



## MINNESOTA JUDICIAL TRAINING UPDATE



### COURT-RELATED VIOLENCE: 15 FACTS EVERY JUDGE (and attorney) SHOULD KNOW

**Attempted Murder of a Judge:** The facts in this update come from an amazing story. Eight years ago a sniper shot Judge Chuck Weller (a family court judge in Reno, Nevada) just above the heart as he was standing in his courthouse chambers. The shooter was an estranged husband embroiled in a contested divorce and child custody action. The shot was fired from the roof of a parking garage 200 yards from the courthouse. Earlier that day, the husband stabbed his wife to death during an exchange of their nine-year old daughter. Following his recovery, Judge Weller entered into an advanced degree program and wrote a doctoral dissertation on courthouse violence. This training update summarizes some of the key facts uncovered from Judge Weller's exhaustive research into this troubling area.

- Courthouse violence is increasing:** Courthouse shootings, bombings, and arson attacks have doubled over the last two decades, occurring in an American courthouse, on average, at least once a month. Occurrences of less extreme but still alarming violence, such as courthouse assaults, suicides, and knifings, have quintupled during the last 10 years, averaging more than once per week.
- Courthouse violence falls under one of two categories:**
  - Non-targeted court-related violence:** typically an unplanned, spontaneous response to a courtroom situation, such as family-on-family violence or a prisoner overturning a table in reaction to a sentencing decision, etc.
  - Targeted attacks:** is a premeditated effort to injure specific individuals associated with the judicial process such as the planned murder of a judge, lawyer, witness, or litigant; the recordation of a false lien in order to harass a court official; or the publication of a judge's home address with the intent to incite violence against the judge or the judge's family.
- Perpetrators of courthouse violence are mostly men:** Demographic profiles include men of all ages, levels of educational attainment, employment histories, criminal histories and experiences with substance abuse. They can be identified, not by their characteristics, but by their motivations.
- Most targeted attacks on the judiciary are interpersonal:** They are attacks by a person, offended by a particular judicial ruling, against the judge perceived to be responsible for that ruling. The violence is motivated by a specific sense of insult or frustration. They are angry or fearful about a specific case and perceive themselves as under attack.

5. **Three concerning targeted attack statistics:**
  - a. One-third of attacks are prompted by intent to delay, disrupt, or influence legal proceedings.
  - b. Two-thirds are motivated by a desire to take revenge.
  - c. More than half of perpetrators seeking revenge intend to kill.
6. **One-half of all court-related violence is family law related:** It occurs in conjunction with cases involving divorce, spousal maintenance, child custody, child support, or domestic violence restraining orders. A significant portion of courthouse violence is a variant of domestic violence in which a perpetrator's intended victims include an intimate partner and a judge or other person who is perceived by the perpetrator as interfering with his control of that partner.  
NOTE: Prisoner escape is the second most common occasion for courthouse shootings: This accounts for about one-quarter of the violence.
7. **Few judicial attackers suffer from mental illness:** Nothing in the literature states or implies that perpetrators of court-targeted violence act under the influence of a mental imbalance or an irresistible impulse. They act purposefully.
8. **Targeted attacks directed toward judges:** The judge and perpetrator are usually familiar with each other as a result of having interacted in the courtroom. Judges live in the same community as the litigants. It is the judge that makes the consequential decision that impacts and upsets the perpetrator. These factors render judges more visible, susceptible, and vulnerable than other public figures.
9. **Three-quarters of targeted attacks involve a firearm, most commonly a handgun:** In most cases the firearm is carried into the courthouse by the perpetrator. In about 15% of cases, the perpetrator is able to gain control of a firearm belonging to a law enforcement officer.  
NOTE: Explosives are second to firearms in frequency of use.
10. **It is uncommon for a courthouse attacker to have accomplices, most act alone:**
11. **More than 90% of attacks on state judges occur at the courthouse:** However, the same is not true for federal judges. The last three targeted assassinations of federal judges occurred at their homes. Federal Courthouses do not typically invite criminal activity because they are constructed to appear imposing and impregnable. Many state courthouses, on the other hand, present less formidable defenses.
12. **The perpetrator is the person most likely to be killed in courthouse violence:** Law enforcement officers are injured almost as often as perpetrators but are much less likely to be killed. Ex-wives and family members of the perpetrators make up the largest group of unarmed victims of violence followed by members of the general public.

13. **When judges are attacked, they are twice as likely to be killed as wounded:** Court staff and judges' families have also been victims, but with lesser frequency than these other categories of persons noted in #12 above.
14. **Verbal threats v. actual physical attacks:** Most people who make threats against judges or other public persons are satisfied by that expression of outrage and do not attempt any physical assault against the object of their anger. Multiple studies show little, or even a negative correlation between communicated threats and physical attacks against public figures...HOWEVER; threats alone often have a corrosive effect on the person threatened and the judicial process. Threats are upsetting to their recipients, they cause people to fear, they disrupt the normal flow of life and work and cause changes in behavior. Magnetic resonance imaging shows that the receipt of a threat triggers reflexive brain responses that interfere with the ability to perform intended tasks. NOTE: The relationship between threats and attacks is different for other groups, including victims of domestic violence.
15. **Symbolic threats are more predictive of actual attacks than verbal threats:** More predictive of an imminent attack than a verbal threat are symbolic threats that occur in close physical proximity to the intended victim. Slashed tires, an automobile broken into, a newspaper advertisement for an auction at the victim's home are examples of activities that immediately preceded actual attacks.

### **RECOMMENDATIONS FOR GOING FORWARD:**

1. Because ½ half of courthouse violence is family law related, courts can enhance their security by taking an active role in educating the public about domestic violence;
2. Most attacks against the judicial process are motivated by anger and fear resulting from specific judicial acts. **Eliminating the participant's perception of injustice in the decision making process will substantially reduce the likelihood of a criminal response;**
3. Judicial practices likely to be considered as unjust can be tempered or eliminated by judicial education that includes instruction on how judges can instill the perception of procedural fairness in the courtroom and in written decisions.

**RESOURCE:** Hon. Chuck Weller, "What Judges Should Know About Court-Related Violence," Judges' Journal, Vol. 53 No. 3, Summer 2014; Charles Weller, Statutory Response to Court Security Concerns (2013) (unpublished Ph.D dissertation, Univ. of Nevada, Reno), available at <http://gradworks.umi.com/36/08/3608800.html>.