

MODEL COURT

INITIATIVE

COMPONENT 2 – JUDICIARY

THE ANALITICS RESEARCH

on the results of survey on the personal
security of judges and court staff

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I. General remarks

This research was prepared by EU Project Pravo-Justice pursuant to the tasks of the Missions of experts Rafal Dunal, Dariusz Sielicki, Silviu Sandru and Oleh Maksymchuk, and also in order to implement the Model Court initiative of Component 2 - Judiciary, based on the All-Ukrainian survey on the personal security of judges and court staff.

The necessary support in the creation and conduct of the survey was provided by a team of international and national experts from EU Project Pravo-Justice, in particular: International Key Expert Anna Adamska-Gallant, Key National Expert Polina Li, National Short-Term Experts Yevheniia Bondarenko and Serhii Horovenko.

Finally, the survey was made possible thanks to the State Judicial Administration of Ukraine and its territorial departments, the High Council of Justice, the management of courts as well as judges and court staff who, despite their hard daily work took the time to participate and provide answers.

It should be noted that the survey started in **March 2020 and lasted until April 2020**, and total of 3029 representatives of judiciary were take a part.

At the same time, only the results of the survey of judges and court staff from **March 6 to March 26, 2020** were taken into account in the preparation of this research.

II. Introduction

Security is one of the most important tasks of building effective and independent justice. Court security is also one of three pillars on which model solutions in judicial activity are based.

No security system, and judiciary being no exception, can function effectively without an adequate mechanism for assessing security threats.

The work of judges and court staff is constantly subject to certain risks and, as the world practice shows, not only in the office, but also when traveling to and from work, business trips, staying at home or visiting shops, restaurants and more. However, such risk can be nullified, mitigated and managed by adequately assessing potential threats and responding appropriately to each incident.

Under the purpose of such a survey is to find out the current state of security on the premises of the courts and beyond, to identify relevant risk and threat factors that influence or could potentially affect behavior of judges and court staff in their professional activities, as well as creating a basis for providing guidance on security measures and defining the content of security training, a questionnaire was created by experts from the EU- Project Pravo-Justice.

Conducting such a survey and researching its results are essential for the development of a judicial security system, the main tasks of which are to enhance the personal safety of judges and court staff and to ensure the smooth administration of justice in a safe environment.

Judges and court staff were therefore asked to take an anonymous survey, share their views on the current situation with security, which enabled initial assessment of the current security status and possible threats, identification of weaknesses in the system and taking timely action to avoid negative impact of threatening factors on judiciary bodies' activities.

III. Content of the survey and baseline data

1. Content of the survey

The questionnaire contains 25 questions and depending on the scope of the information requested, they were conditionally divided into 6 groups:

The first group - the characteristics of the respondent;

The second group - risk characterization;

The third group - incident reporting and response;

The fourth group - court security;

the fifth group - general security measures;

The sixth group - personal security training.

2. Baseline

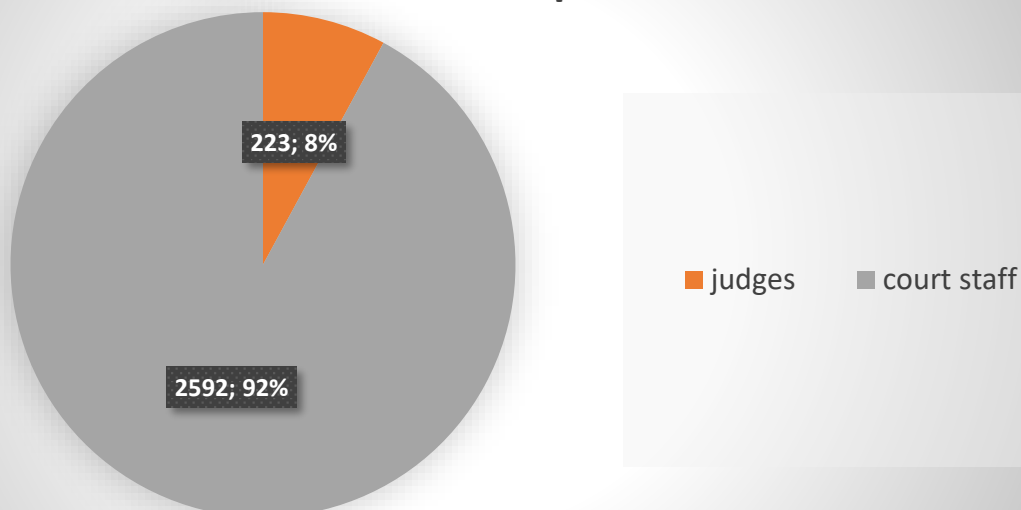
The survey was available to interested parties in English and Ukrainian on the website <http://survey.pravojustice.com/>.

