
**In re amendment of SCR Chapter 68
relating to court security, facilities,
and staffing.**

**PETITION
21-____**

For the reasons set forth in the accompanying supporting memorandum, the Court Security Subcommittee of the Planning and Policy Advisory Committee (PPAC) respectfully petitions the court to amend SCR Chapter 68 regarding court security, facilities, and staffing. This petition is made pursuant to the court's rulemaking authority under Wis. Stat. § 751.12 and its administrative authority over all courts conferred by Article VII, § 3 of the Wisconsin Constitution.

TEXT OF PROPOSED CHANGES

SECTION 1. SCR 68.01 (1) is amended to read:

68.01 (1) This chapter is promulgated by the supreme court to promote communication among circuit courts, county officials, court planners, architects and contractors concerning court facilities and security issues. It recognizes the constitutionally appropriate participation of the supreme court and circuit courts in addressing their facilities and staffing needs and priorities within the constraints established by funding limitations and budget priorities. This chapter recognizes the court's authority to direct activities and policies of the director of state courts and of the judiciary. It is intended to assist counties and courts in making sound decisions about the court facilities that serve the citizens of their Wisconsin communities.

SECTION 2. SCR 68.01(2) is amended to read:

68.01 (2) This chapter ~~does not create a fixed standard. It is intended to be a statement of general purpose and procedure which~~ establishes a flexible framework for courts' participation in

decision-making regarding court facilities while recognizing the wide range of needs and circumstances which exist in counties across the state.

SECTION 3. SCR 68.01 (4) is created to read:

68.01 (4) All court facilities should be designed and maintained to support the security and safety of judicial officers, participants in court proceedings, staff, and members of the public.

SECTION 4. Comment to SCR 68.01 is deleted:

~~SCR Chapter 68 is the culmination of an administrative rule petition filed by the Director of State Courts on behalf of the Planning and Policy Advisory Committee ("Petitioners") on June 30, 2011. Subsequent to the filing of the rule petition the Wisconsin Legislature enacted 2011 Wisconsin Act 35 (the "concealed carry" legislation) on July 8, 2011. The Petitioners advised this court that 2011 Wisconsin Act 35 was deemed beyond the scope of Chapter 68 and that this Chapter is not intended to address issues presented by 2011 Wisconsin Act 35 or regarding the constitutional right to bear arms.~~

SECTION 5. SCR 68.03 (2) is amended to read:

68.03 (2) The circuit judges and the chief judge, in cooperation with appropriate county officials, shall review any proposals under sub. (1) together with any drawings or plans. The circuit judges and the chief judge shall participate in the planning process to ensure that the proposals under sub. (1) are consistent with current court facility standards, including those relating to functional design, audio-visual and acoustical adequacy and security of the courts and the public, and that they conform to the requirements of the Americans ~~With~~ with Disabilities Act and other federal, state and local laws.

~~Comment: The technical requirements of the Americans with Disabilities Act are beyond the scope of these standards. Compliance with federal law requires certain accommodations to be included in all projects.~~

SECTION 6. Comment to SCR 68.04 is amended to read:

This provision confirms the authority of a presiding judge in his or her own courtroom. See, e.g., *Stevenson v. Milwaukee County*, 140 Wis. 14 (1909).

SECTION 7. Comment to SCR 68.05 (2) is amended to read:

Comment: The creation of a committee which includes all of the designated persons is essential to achieve the overall goals of these standards. The purpose of this rule is to insure that the court system is proactive, geared to prevention, not merely reactive, responding to violent, perhaps tragic, incidents. Committees are encouraged to consider if it is appropriate to include a member of the public on the committee. Committees created under this rule generally are not subject to requirements of the Wisconsin Open Meetings Law. However, if public officials in attendance generate a quorum of a different public body, open meetings guidelines for that body must be followed.

SECTION 8. SCR 68.05 (4) is amended to read:

68.05 (4) The committee shall coordinate and develop general court security and facilities policies and ~~key activities~~ procedures including:

SECTION 9. SCR 68.05 (4) (a) is deleted and created to read:

68.05 (4) (a) ~~The submission of reports to the Planning and Policy Advisory Committee on security threats and incidents and on courthouse construction, remodeling and security innovations.~~

A system for collecting data related to threats and incidents occurring in court facilities or against court officials or staff.

