

 <p><b>Cambridge Police Department</b></p>	<b>POLICY &amp; PROCEDURES</b>		<b>No. 560</b>
	Subject/Title: <b>Judiciary Security Protocols</b>		
	Issuing Authority: 	Review Date: <b>Jan. 29, 2013</b>	Issue Date: <b>August 5, 2013</b>
	Robert C. Haas Police Commissioner	Effective Date: <b>August 19, 2013</b>	Rescinds:
References/ Attachments: <b>Trial Court Protocol for Judicial Security (11/15/12) &amp; U.S. Marshal's Protocol for Federal Judiciary Security.</b>		Accreditation Standards:	

## I. PURPOSE:

The purpose of this directive is to establish the procedures to be followed in the event an officer of this department responds to an incident involving a member of the judiciary or a member of his/her immediate family, whose safety and/or security may potentially be threatened as a result of his/her official capacity. These protocols are being adopted so as to be consistent with the guidelines that have been issued by the Chief Justice of the Trial Court for Massachusetts, and the U.S. Marshall's Office for Federal Justices. It will cover the following areas:

- The internal notification protocol that is to take place when an officer learns of a situation or safety concern involving a member of the judiciary;
- Identify instances when it is appropriate to make notification to the appropriate authorities when a member of the judiciary has been threatened or the target of some other criminal offense;
- Identify the reporting requirements associated with such incidents;
- Identify follow up action that is to be taken relative to a threat that may have been directed at a member of the judiciary;
- Identify the procedures to be followed when a threat or threatening incident takes place at one of the courthouses located in the city.

## II. POLICY:

Whenever an officer learns that a threat has been made against a member of the judiciary, or the security of any courthouses located within the city is compromised, the officer will

be obligated to fully investigate the incident in an effort to ascertain whether such threat was made as a result of official duties or position of which the individual holds. Any threat made against a member of the judiciary and/or members of his/her immediate family regardless of underlying motivations will be immediately reported to the officer's immediate supervisor, who will make the determination as to the appropriateness in reporting the matter to outside authorities.

### **III. GENERAL CONSIDERATIONS & GUIDELINES:**

Although an extremely rare occurrence there are times when a member of the judiciary security will be threatened as a result of his/her official capacity. In recent years, the threats made against the judiciary, particularly the federal judiciary has risen dramatically. In this technological age, the form in which threats may come can easily be masked and very difficult to trace. What becomes even more disconcerting is when there is no forewarning of imminent danger. Another growing trend is for individuals to also target family members of the judiciary.

The courthouse itself also possesses security concerns, and the security measures that have been put into place may offset the threat from taking place in the courthouse. This has all of the potential of pushing the opportunity for carrying out a retaliatory action against the judiciary or judiciary family members outside of the courthouse, thereby taking place in public places or the homes of the judiciary, and may be much more subtle as to the underlying motivations.

In response to these security concerns, both the Massachusetts Trial Courts and the U.S. Marshal Office have developed their respective set of protocols that are designed to establish a notification process that if local law enforcement either establishes or suspects that a criminal act may have been directed at a members of the judiciary and/or members of their families stemming from their official capacities there be a follow up notification.

This set of guidelines identifies the procedures to be followed whenever an officer of this department suspects that a member of the judiciary and/or members his/her families may have been targeted as a result of the judiciary's official position. It also identifies how this department will work with the respective security arms of both branches of the judiciary system. Once an officer establishes that a member of the judiciary has either been threatened or a criminal act has been committed, the officer needs to assess what might be the underlying motivation.

For purposes of this directive, a "threat" is construed to mean any action, words, or conduct, whether explicit or implied, threatens, suggests a threat, intimidates or is a criminal action against a judge or a member of the judge's immediate family that is related to the judge's official capacity. A threat may be written, verbal, electronically transmitted or relayed through third parties. Any such action or threat will be treated as

being connected to the judge's official capacity unless and until further investigation establishes otherwise.<sup>1</sup>

#### IV. INVESTIGATIVE & NOTIFICATION PROTOCOLS:

**A. Initial Investigative Response:** If an officer learns during the course of his/her investigation that a threat or some other criminal act has been perpetrated against a member of the judiciary and/or a member of his/her immediate family, the following procedures will be observed:

1. The investigating officer will immediately notify his/her immediate supervisor, and request that the supervisor respond to the scene.
2. The investigating officer will attempt to understand what might have been the underlying cause or motivation for the threat or other criminal act.
3. The investigating officer will fully document the incident to include any indications that the threat or criminal act may have some connection to the judge's official capacity.
  - a. If this nexus cannot be established or no other alternative reasoning can be applied, then the incident will be treated as a potential threat based upon the judge's official capacity.
  - b. If there is a nexus, the officer will use the judge's work address and work phone numbers when listing the address for the judge.
4. If the officer clearly establishes that the incident is not the result of the judiciary's official position, the officer should not identify the fact that the individual is a member of the judiciary.