The basis for our research was taken **from March 6, 2020 to March 26, 2020**.

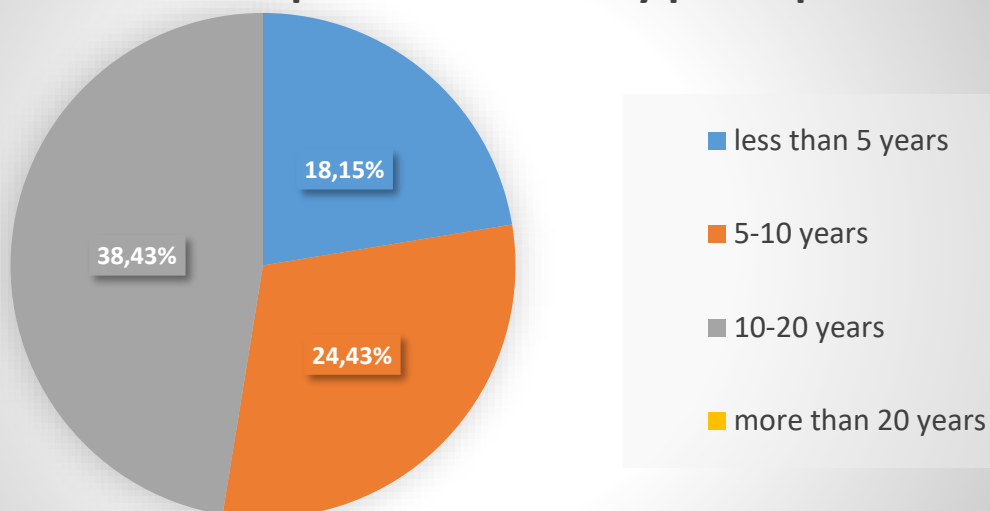
During the specified period, **3008** persons took part in the survey, but given the different degree of intensity of filling the questionnaires by the participants, in research were **only** taken into account the answers and comments of judges and court staff members, which were provided **till 26.03.2020** in the relevant section of the survey.

The first group of questions included the professional component, including the professional experience of the participants, the gender component and the territorial component.

