin, only 31 have implemented full-time screening at the courthouse entrance as required by the supreme court. It is interesting to note that heavily populated as well

as sparsely populated counties are included on this list. In 26 counties, walk-through magnetometers are available on an as-needed basis. Fifteen counties fit into the "other" category and have some sort of hand-held device or wand if requested.¹³ See sidebar.

The counties that have implemented screeners tend to be the ones with larger populations or with newer buildings. Of the 12 most populous Wisconsin counties, only Brown County does not screen visitors at the courthouse entrance.¹⁴ Older buildings with historic significance are often more difficult to retrofit than buildings made to accommodate entrance screening. One issue that may ultimately face the counties that do not implement the supreme court's policy is whether their liability increases for any violence that does occur in their courthouse, given that the supreme court has put them on notice of the need to be proactive.

Brown County is the fourth largest county in Wisconsin by population and is an outlier among highly populated counties. Brown County has had a difficult time implementing such a screening system in its courthouse. When a county seeks to move in the direction of courthouse screening, the first step is often a request to have the U.S. Marshals Service review the security situation in the courthouse. This helps build public support for the process.

To that end, one study of the Brown County Courthouse conducted by the U.S. Marshals Service recommended that "[p]ublic access to the Courthouse should be limited to entrance access at the north first floor doors of the old courthouse."¹⁵ Thus, access should be limited to one access point. The Marshals further recommended that "[t]he public entrance should be equipped with a magnetometer and x-ray machine."¹⁶ That study was conducted in 1992 but did not garner enough support publicly or politically and was not implemented at the time. Later studies by the U.S. Marshals

Three Levels of Compliance with Wisconsin Supreme Court's Security Rule

In 2010 the supreme court implemented a security rule for all Wisconsin courts. A survey conducted in 2019 asked the district administrator for each of Wisconsin's nine judicial districts to indicate in which of three categories their counties fell.

Full Compliance with Perimeter Screening

Of the 72 counties in Wisconsin, only 31 have implemented full-time screening at the courthouse entrance as required by the supreme court: Milwaukee, Kenosha, Racine, Walworth, Jefferson, Ozaukee, Washington, Waukesha, Dodge, Fond du Lac, Green Lake, Marquette, Sheboygan, Winnebago, Dane, Green, Rock, Columbia, La Crosse, Monroe, Trempealeau, Juneau, Jackson, Clark (daily screening for courtroom area, but not entire courthouse), Door, Outagamie, Marathon, Vilas, Portage, St. Croix, Polk.

Walk-through Magnetometers Available

In 26 counties, walk-through magnetometers are available on an as-needed basis: Calumet, Manitowoc, Sauk, Marinette, Oconto, Waupaca, Brown, Adams, Florence, Forest, Iron, Langlade, Lincoln, Shawano-Menominee, Oneida, Price, Taylor, Barron, Douglas, Dunn, Sawyer, Bayfield, Eau Claire, Rusk, and Chippewa.

Other (Various Stages of Compliance)

The following counties fit into the "other" category and have some sort of hand-held device or wand if requested: Waushara, Lafayette, Buffalo, Crawford, Grant, Iowa, Pepin, Pierce, Richland, Vernon, Kewaunee, Wood, Ashland, Burnett, and Washburn. WL

Service, including one that was completed in 2016, also recommended limiting access points and screening visitors entering the courthouse. Again, the movement for screening at the courthouse entrance did not gather enough support and was not implemented.

In February 2018, Brown County commissioned a private-sector study of the courthouse, which was conducted by Dewberry. That study, completed in May 2018, resulted in recommendations for three different alternatives, depending on the level of spending desired. All three alternatives, however, included limiting access to one entrance and screening visitors, which is consistent with the supreme court rule. As this article goes to print, county committees are still considering this study. If nothing else, the experience of Brown County demonstrates that the topic is difficult to garner a consensus on and to implement.

Positions advanced against screening at courthouse entrances are similar

across the state. A common concern is that installing screening equipment virtually closes the courthouse to the general public. Although screening visitors is certainly more restrictive than not doing so, the courthouses that screen visitors are not "closed." Visitors are still very welcome and can still come in as often they did before. The only difference is that they can no longer bring in weapons. Everyone who visits can be safe from the use of weapons.

Along this same line is the sense of intimidation or fear or the feeling that a visitor's personal privacy is being invaded when going through screening at the courthouse. Airport security raises similar concerns among many people who fly. These concerns need to be taken seriously and addressed by those undertaking the screening.

