

PROTECTING THE HOMEFRONT:

THE IMPORTANCE OF PERSONAL SECURITY AND JUDICIAL PRIVACY PROTECTION AWAY FROM THE COURTHOUSE

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In the book *“Murdered Judges of the 20th Century,”* Susan P. Baker, a Family Law Judge in Galveston, Texas, chronicles the murders of forty judges and the mysterious disappearances of two jurists. When we deduct the six judges who were killed by family members that leaves thirty-four judges who were likely killed solely due to their occupations.

When one takes into account that fifteen of these judicial officers were killed or disappeared before 1950 and twenty-seven were killed after 1950, it leads to the inescapable conclusion that being a judge in modern times carries certain inherent risks. When these killings are analyzed further, they reveal certain trends, namely that although no judicial assignment is free of risk of harm, certain assignments such as family law and criminal dockets have greater statistical incidents of fatal attacks.

By analyzing the information gleaned from these fatal attacks with developed protective intelligence obtained from scores of threat assessment studies, a number of generalized conclusions can be drawn. Most importantly, the statistical probability of being the victim of targeted violence and/or intimidation is *higher* away from our security details at the courthouse. Of the known fatal attacks against judges away from work, attacks at home are the most common.

The other conclusion we can draw from these studies is that “true hunters” who intend to carry out an attack do not issue pre-attack threats or warnings. “Howlers,” on the other hand, make threats to intimidate their enemies but rarely physically attack. The important finding in these threat assessment studies is that the presence of a threat is NOT an accurate indicator of danger and the absence of a threat is NOT an accurate indicator of safety.

So what steps can we take to provide the most meaningful protection away from work at a reasonable price and with a minimal amount of effort? Most experts would agree that there are three interconnected concepts which are imperative to dignitary protection:

- I) Lowering visibility and securing meaningful privacy protection
- II) Hardening the target
- III) Developing a surviving mindset and establishing a usable threat management plan.

D) Lowering visibility and securing meaningful privacy protection

This strategy works best in medium to large counties and will reduce the potential risks associated with being widely known in and around your community.

“Hiding in plain sight” makes it harder to attack or intimidate you at home, where you are statistically the most vulnerable. Keep in mind that privacy protection is important even in smaller counties because your potential attacker may very well be an outsider who will have to find you before attacking, as was the case of U.S. District Court Judge Lefkow’s husband and mother’s killer.

Years ago when municipal court judges had to run for election in smaller judicial districts, maintaining a high profile as a “big fish in a small pond” was necessary for political survival. Since unification, running in a countywide general election provides incumbents with a distinct tactical advantage, reducing the need for living a “high profile” existence amongst your neighbors.

Unfortunately, scores of recent known threats and attacks have involved the judge’s residence. As recently as October 16, 2008, the York Dispatch in York, PA, carried a story about the arrest of a convicted felon who had conducted surveillance of two judges who had previously sent him to prison. An informant disclosed that the suspect had bomb making materials and was planning to place homemade explosives under the judges’ cars to blow them up as well as the homes of the persons who had caused him pain.

Achieving and maintaining meaningful home address and telephone privacy protection to prevent stalkers from finding you and your family involves some effort, but this strategy can be very effective in enhancing personal security. Home address privacy protection should be your first and not your last or only line of defense.

Suggested methods for obtaining privacy protection include – 1) Taking title to your residence in a trust not involving the family name; 2) DMV confidentiality; 3) Voter record confidentiality 4) Enrolling in the AOC’s judicial privacy opt-out program, whereby the AOC will act as your agent in demanding that all known Internet data vendors remove your home address from all publicly accessible Internet databases. [Ironically, the only known Internet data vendor who still refuses to comply with the AOC’s blanket opt-out demand is Lexis-Nexis. They claim that they will honor “individual requests” by judges. To submit your individual request, fax your opt-out demand to 800-732-7672.]

II) Hardening the target.

Most sheriffs' departments, as a courtesy to the bench, will conduct a security survey of judicial officers' homes upon request. This security survey not only helps you by knowing how to beef up security and strengthening weak areas but it helps your emergency responders if it becomes necessary to make a tactical entry to rescue you. The United States Marshal's Service is also available to assist if requested by the local sheriff's department.

Most security professionals emphasize the benefits of motion detector lighting, trimmed shrubs, deadbolt locks, an alarm system and a fortified "safe room" within the home. This safe room can be as simple as a solid core door with a deadbolt on a bedroom or bathroom with access to a cell phone so that the occupants can barricade themselves within the room and await law enforcement officers.

Spending a few extra dollars on your locks can buy you some peace of mind. If you are unfamiliar with a fairly recent technique called "lock bumping," check out the videos showing this technique at <http://www.youtube.com/watch?v=hr23tpWX8IM>.

Some locks, including "Medeco" and Schlage "Primus" series are bump proof due to the addition of secondary locking systems, which include a sidebar lock. Most residential locks can be made more difficult to "bump" or "pick" by replacing some of the lock's top pins with "mushroom pins" – a qualified locksmith will be necessary for any of these options.

More than 53% of California judges do not have a functioning home security alarm system. Yet an alarm system is a great deterrent and provides an early warning to alert you to potential intruders. The use of an alarm system may have prevented the deaths of United States Federal District Court Judge Joan Lefkow's husband and mother in her family home. LA Superior Court Commissioner George Taylor and his wife Lynda similarly did not have a functioning alarm when they were murdered at home in 1999.

Consider contacting your local police department or your local sheriff's department if your residence is serviced by them and ask them to include in the information that pops up on their screens when a 911 call is placed from your house, that you are a judge. In this way, if there is ever an emergency at your home, the responders will know that they may be facing a real emergency and their response times and the number of responding officers will be adjusted accordingly.

In addition, a higher level of security can be fairly inexpensively achieved by adding a video surveillance system. There are new inexpensive, yet sophisticated systems available at many electronics stores like Radio Shack, Fry's, Circuit City, Best Buy, and even Costco. Many of these DIY (Do-It-Yourself) systems have digital hard drives to record images 24-7 using cameras that have night-time infrared capability that can also be accessed remotely from the Internet.

III) Developing a surviving mindset and managing threats.

Law enforcement officers train constantly by practicing “what if” scenarios. This simple strategy provides officers with the ability to pre-plan their responses by applying a mental check list to unexpected events. This tactic has equal application to other public safety officials, including judges.

Judicial officers should have family members participate in this strategy so that they know what is expected of them. We practice fire drills with our kids, why not what to do if a stranger enters the house?

Keep in mind that we cannot “eliminate” all risks associated with our profession but we can “manage” them by properly assessing those risks and establishing appropriate threat management techniques.

California judicial officers are well trained, independent minded and courageous individuals. Unfortunately, we have a tendency to suppress warning signs that we intuitively feel.

All of us have had the experience of feeling uncomfortable in certain settings without really knowing why – such as when you hear something go bump in the middle of the night and feeling the hair on the back of your neck stand up! Have you ever felt uncomfortable when someone standing in front of you was saying the appropriate things but his/her body language did not match up with the spoken words?

There is an excellent book worth reading by author Gavin de Becker entitled “*The Gift of Fear*” that is used by many threat assessment professionals. We need to learn to trust our inner voice when we sense danger and try not to simply rationalize away that inner warning by theorizing some innocent explanation when unwarranted.

By combining these three separate but related strategies, we can provide better security for ourselves and our families. For more information on other personal security and privacy protection strategies, refer to security training materials and broadcasts created by the CA AOC’s Office of Emergency Response and Security and CJER’s Court Security Education Committee which are posted on the AOC/Judicial Council website.