

REVISED ADMINISTRATIVE DIRECTIVE NO. 119

This 28th day of January, 2000,

IT APPEARS THAT:

(1) It is essential that all court facilities in this State be safe and secure for all users, including members of the public, litigants, victims, witnesses, jurors, court personnel, judges, and lawyers.

(2) Despite the best efforts of the executive, legislative and judicial branches of government, the security of Delaware's court facilities remains a matter of great concern. As a result of the lack of sufficient authorized security positions and budgetary constraints, some court facilities are without any security personnel on the premises during business hours.

(3) In recent years, there have been growing concerns in the State about the need for adequate security. Violence in court facilities has become an unfortunate reality. In the judiciary's recent budget requests, the Superior Court, the Family Court, the Court of Common Pleas, and the Justice of the Peace Courts have identified, as a priority, the need to increase the number of positions allocated for ensuring the security of the courts. There is a need for adequate security equipment including x-ray and scanning devices for various facilities.

(4) There are increased problems because of overlapping authority and responsibility among the different agencies charged with providing courthouse security. Historically, courthouse security in Delaware has been provided by a combination of the State police, local police forces, sheriffs, Capitol Police, and contract security officers. In individual courtrooms, security may be provided by bailiffs, judicial assistants, Department of Correction officers, Capitol Police, or constables. The question of who is responsible for providing and directing court security has not been fully resolved.

(5) In all three counties, new court facilities are being built or renovated. These facilities will increase the demand on the limited numbers of overburdened security officers and exacerbate organizational problems. Additional security officers and equipment will be required and responsibilities of various individuals and organizations must be clarified.

(6) It is desirable to form a Court Security Task Force to develop a comprehensive security policy for the Delaware Court System. The Task Force should proceed under the direction of The Honorable Brian J. Bushweller, Secretary of the Department of Public Safety and The Honorable William C. Carpenter, Jr., of the Superior Court.

NOW, THEREFORE, IT IS DIRECTED with the unanimous approval of the members of the Supreme Court pursuant to Delaware Constitution art. IV, § 13(1) that:

(A) The Court Security Task Force shall consist of the following persons and such other persons as the Chief Justice shall determine from time to time:

DELAWARE SUPREME COURT

The Honorable Brian J. Bushweller, Co-chair
The Honorable William C. Carpenter, Jr., Co-chair
The Honorable Jane R. Roth
The Honorable Kenneth M. Millman
The Honorable John K. Welch
Colonel Gerald R. Pepper, Jr.
Major David S. Hall
Chief William H. Jopp, Capitol Police
Mr. Earl Harrington
Mr. James Kallstrom
Ms. Carole B. Kirshner
Mr. Michael E. McLaughlin
John P. Mulhern
Timothy P. Mullaney, Sr., Esquire
Mr. Thomas W. Nagle
Mr. Edward G. Pollard, Jr.
Mr. Thomas J. Ralston
Dr. Bryan B. Sullivan
Jeffrey M. Taschner, Esquire
Mr. Stephen D. Taylor

(B) The Task Force shall conduct an inventory of current and planned facilities for all Delaware courts and evaluate the status of security resources, including but not limited to positions, security equipment, access to the facility, and holding cells. The Task Force shall develop a plan to address the current security needs of the courts and establish priorities in order to address the greatest needs first.

(C) The Task Force shall review the best security practices on a nationwide basis including the federal court security operations. The Task Force shall contact or visit any security agency or court facility that the Task Force deems relevant to its charge.

(D) The Task Force shall identify desirable enhancements to the existing security infrastructure including staffing, equipment, organizational issues and security policies.

(E) The Task Force shall analyze and make recommendations as to who should be in charge of security for the courts, and resolve the issue of potentially overlapping authority among the agencies' charges with providing courthouse security.

(F) The Task Force shall investigate the feasibility of developing security standards and policies for all Delaware court facilities and of developing a marshal's service similar to the federal system.

(G) The Task Force shall file a Preliminary Report to the Chief Justice by March 31, 2000. The Final Report shall be filed by April 30, 2000.

E. Norman Veasey, CHIEF JUSTICE

DELAWARE SUPREME COURT

cc: The Honorable Thomas R. Carper
The Honorable Joseph T. Walsh
The Honorable Randy J. Holland
The Honorable Maurice A. Hartnett, III
The Honorable Carolyn Berger

Members of the Judicial Conference
Lawrence P. Webster
Court Administrators
Clerk of the Supreme Court
Members - Court Security Task Force