Professional aspect



Professional experience of survey participants



Gender aspect



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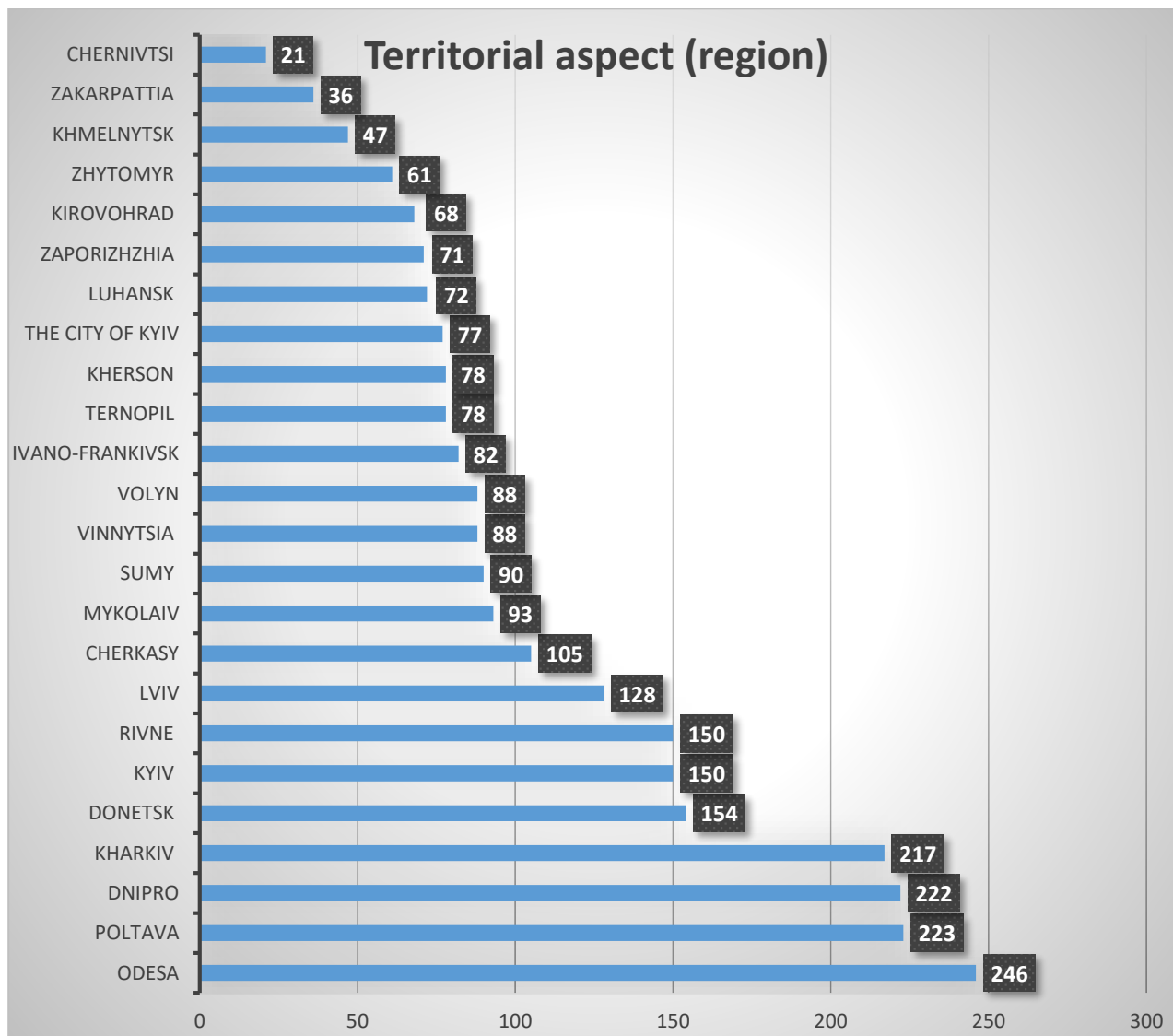


Representatives of the judiciary from 25 regions of Ukraine took part in the survey.

40.36% of respondents work in cities with a population of less than 50,000 people;

20.38% in cities with population between 150 and 500 thousand people;

17.99% and 11, 30% of respondents work in cities with a population of 500,000 people and 50-150,000 people respectively.



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IV. Analysis of survey results

1. Risk characteristics (second group of questions)

The second group of questions relates directly to security risks, their nature and essence and their intensity.

In particular, when asked about personal security concerns in the courthouse, 41.76% of total respondents indicated that sometimes such concerns arise, with 5.32% (160 respondents) indicating that they often occur.

The analysis of the comments which respondents were able to make states that the majority of such fears arise from the judges and court staff are because of:

- *mass events near the courthouse and the presence of campaigners inside the building; consideration of high-profile case and threats against judges and court staff;*
- *lack of protection of judges, including no after-hours security;*
- *improper pass control organization;*
- *aggressiveness of visitors and persons subject to escorting to court;*
- *a large number of reports on mine laying in courts;*
- *improper working conditions, incl. poor sanitary and epidemiological condition of the premises (fears of illnesses caused by visitors and persons being escorted to court; lack of air conditioning, heating, fungus on walls and basements, etc).*

As to personal security concerns at home, **28.92%** of respondents indicated that they sometimes experience such anxiety and **1.16%** often worry.