**B. Supervisor's Responsibilities:** Upon being notified that an officer is investigating an incident that involves a member of the judiciary and/or members of his/her family, the supervisor will respond to the location where the report is being taken. If the report is being taken at the police station, then the Shift Commander may assume that responsibility. The role of the supervisor under these circumstances:

1. Ensure that a thorough and complete investigation is being conducted, to include, an effort is made in determining the underlying motivation of the threat or other criminal act.

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<sup>1</sup> This definition is adopted from the "Trial Protocol for Judicial Security," dated November 15, 2012.

2. Determine whether it is appropriate to bring investigative personnel into the investigation of process.
3. Ascertain whether any potential threat still exists, and if so, take steps to provide added security until the appropriate notifications to the appropriate security personnel can be made.
4. Make sure a complete and accurate report is written relating all of the relevant facts are contained within the report.
5. Brief the Shift Commander accordingly, so that the Shift Commander can make a determination whether there should be immediate notification to the Duty Chief.
6. Ensure that all reports involving the judiciary are channeled to the Commanding Officer.

**C. Review Process:** Once a Commanding Officer (to include the Duty Chief) is notified or learns that a threat or some other criminal act has been attempted or committed against a member of the judiciary and/or a member of his/her family, that Commanding Officer will be responsible for the following actions:

1. Determine whether there is any nexus between the act and the position of the judge and/or his/her family. If the underlying motivation cannot be determined, then it is to be presumed there might be a nexus and treated as though there is a connection to the judge's official position.
2. Determine the urgency of involving investigative personnel, if that has not already occurred.
3. Ensure that the incident is fully investigated and documented in the form of an incident report, and the collection of relevant evidence.
4. Determine the timeliness of notifying the Police Commissioner of the incident.
5. Confer with the Police Commissioner as to whether it is appropriate or in accordance with the notification protocols to the security personnel overseeing the safety and protection of the judiciary.

**D. Notification to the Judiciary Security Personnel:** Once it has been determined that the judiciary security notification protocol is to be followed, either the Commanding Officer reviewing the incident or the Police Commissioner will make the appropriate notifications.

1. *Members of the Massachusetts Trial Courts:* If the incident involves a judiciary member of the Massachusetts Trial Courts and it has been deemed to have met the criteria for follow up notification, the following protocol will be observed:
  - a. If there is an immediate response required, notification will be made to the Investigative Division of the Massachusetts State Police through its communications center.
  - b. In cases of immediate response, notification will be made to the Director of the Security for the Trial Court at (617) 908-1290.
  - c. If immediate notification is not required, notification to the Director of the Security for the Trial Court will be made during normal business hours at (617) 878-0378.
  - d. This department will coordinate and assist both the Director of the Security for the Trial Court and the State Police with any additional security measures that may be deemed appropriate.
2. *Members of the Federal Judiciary:* If the incident involves a judiciary member of the Federal Court System and it has been deemed to have met the criteria for follow up notification, the following protocol will be observed:
  - a. Notification will be made to the U.S. Marshal's Office on a 24-hour basis at (617) 748-2700.
  - b. This department will coordinate and assist the U.S. Marshal's Office with any additional security measures that may be deemed appropriate.

**E. Courthouse Security:** Whenever there is threat against one of the courthouses, the following protocols will be observed:

1. *Courthouses Located in Cambridge:* Upon learning of a potential threat or a security concern at anyone of the courthouses located within the City of Cambridge, officers will be dispatched to respond to the reported threat or security concern. It is the responding officers' responding personnel to work with the courthouse security staff to stabilize the situation and remain on scene until the threat or security concern has been adequately addressed and neutralized.
  - a. Depending upon the nature of the threat or security concern, the Sector Sergeant should respond and establish Incident Command, if deemed to be appropriate.

- b. The nature of the threat or security concern should be communicated back to the Shift Commander, who will make the determination if the Duty Chief should be notified.
  - c. The Sector Sergeant will determine the appropriateness of completing a police report, depending upon the circumstances of the incident.
  - d. Depending upon the nature of the threat or security concern, follow up notification will be made to the Director of Security of the Trial Court.
    - 1) In the case of immediate response, notification will be made to the Director of the Security for the Trial at: (617) 908-1290.
    - 2) If immediate notification is not required, notification to the Director of the Security for the Trial Court will be made during normal business hours at: (617) 878-0378.
2. *Cambridge District Court:* Upon learning of a potential threat or a security concern at the Cambridge District Court, Cambridge Police Officers who are assigned to the district court will work in concert with the courthouse security staff to address the threat or security concern within the scope of their legal authority. Matters involving follow up police action should be referred to the Medford Police Department.
- a. It will be responsibility of the Unit Commander of the Police Prosecutors Unit to notify his/her Commanding Officer of the situation.
  - b. Notification to the Director of Security of the Trial Court rests with the Medford Police Department, who has primary law enforcement jurisdiction of the courthouse.