Comment: Collection of county-level security threat and incident data is useful in prioritizing the allocation and placement of security equipment and personnel, including data regarding prohibited items identified or confiscated during security screening.

SECTION 10. SCR 68.05 (4) (b) is deleted and created to read:

68.05 (4) (b) ~~A policy for the secure delivery of mail, other items, and supplies to all offices in court facilities.~~

A policy for the submission of security threat and incident reports to the director of state courts (electronically or using form CS-265, or successor form) within 10 business days following a security incident or threat.

SECTION 11. SCR 68.05 (4) (c) is renumbered to SCR 68.05 (4) (e) and SCR 68.05 (4)(c) is created to read:

68.05 (4) (c) A policy for the submission of annual reports to the district court administrator regarding courthouse construction, remodeling, or security improvement activities, and regarding active shooter drills or other training events that support court security operations or preparedness.

Comment: A systematic reporting procedure for threats to judicial officers, court staff or their families should be established in each county pursuant to SCR 70.34. This serves the beneficial purpose of allowing persons other than the object of the threat to assess its seriousness, as there may be a tendency by the person threatened to minimize it as "part of the job." The policy should designate the person to whom threats are to be reported, establish the responsibility

for investigation or other response, and provide for the retention of records of all reported threats.

SECTION 12. SCR 68.05 (4) (d) is renumbered to SCR 68.05 (4) (f) and SCR 68.05 (4) (d) is created to read:

68.05 (4) (d) A policy for the screening and secure distribution of mail, and deliveries. Such screening should take place in a dedicated, secure area.

SECTION 13. SCR 68.05 (4) (e) is renumbered to SCR 68.05 (4) (g) and amended to read:

68.05 (4) ~~(e)~~ (g) An annual training program, for all employees in coordination with the county sheriff, ~~for all employees and staff.~~ Training should be provided to all new employees and existing employees upon change in assignment, as appropriate.

SECTION 14. SCR 68.05 (4) (f) is renumbered to SCR 68.05 (4) (h).

SECTION 15. SCR 68.05 (4) (g) is renumbered to SCR 68.05 (4) (i) and amended to read:

68.05 (4) ~~(g)~~ (i) A policy regarding possession of firearms by law enforcement officers who appear as witnesses, litigants, or who are present on personal business in the court facility.

~~Comment: There is a difference of opinion whether sworn officers or law enforcement officers who appear as witnesses, litigants, or on personal business should be permitted to carry a firearm in court facilities.~~

SECTION 16. SCR 68.05 (4) (h) is renumbered to SCR 68.05 (4) (k).

SECTION 17. SCR 68.05 (4) (i) is renumbered to SCR 68.05 (4) (l).

SECTION 18. SCR 68.05 (4) (j) is renumbered to SCR 68.05 (4) (m) and amended to read:

68.05 (4) ~~(j)~~ (m) A procedure to calibrate screening equipment consistent with ~~manufactures'~~ manufacturers' directions.

SECTION 19. SCR 68.05 (4) (j) is created to read:

68.05 (4) (j) A procedure for allowing the possession of firearms by those who are statutorily authorized to do so.

SECTION 20. SCR 68.05 (4) (k) is renumbered to 68.05 (4) (n) and amended to read:

68.05 (4) (~~k~~) (n) A plan for ~~dealing with~~ addressing disruptions at court proceedings, ~~including trial and pretrial, involving particularly dangerous or disruptive litigants.~~

SECTION 21. SCR 68.05 (4) (l) is renumbered to SCR 68.05 (4) (o) and amended to read:

68.05 (4) (~~l~~) (o) A policy for searching each courtroom or other vulnerable area for explosives or other dangerous instrumentalities before the commencement of court proceedings each day.

Comment: The need for this regular practice is greatest in those counties where courtrooms are used for non-judicial purposes on evenings and weekends. Courtrooms should be locked when not in use.

SECTION 22. SCR 68.05 (4) (m) is renumbered to 68.05 (4) (p).

SECTION 23. SCR 68.05 (4) (n) is renumbered to 68.05 (4) (q) and amended to read:

68.05 (4) (~~n~~) (q) A procedure to review exterior building features ~~of the buildings'~~ exterior with security features in mind, such as an electronic surveillance system and external lighting.