There is also an expense to taxpayers for installing and operating security screening. If there is no prior history of violent acts occurring in the courthouse, the cost of implementation might not seem justified. Scanning

equipment and metal detectors can be expensive, and the costs to pay the staff needed to run them can also be high for the community and the taxpayers.

These arguments are legitimate. The problem, however, is that weighing these concerns against the possibility of an act of violence that might or might not take place, such as the one in Grand Marais, is difficult at best. Such an event may result in public support for screening, but it is preferable to implement screening before such an event and thereby possibly prevent serious injury or save lives.

There are other reasons given in opposition to this type of screening. Older courthouses, such as the Brown County Courthouse, often are architecturally unique buildings and are virtually works of art in and of themselves. Some people oppose courthouse screening because it might impair the appearance of these older courthouses. However, to the extent that beauty should be put before safety, planning an appropriate way to implement screening can preserve the character of a building and make it safer.

For example, the Winnebago County Courthouse, more than 75 years old, is

on the state's historical register.¹⁷ The county board chose to have a separate portico built onto the back entrance of the courthouse, to accommodate the screening equipment and personnel. Thus, no aspect of the old building needed to be changed. Ironically, Winnebago County, like Brown County, struggled to gain support from politicians for the security upgrades. Plans for the additional portico had been in existence since 1953, and the Winnebago County Board had rejected implementation of screening protocols in 2001.

Marathon County, the site of the tragic events of March 2017, ultimately implemented screening at the entrance to its courthouse on Aug. 9, 2017.¹⁸ Planning began in April 2017, shortly after the shootings. The Marathon County board of supervisors, like the Brown County board of supervisors, received a report from the U.S. Marshals Service. The county board's public safety committee then directed the Sheriff's Department and administrative staff to implement the plan.

As in Winnebago and Brown counties, Marathon County had the challenge of dealing with an older building that

was not designed for such a process. The result was a plan "that provides for a single point of entry and individual screening, similar to what you might see at an airport – however, you shouldn't have to take off your shoes."¹⁹ The design "provides for sophisticated weapons screening, while continuing to ensure that Marathon County's Courthouse remains fully accessible to everyone."²⁰

Since implementation, Marathon County screeners have confiscated 1,983 knives, 148 canisters of pepper spray, 2 loaded firearms, 20 rounds of ammunition (in addition to the loaded firearms), 1 firearm component, 15 impact weapons, 18 pieces of drug paraphernalia, 2 items containing illegal drugs, and 502 other prohibited items, such as scissors, handcuff keys, and alcohol beverages.²¹ This in a central Wisconsin city with a population of slightly higher than 39,000.

A number of courthouses in Wisconsin, including in Brown County, have portable metal detectors that can be brought in for high-profile cases or other matters that might raise a risk of violence. A disadvantage of this approach is that someone needs to decide when the metal detectors are needed because of increased risk. There is no way for anyone – the judge, the sheriff, the bailiff, or the lawyers – to know with any certainty when violence is going to occur. Often, family court cases that are before a family court commissioner have the potential to be powder kegs. There is rarely enough information available regarding the parties to know who will snap and when. Further, even if that risk could be known, it only protects the specific courtroom and not the public areas. These alternatives, screening on the cheap, do not make sense in light of the problems faced in courthouses.

Sharing the Courts, Sharing the Responsibility

Securing courthouse entrances can be expensive. For example, the addition to the Winnebago County Courthouse cost taxpayers approximately \$1.1

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million.²² Even without an entirely new addition on a courthouse, security equipment can include such items as magnetometers, wands, x-ray machines, closed-circuit television (CCTV) camera systems, and duress and intrusion alarms.²³ This does not include staff costs for operating the equipment.

These systems can be costly but are essential pieces to an entryway screening system. Local officials around the country have been very creative when obtaining the funding for such equipment. "Some have gained the required funding through federal and state grants, Homeland Security funds, filing fees, asset-forfeiture programs and mutual-aid collaborations."²⁴ Used but still completely operational equipment also is sometimes available from federal sources.

When considering funding, it is also important to remember that the Wisconsin court system is a hybrid system. That is, the counties own and maintain the courthouses, while the state of Wisconsin employs the judges. The court reporters working for the judges are employed by the state, but the clerks and the other staff in the various courthouses work for the county. The state of Wisconsin administers the court system and, of course, the Wisconsin Supreme

Court sits atop the entire third branch of the state government.