At the same time, the main threats identified by the respondents during the survey are:

- *military aggression in eastern Ukraine and proximity to the demarcation line;*
- *access to housing;*
- *the availability of information in the declarations on the financial status of judges and members of court staff for anyone interested and the ability to use it for their own purposes;*
- *natural disasters and emergencies.*

47.97% of respondents sometimes have concerns about personal security in public places, and **3.09%** often worry about it.



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At the same time, the main threats identified by the respondents during the survey are:

- *large number of unregistered weapons in possession of people;*
- *proximity to military operations in the area of the Joint Forces Operation;*
- *the fact that many people around are contagious and the likelihood of infection; being in crowds or presence of uncontrolled groups of people on the streets, who are often under alcohol or drugs;*
- *stalking by unknown people.*

424 respondents replied that they sometimes had to worry about the safety of their family and **49** said that such cases were frequent.

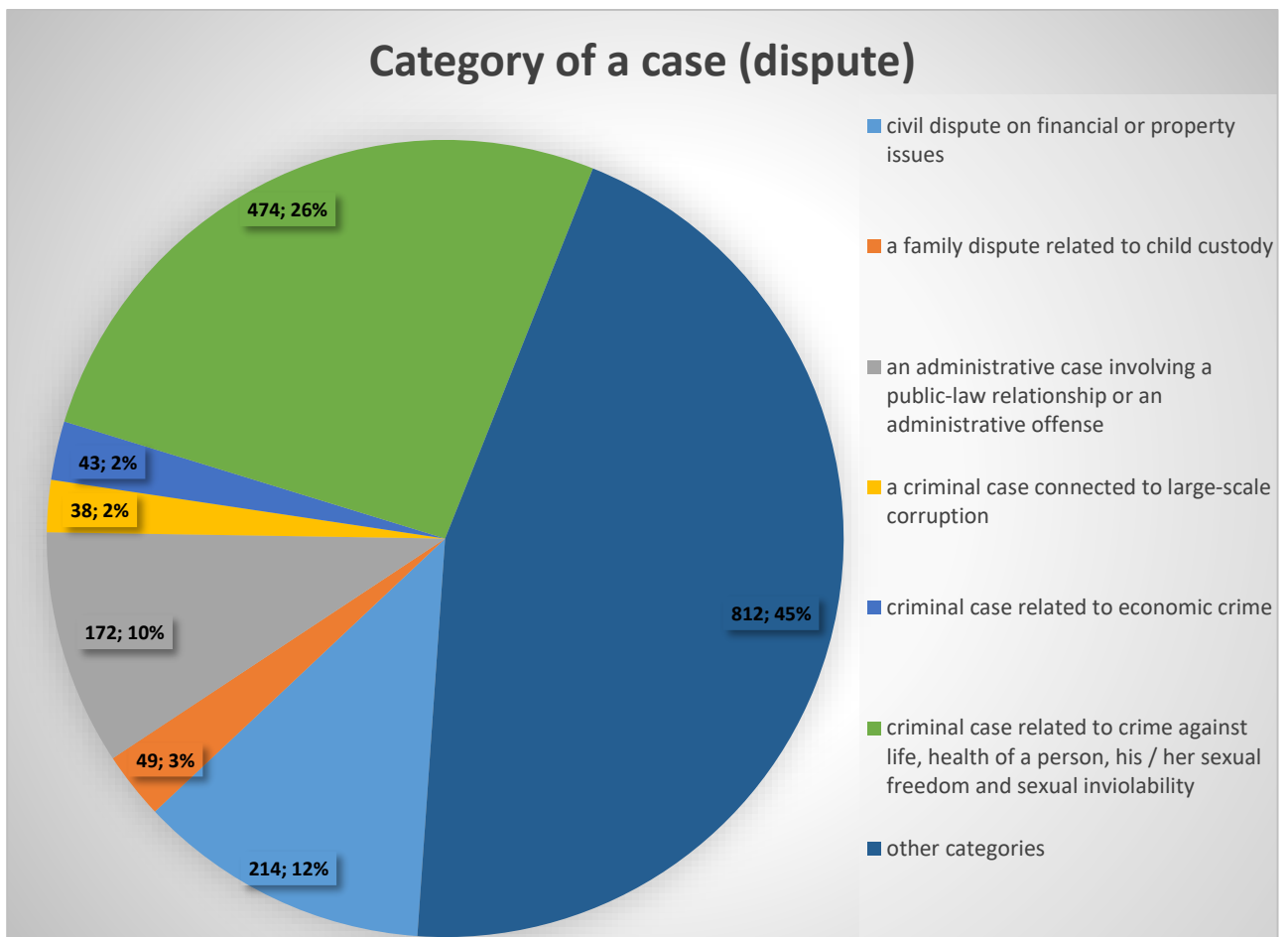
445 members of the judiciary indicated that the threats were general and **122** related to the particular case.