SECTION 24. SCR 68.05 (4) (o) is renumbered to SCR 68.05 (4) (r) and amended to read:

68.05 (4) (~~o~~) (r) A policy for the monitoring ~~and~~, surveillance, and safety of all parking areas including public, employee, and other designated parking areas. ~~The committee should consider establishing a policy governing motor vehicles in close proximity to the court facility and a policy to establish barriers preventing vehicular access to the facility.~~

Comment: The best practice is to prohibit vehicular parking in close physical proximity to the building ~~but this standard may not be attainable in many counties.~~

SECTION 25. SCR 68.05 (4) (p) is renumbered to SCR 68.05 (4) (s).

SECTION 26. SCR 68.05 (4) (q) is deleted:

~~68.05 (4) (q) A system of recording, reporting, and responding to incidents occurring in court facilities.~~

SECTION 27. SCR 68.05 (4) (r) is deleted:

~~68.05 (4) (r) A system of recording, reporting, and responding to threats made to judicial officers and court staff and their families and others associated with the court as a local rule under SCR 70.34.~~

~~Comment: A systematic reporting procedure for threats to judicial officers, court staff or their families should be established in each county. This serves the beneficial purpose of allowing persons other than the object of the threat to assess its seriousness, as there may be a tendency by the person threatened to minimize it as "part of the job." The policy should designate the person to whom threats are to be reported, establish the responsibility for investigation or other response and provide for the retention of records of all reported threats.~~

SECTION 28. SCR 68.05 (4) (s) is renumbered to SCR 68.05 (4) (t) and amended to read:

68.05 (4) ~~(s)~~ (t) A procedure whereby each judicial officer may complete and submit a judicial profile ~~to local~~ for law enforcement and provides purposes and a process for updating the document on an annual updates basis.

Comment: The ~~U.S. Marshals Service Judicial Profile~~ judicial security profile provides a good template for judicial officers. ~~It is important to note that this profile may be subject to the~~ which addresses Wisconsin ~~public records law, including Wis. Stat. Ch. 19.31-39,~~ and it cannot

~~be guaranteed that all of the information collected in this Use of the profile can be kept confidential~~ requires cooperation with each county sheriff as well as other applicable law enforcement agencies.

SECTION 29. SCR 68.05 (4) (t) is renumbered to SCR 68.05 (4) (u) and amended to read:

68.05 (4) ~~(t)~~ (u) A policy for periodic security audits.

~~Comment: The U.S. Marshals Service is an excellent resource on court security and has expertise to assist counties with security planning and evaluation of existing safeguards.~~

SECTION 30. SCR 68.05 (4) (u) is renumbered to SCR 68.05 (4) (v) and amended to read:

68.05 (4) ~~(u)~~ (v) A policy on money collection and the safeguarding of money.

~~Comment: Clerks of court Offices in courthouse facilities~~ collect substantial amounts of money. An enhanced protection program for these funds will not only safeguard the taxpayers' treasury but will also deter any efforts to engage in violence for financial gain.

SECTION 31. SCR 68.05 (4) (v) is renumbered to SCR 68.05 (4) (w).

SECTION 32. SCR 68.05 (4) (w) is renumbered to SCR (4) (x).

SECTION 33. SCR 68.06 (2) is amended to read:

68.06 (2) ~~Entrances.~~ Perimeter Design Considerations

SECTION 34. SCR 68.06 (2) (a) is amended to read:

68.06 (2) (a) Public Entrance and Exit. A court facility should have a single entrance with appropriate screening mechanisms in place to screen all persons, carry-in items and packages. Screening stations should have a bullet-resistant barrier and should be equipped with a magnetometer, x-ray for packages and carry-in items, duress alarms, and video surveillance. Exits should be physically or spatially separated from entry areas.

SECTION 35. SCR 68.06 (2) (b) is amended to read:

68.06 (2) (b) Restricted Access Entrance. All judicial officers and designated personnel should enter through a secure and separate entrance equipped with screening the same as the public entrance in sub. (1)~~2~~(a).

SECTION 36. SCR 68.06 (2) (c) is amended to read:

68.06 (2) (c) ~~Entrances~~ Building entrances and exits other than the public entrance and exit should be alarmed and secured ~~and~~ with controlled access limited.

SECTION 37. SCR 68.06 (2) (d) is created to read:

68.06 (2) (d) Windows. Any court facility design shall take into account security considerations in the placement and type of windows and window coverings.

Comment: While providing natural light and aesthetic benefits to a building's design, windows can compromise security and confidentiality. Windows are of particular concern due to the risk of attack on building occupants, particularly when located on lower-level floors.