Given this joint obligation for the functioning of Wisconsin's court system, it seems as if responsibility for securing the safety of the state's courthouses would fall to both state and local governments. It is the very function of the state court system to cause all of the various people to be in the courthouse. It is the state-employed judges who enter the orders requiring individuals to come to court for jury duty, court hearings, and trials. Surely some of the responsibility for screening the people should rest with the state of Wisconsin.

At the same time, the counties own and manage the various courthouses and allow them to be used for the purposes discussed above. With a reasonable bit of effort, Wisconsin could ensure that all of its courthouses are equipped with appropriate screening equipment. Failure to do so for financial reasons could end up being costly to the public's well-being.

Conclusion

It will never be possible to eliminate all acts of violence in a courthouse. Nor will courthouse security stop all acts of violence related to judicial system issues. Thus, although the tragedy in

Wausau would not have been prevented by further courthouse screening, that incident does remind us that violence can go hand in hand with many of the complex issues that are contested in the courthouse. Courthouses are the focal point of that conflict.

Security officials must always work to keep one step ahead of perpetrators who plan their acts of violence. Tragedies such as the one in Wausau demonstrate that we must take reasonable steps to prevent acts of violence, especially in courthouses. Screening at the entrance of every courthouse in the state is one such step.

The Wisconsin Legislature must take a more active role in insisting that the buildings in which the Wisconsin judiciary works are safe for those who work there and those who visit. At the county level, elected and appointed officials must commit financial resources to strengthen these buildings and augment the safety of the people who come to them. Too many people in this state are forced to come to courthouses that are not made appropriately safe according to best practices. **WL**

ENDNOTES

¹Alison Durr & Andy Thompson, *When Domestic Violence Becomes a Public Risk*, Green Bay Press-Gazette, 1A (March 27, 2017).

²Dianne Molvig, *Court Funding: Security at Risk*, 89 Wis. Law. 14 (Jan. 2016). Fifty-eight percent of judges felt security staffing was inadequate, as did 62 percent of administrators and 43 percent of lawyers.

³Nathaniel Shuda, *Winnebago County Ramps up Courthouse Security*, Post Crescent, 1B (May 7, 2017).

⁴*Id.*

⁵*Id.*

⁶*Courthouse Shooting Reveals Darker Side of Grand Marais*, Duluth News Tribune (Feb. 28, 2012).

⁷See generally Timm Fautsko, Steve Berson & Steve Swensen, *Courthouse Security Incidents Trending Upward: The Challenges Facing State Courts Today*, Nat'l Ctr. State Courts (2012), <https://tinyurl.com/yy8x4arv>.

⁸Shuda, *supra* note 3, at 1A.

⁹Ben Handelman, *New Metal Detectors at Sheboygan County Courthouse Uncovers Knives, Bullets, Fireworks*, fox6now.com (Jan. 3, 2019), <https://tinyurl.com/y2gsm7cq>.

¹⁰Wis. SCR 68.06(2)(a).

¹¹The federal government has already implemented visitor screening at the doors of federal courthouses.

¹²This survey was conducted in January 2019 and updated in March 2019 by the Eighth Judicial District court administrator and requested responses from all other district court administrators. Responses were received from every district.

¹³Wood County is planning to install walk-through magnetometers in the summer of 2019, but funding for staffing of those magnetometers is uncertain. This would move the county from the third category to the second category.

¹⁴Shuda, *supra* note 3, at 1A.

¹⁵Dept. of Justice, U.S. Marshal, *Court Security Survey and Assessment Brown County Courthouse 4* (March 1992).

¹⁶*Id.*

¹⁷Shuda, *supra* note 3, at 1B.

¹⁸Lance Leonhard, *New Courthouse Security's Up & Running*, Wisconsin Central Time News (Aug. 22, 2017).

¹⁹*Id.*

²⁰*Id.*

²¹Laura Schulte, *Security Nets Nearly 2,000 Knives at Marathon County Courthouse, Plus Guns and Drugs*, Wausau Daily Herald (Aug. 10, 2018).

²²Winnebago County Courthouse Projects Designed to Improve Security, *Add Space*, The Third Branch, at 12 (Winter/Spring 2017).

²³See generally Fautsko et al., *supra* note 7.

²⁴*Id.* WL