The chart provides statistics on cases that most frequently caused security concerns among judges and court staff:



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313 respondents indicated that they were sometimes threatened or intimidated because they were working in court and **12** replied that such cases were frequent.

Survey data indicate that the most frequent threat to respondents' security was manifested as:

- *verbal threat during personal contact, **692** persons felt such threats;*
- *according to **411** respondents, hostile or aggressive crowd is a threat;*
- ***32** respondents received a verbal threat in a letter sent to their work address;*
- ***64** respondents got verbal threat on social networks;*
- *Physical assault was committed against **49** respondents;*
- *Other circumstances caused a security risk for **632** respondents.*



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Most verbal threats and physical assault incidents occurred in court corridor during personal contact with an aggressor (**355** cases).

Other cases were divided as follows:

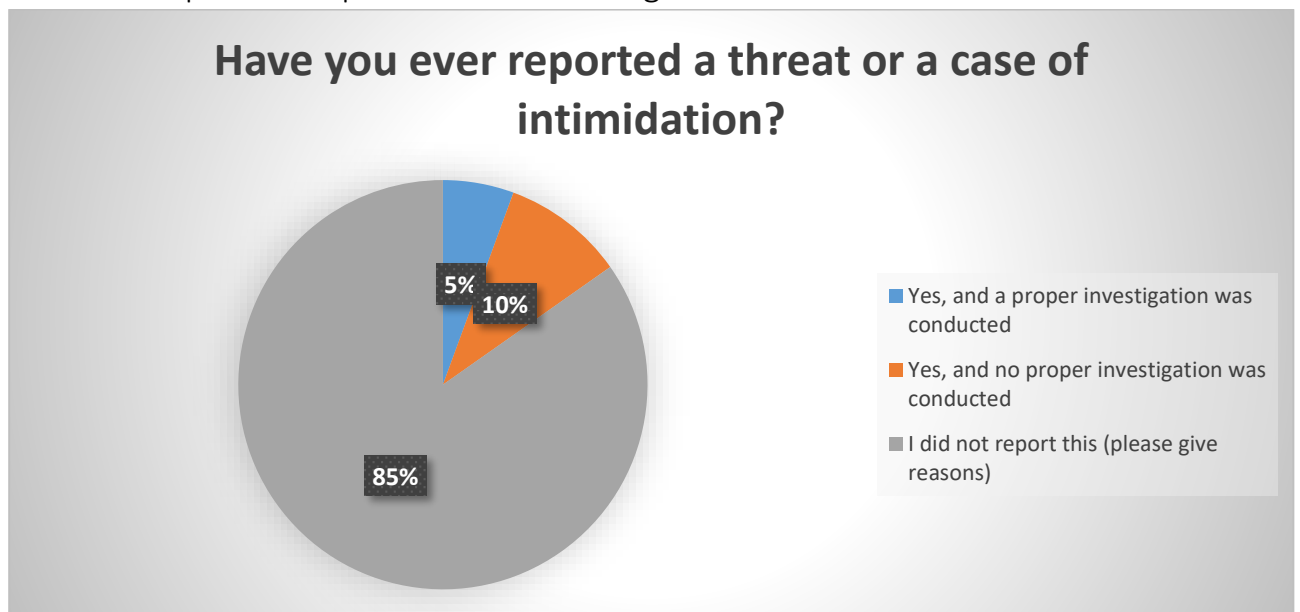
- *in the courtroom – 238;*
- *in an office – 265;*
- *in public transport – 20;*
- *in the street near the court – 103;*
- *on the street near the place of residence – 43;*
- *in a shop – 23;*
- *in other places and / or by other method – 867.*

2. Incident reporting and response (third group of questions)

Incidents reporting by judges and court staff is an important component of taking adequate measures to prevent the occurrence of adverse effects and reduce potential risks in professional activity.