SECTION 38. SCR 68.06 (2) (e) is created to read:

68.06 (2) (e) Ductwork systems. Ductwork openings and other components of heating, ventilation and air conditioning systems should be located so that they are not easily accessible from grade level.

SECTION 39. SCR 68.06 (2) (f) is created to read:

68.06 (2) (f) Parking. Judicial officer parking areas should be separate from public parking areas and offer controlled, secured access. Public parking areas should be separated from court facilities in order to create a buffer zone that minimizes proximity to building structures. All building parking areas should be adequately lit and monitored.

SECTION 40. Comment to SCR 68.06 (2) is amended to read:

Comment: Any new court facility should incorporate sectoring principles if it is to provide the most basic security that can be attained through structural design. Existing facilities present a wide range of structural variations that create ~~obstacles~~ barriers to the effective use of sectoring ~~principles~~. However, in many existing courthouses there are opportunities to achieve some sectoring that will improve security. In addition, remodeling projects undertaken for non-security purposes offer cost-efficient opportunities to enhance the overall sectoring of a courthouse.

Secure prisoner transport and designated holding areas eliminate ~~any~~ prisoner interaction with the public until they are in a courtroom and are critical to the safety of the public, court staff, and the prisoners themselves. The need for an area where attorneys can meet with their clients should be considered ~~in the design.~~ as well.

SECTION 41. SCR 68.06 (3) (d) is amended to read:

68.06 (3) (d) A judge's bench should be of a size and height to deter physical attacks, shall have a built-in bullet-resistant barrier ~~of the highest threat level,~~ and should provide a direct sight line to the public entrance.

SECTION 42. SCR 68.06 (3) (e) is amended to read:

68.06 (3) (e) Court reporter stations, ~~and~~ clerk stations; and witness stands shall be equipped with a built-in bullet-resistant barrier ~~of the highest threat level.~~

SECTION 43. SCR 68.06 (3) (f) is amended to read:

68.06 (3) (f) Lighting ~~panels~~ controls that are located in areas where only court staff have access to them.

SECTION 44. SCR 68.06 (3) (g) is amended to read:

68.06 (3) (g) Lighting that enhances safety and is supported by an emergency power source that is located in a secure area.

SECTION 45. SCR 68.06 (3) (h) is amended to read:

68.06 (3) (h) A clear separation and barrier between the spectator area and the area used by staff and the participants in court proceedings.

SECTION 46. SCR 68.07 (2) is amended to read:

68.07 (2) Public Entrance Staffing. The public entrance should be staffed by at least one armed sworn officer, ~~armed with a triple retention holster and~~ access to law enforcement ~~band~~ communications by radio, and other qualified court security officers as necessary. At least one sworn officer should be available to patrol the public areas and assist with public entrance staffing as needed.

Comment: The presence of sworn officers serves as a deterrent to violent outbursts and provides the ability to respond to incidents that may arise. In this respect, the open and obvious presence of uniformed officers is an example of basic court security principles designed to deter those intent on harm, detect those who have breached security and limit the damage caused by the breach. It is impossible to predict the type of case that might lead to a violent incident. Therefore, it is essential to provide court security for all types of cases. The National Center for State Courts' Steps to Best Practices for Court Building Security (2010 2016) considers the presence of sworn officers at the public entrance an extremely important area of security that provides a foundation for the implementation of additional security measures throughout the court facility.

SECTION 47. SCR 68.07 (3) is created to read:

68.08 (3) All court security personnel should receive regular training on courtroom security techniques and policies developed by the committee.

SECTION 48. SCR 68.08 (1) is deleted and created to read:

~~68.08 (1) Each courtroom and court commissioner hearing room should have a duress alarm system connected to an appropriate law enforcement office that will provide the immediate response of an armed officer. The alarms should also be located in judges' chambers and staff areas, court commissioner office areas and any location in the courthouse where money is collected or stored or where there are other security risks. All alarms should be tested regularly.~~

Duress alarms should be in each of the following locations:

- a. Courtroom (near judge, court reporter, clerk, and in other courtroom locations as appropriate)
- b. Court commissioner hearing room
- c. Judicial chambers and court staff areas
- d. Clerk
- e. Locations where staff interact with members of the public
- f. Other courthouse locations where there are security risks

SECTION 49. SCR 68.08 (2) is deleted and created to read:

~~68.08 (2) Each courtroom should be equipped with a telephone.~~

Duress alarms should be connected to an appropriate law enforcement office that will provide the immediate response of armed personnel.

SECTION 50. SCR 68.08 (3) is renumbered to SCR 68.08 (5) and SCR 68.08 (3) is created to read:

68.08 (3) Each courtroom should be equipped with a telephone or other device to enable interactive emergency communication.

SECTION 51. SCR 68.08 (4) is renumbered to SCR 68.08 (6) and SCR 68.08 (4) is created to read:

68.08 (4) The use of surveillance cameras should be considered in courtrooms and other areas of the courthouse.

SECTION 52. Comment following SCR 68.08 (1) – (4) is amended to read:

Comment: Duress alarm systems ~~mounted~~ should be in an easily accessible location ~~in a courtroom~~ are a basic security device that should be installed in every courtroom. The system should be connected to an office that provides constant monitoring during all regular hours of courtroom use. The alarms locations and should be tested regularly. Alarms should be able to ~~summon~~ immediately ~~armed~~ summon law enforcement or court security staff to respond to the emergency ~~prompting the alarm~~. It is advisable that alarms be installed in other locations ~~having that have~~ the potential for violent incidents ~~and or~~ other breaches of security. ~~Telephones can also be used in medical emergencies and will facilitate telephone testimony and attorney appearances.~~ Each committee Integrated technology systems, including computers or phones with emergency notification systems or public address functionalities, should ~~consider the~~ be employed where available and all staff should be trained on use of surveillance cameras in some or all courtrooms or other areas of the courthouse. ~~However, a~~ such systems. A camera ~~cannot~~ should not take the place of a sworn officer in the courtroom. In considering whether to use cameras in addition to security personnel, the committee should determine whether there is adequate staffing to ~~have camera views monitored in real time,~~ the need for additional security officers ~~to be nearby to respond to emergencies,~~ and the advantage of having a recording of

~~courthouse disturbances for evidence purposes~~ perform real-time monitoring and recording, and consider the expected response time for officers.

SECTION 53. SCR 68.08 (3) is renumbered to SCR 68.08 (5) and amended to read:

68.08 ~~(3)-(5)~~ All officers Officers providing security should ~~be provided with~~ have access to portable metal detection devices, if needed.

SECTION 54. SCR 68.08 (4) is renumbered to SCR 68.08 (6) and amended to read:

68.08 ~~(4)-(6)~~ All officers Officers providing security should be equipped with law enforcement communication equipment.

SECTION 55. SCR 68.08 (5) is renumbered to SCR 68.08 (7).

SECTION 56. Comment to SCR 68.10 (2) is amended to read:

Comment: In counties with 4 or more judges, it may not be necessary that every courtroom be designed to accommodate jury trials. However, in some larger counties, because of local practice and judicial rotation plans, each courtroom may need to be a jury courtroom. ~~The 60-65% ratio of jury courtrooms is derived from national standards and experience as the minimum necessary if court business is to be conducted efficiently. In counties where this ratio is currently exceeded, this standard is not intended to warrant the conversion of jury courtrooms to nonjury courtrooms.~~

SECTION 57. SCR 68.10 (3) is amended to read:

68.10 (3) The size of a jury courtroom should be a minimum of 2,000 square feet, including the litigation well (back wall to the rail) of at least two-thirds of the total square footage, and public seating for at least 40 25 people at 24 inches per seat.

SECTION 58. SCR 68.10 (4) is renumbered to SCR 68.10 (5) and SCR 68.10 (4) is created to read:

68.10 (4) The size of a non-jury courtroom should be a minimum of 1,700 square feet, including the litigation well (back wall to the rail) of at least two-thirds of the total square footage, and public seating for at least 25 people at 24 inches per seat.

SECTION 59. SCR 68.10 (5) is renumbered to SCR 68.10 (6) and amended to read:

68.10 ~~(5)~~ (6) Courtrooms should include all of the following in addition to the specifications that are set forth in SCR 68.06 07:

SECTION 60. SCR 68.10 (5) (a) is renumbered to SCR 68.10 (6) (a) and amended to read:

68.10 ~~(5)~~ (6) (a) A bench for the judge, elevated at least 20 inches and having a spacious work surface, in a location that permits the judge to enter and exit the courtroom through a an adjacent private door.

SECTION 61. SCR 68.10 (5) (b) is renumbered to SCR 68.10 (6) (b).

SECTION 62. SCR 68.10 (5) (c) is renumbered to SCR 68.10 (6) (c).

SECTION 63. SCR 68.10 (5) (d) is renumbered to SCR 68.10 (6) (d) and amended to read:

68.10 ~~(5)~~ (6) (d) ~~Access flooring and adequate electronic capacity to permit installation or use of evolving technology for multi-media evidence display in the courtroom and communication with parties and witnesses at remote locations. Computers will likely be in use throughout the courtroom by the judge, clerk, court reporter, and counsel and may include a printer for court documents and monitors in the jury box for jurors.~~

Courtrooms should be equipped with adequate video, audio, and data technology to support the needs of all participants in a proceeding.

SECTION 64. SCR 68.10 (5) (e) is renumbered to SCR 68.10 (6) (e).

SECTION 65. SCR 68.10 (5) (f) is renumbered to SCR 68.10 (6) (f).

SECTION 66. SCR 68.10 (5) (g) is renumbered to SCR 68.10 (6) (g).

SECTION 67. SCR 68.10 (5) (h) is renumbered to SCR 68.10 (6) (h).

SECTION 68. SCR 68.10 (5) (i) is renumbered to SCR 68.10 (6) (i) and amended to read:

68.10 ~~(5)~~ (6) (i) In a jury courtroom, a jury box with ~~permanent~~ seating capacity for a minimum of 14 jurors to provide an unobstructed view of judge, witnesses, parties, attorneys and evidence displays and at sufficient distance to prevent private conversations from being overheard and as far as possible from public spectator areas.

SECTION 69. SCR 68.10 (5) (j) is renumbered to SCR 68.10 (6) (j) and amended to read:

68.10 ~~(5)~~ (6) (j) For a jury courtroom, an adjacent jury deliberation room of at least 400 square feet in size, exclusive of restrooms, ~~with~~ and have access to adjacent, private restrooms ~~and~~ with a vestibule. Jury rooms should be located to minimize contact between jurors and the public while jurors are in transit. Jury rooms should include a sink, refrigerator, and adequate electrical outlets for small appliances.

SECTION 70. SCR 68.10 (5) (k) is deleted:

68.10 ~~(5)~~ (6) (k) ~~An area for media personnel and equipment that will render media coverage of proceedings unobtrusive to court proceedings.~~

SECTION 71. Comment following SCR 68.10 (5) will now follow SCR 68.10 (6) and is amended to read:

Comment: The judge's bench is the focal point of the courtroom and its design most directly conveys the dignity of the court. Elevation of the bench contributes to that effect and affords the judge an unobstructed view of the courtroom. The bench should be large enough to provide for secure separation between the judge and witness and to allow the judge to deal efficiently with numerous access the documents and, books, and technology used during the

course of proceedings. ~~Its location adjacent to a private entrance into the courtroom contributes to the appearance of impartiality and enhances security.~~

Temperature, sound and light levels should allow all participants to be comfortable and remain alert. The ability to hear clearly what is being said is of paramount importance. Security and efficiency concerns require that only court staff have access to temperature, lighting and microphone controls.

New technologies are being introduced into courtrooms and design accommodation should be made to permit their efficient and safe use. Increased use of videoconferencing and remote hearing technology with incarcerated persons may reduce costs and increase convenience, but in designing and using this technology it is important to make arrangements for private telephonic communication between parties and their counsel if they are not at the same location. This may require the addition of a dedicated phone line for this purpose. See Subchapter III of Chapter 885 of the statutes, Use of Videoconferencing in the Circuit Courts. Design subcommittees should also be mindful that traditional or evolving methods of evidence display are located so as to insure that the judge, witnesses, jurors, attorneys, litigants and the public can clearly view it.

Conference rooms adjacent to each courtroom facilitate confidential conversations between attorneys and their clients and witnesses and negotiations between attorneys. They also provide waiting areas for witnesses, including victims. The witness stand should enhance the ability of all to see and hear the witness but it should not be as high as the judge's bench or so close to the bench as to permit sidebar discussions between attorneys and the judge to be overhead. The size and design of the space within the witness stand should take into account the need to accommodate interpreters, child witnesses, and those with special needs.

The jury box needs only 14 seats but it should be designed to permit additional temporary seats where more than 2 alternate jurors are used and accommodation should be made within the box or immediately adjacent to it for temporary seating during voir dire. Space within the jury box should be available to accommodate wheelchairs. Jury box dimensions and chair style and size should allow for adequate legroom, ease of entry and exit, and inclusion of technology, such as display monitors and microphones, as appropriate. Minimum dimensions should include 48 inches from the back of the chair to the front of the next chair, a 21-inch minimum seat width, and adequate spacing between chairs. If used, swivel chairs should have the ability to rotate at least 30 degrees.

Jurors perform an honorable, essential role in our system of justice and it is critical that they have a private, comfortable and functional environment in which to conduct their deliberations. ~~Round or oval tables~~ Tables in the deliberation room are recommended to reflect the equality of all jurors. To insure privacy, bathrooms for jurors should be separated from the jury deliberation room itself by a vestibule or hallway inaccessible to the public.

Design requirements for federal courts note that the witness box should accommodate a witness and an interpreter. The jury box should have a clear line of sight to the judge, attorneys, witnesses and evidence presentation displays. The maximum allowable distance between a juror and a litigant sitting at a counsel table across the courtroom well is 40 feet. Jurors should be separated by at least 6 feet from attorneys, litigants and the public. The same design requirements suggest that the furniture and equipment used by the court reporter should be movable so that it can be rearranged to suit each court reporter and judge.

Under Supreme Court rule, cameras are permitted in most Wisconsin court proceedings. No uniform method of providing space for them is practical and design subcommittees should be

aware of the need to provide space for them in planning new courtrooms and in the renovation of existing ones. Any filming and photographing of proceedings must comply with SCR Ch. 61 Rules Governing Electronic Media and Still Photography Coverage of Judicial Proceedings. ~~Placement of the cameras shall be at the discretion of the court and shall not obstruct public access or interfere with security in the courtroom. Ideally, a separate media viewing room may be built adjacent to one or more courtrooms, with one-way windows for filming and photographing proceedings, at an angle that inhibits photographing of jurors, and with sound transmitted from the courtroom.~~

SECTION 72. SCR 68.10 (6) renumbered to SCR 68.10 (7).

SECTION 73. SCR 68.11 (2) is amended to read:

68.11 (2) Each judge should have a private chambers ~~at least 500~~ of 400 square feet in size, with a private restroom (50 sq. ft.), and ~~located directly adjacent to clerical support staff.~~

Comment: ~~Because the court's business is conducted there, the judge's~~ The judge's chambers should lend dignity to the judicial office. ~~At times, certain court proceedings may be conducted in chambers, although this is to be discouraged where chambers are located in restricted access sectors.~~ The chambers should be large enough to accommodate ~~multiple parties and attorneys, as well as the judge's conferences with staff, colleagues or committee groups.~~ and staff. Chambers should provide ~~an adequate and readily accessible basic library,~~ soundproofing and privacy.

SECTION 74. SCR 68.11 (3) is amended to read:

68.11 (3) An area should be provided immediately adjacent to the judge's chambers for court staff ~~such as court clerks, judicial assistants, court reporters, law clerks, and a reception area.~~

SECTION 75. SCR 68.11 (4) is amended to read:

68.11 (4) Every court facility ~~housing a courtroom should have a basic~~ provide a location where members of the public may access legal research ~~library of sufficient size to be used by judges, law clerks, attorneys and others.~~

Comment: ~~An adequate~~ Access to legal research ~~facility~~ is critical to the proper functioning of the court system. ~~The space should be reasonably soundproof, well lit and ventilated and should have room for expansion. In many counties, these facilities have evolved to serve unrepresented litigants. At the same time that judges and lawyers have gained access to research materials on line, an increasing number of litigants are representing themselves in court. A pro-se service center or law library or space with dedicated computer terminals or interactive kiosks may be the setting in which resources are made available to pro-se litigants to enhance their access to the courts~~ provide members of the public with access to legal information and self-help resources.

SECTION 76. SCR 68.11 (5) is amended to read:

68.11 (5) Offices and hearing rooms of court commissioners should provide respect, privacy and function and be designed to impress upon the public and the litigants the fairness and dignity of the judicial system.

Comment: Court commissioners in Wisconsin perform a number of important roles in the judicial system and are often called upon to make key preliminary orders in a case at a time when emotions are particularly high. The importance of those roles should be emphasized in the design, configuration and furnishings of the space in which the court commissioners perform their duties. The setting in which persons appear before a court commissioner should instill respect for the authority of the court commissioner. Given the wide variations among counties

across the state in the use of part-time and full-time court commissioners and the functions they perform, a uniform standard on size or features of court commissioner offices or hearing rooms is not practicable. ~~To the extent hearing rooms separate from the private office of the court commissioner are used, they~~ Hearing rooms should be designed in accordance with the standards for courtrooms, with modifications to reflect the somewhat different nature of the proceedings conducted by the court commissioner.

SECTION 77. SCR 68.13 is amended to read:

68.13 ~~Director~~ Responsibilities of director of state courts.

SECTION 78. SCR 68.13 (1) is amended to read:

68.13 (1) The director of state courts shall maintain a list of ~~all projects of~~ significant construction and ~~significant~~ remodeling of projects affecting court facilities in the state. ~~Judges in a county where a project is undertaken shall notify the director of state courts of the project.~~

SECTION 78. SCR 68.13 (2) is amended to read:

68.13 (2) The director of state courts shall maintain information pertaining to court security training ~~resources~~ for use by counties statewide.

SECTION 80. SCR 68.13 (3) is amended to read:

68.13 (3) The director of state courts shall maintain a ~~resource library of court security and facilities literature, which shall be available to committees, design subcommittees, judges and others. The director of state courts may distribute to interested persons materials of statewide interest~~ list of resources related to court ~~facilities and~~ security, facility construction, and design.

SECTION 81. SCR 68.13 (4) is amended to read:

68.13 (4) The director of state courts shall maintain ~~a list of committees and their membership resources to enable committees to submit court security threat and incident reports~~ to the director's office as required in SCR 68.05 (3)(b).

SECTION 82. SCR 68.13 (5) is deleted and created to read:

68.13 (5) ~~The director of state courts shall develop and maintain a secure online community or list serve where security and facilities committee members can discuss pressing issues, trends, and benefit from each other's expertise. This forum may also serve as a resource for those jurisdictions that are preparing to remodel or build a new courthouse.~~

The director of state courts shall present to the planning and policy advisory committee an annual summary of security threats and incidents, training activities, and courthouse construction and remodeling projects that have resulted in security improvements.

SECTION 83. SCR 68.13 (6) is deleted:

68.13 (6) ~~The director of state courts shall develop resources to facilitate committees reporting incidents occurring in court facilities, threats to judicial officers, staff and families, and remodeling, construction and relocating court facilities to the director's office and PPAC as required in SCR 68.05(4)(a).~~

Comment: ~~Court security and facilities planning, study and implementation activities are being undertaken by a number of national organizations and state court systems. Wisconsin can benefit from written materials generated through these activities and by assessing their applicability and utility to its court system. Additionally, local activities in Wisconsin may generate information that can be used in other counties. General distribution of particularly valuable reports not only will provide useful, substantive information but also will promote a proper sense of awareness and sensitivity to security concerns, which are critical to the proactive~~

~~nature of the security efforts these standards are intended to achieve. The court facility standards that a number of states have developed are in much greater detail than these standards and may be of assistance to county design subcommittees in general and in regard to specific design issues of a contemplated project. Having such materials available in a centralized location offers the opportunity for cost savings to counties and enhances the likelihood that projects will employ the most functional techniques available. Among the kinds of materials available are technical specifications for lighting, sound, HVAC and equipment used in court facilities. To the extent one county is contemplating a project similar to one that has been done in another county, the ability to contact that other county about its design and experiences offers a significant opportunity to enhance the quality and cost effectiveness of the contemplated project.~~

SECTION 84. SCR 68.14 is deleted:

~~68.14 Review of standards; report. (1) The planning and policy advisory committee under SCR 70.14 shall review the security and court facilities standards under SCR 68.06 SCR 68.11 annually, develop a judicial threat and incident reporting process, solicit reaction from county officials and others who have engaged in a construction or remodeling project within the preceding year and report to the supreme court its recommendations for modification of the standards. (2) The planning and policy advisory committee shall submit an annual report to the Director of State Courts on security threats and incidents and on courthouse construction, remodeling and security innovations.~~

Respectfully submitted this 21st day of October, 2021

Hon. Michael Bohren
Chair, PPAC Court Security Subcommittee