On the other hand, the lack of appropriate information about the incident from the Court Security Service or other competent authority makes it impossible to carry out a risk assessment and to choose the appropriate protection measures.

In this regard, judiciary representatives were asked questions in this area and their views on the current state of functioning of the incidents reporting system and incident response are presented in the diagrams below:



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Thus, mostly non-reporting of threats or intimidation by judges and court staff happens. According to the answers received, this is primarily due to the lack of a proper and adequate response, settling the problem on their own and the belief that such threats and intimidation are real.

In such cases, the respective messages were sent to:

- *police - 69 reports;*
- *management - 71 reports;*
- *court security - 21 reports;*
- *colleagues - 35 reports.*

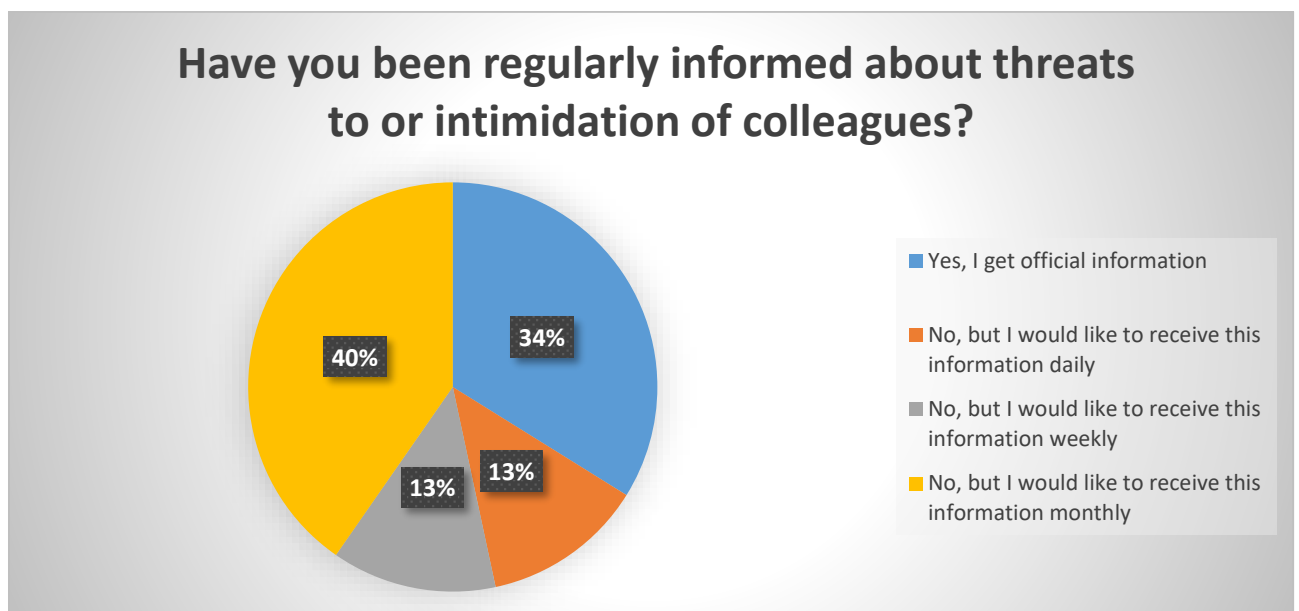
842 surveyed respondents said they would like to have the name and contact information of the responsible person to whom they could report their concerns about security or real threats or intimidation, and to consult in an emergency.

102 would only like to communicate with such a person.

388 do not consider it necessary for themselves and **643** are convinced that it will be enough for them to call the appropriate emergency service.

In one of the questions, respondents were asked to comment on the awareness of threats and intimidation of their colleagues, the regularity of receiving such information.

The results are shown in the diagram below:

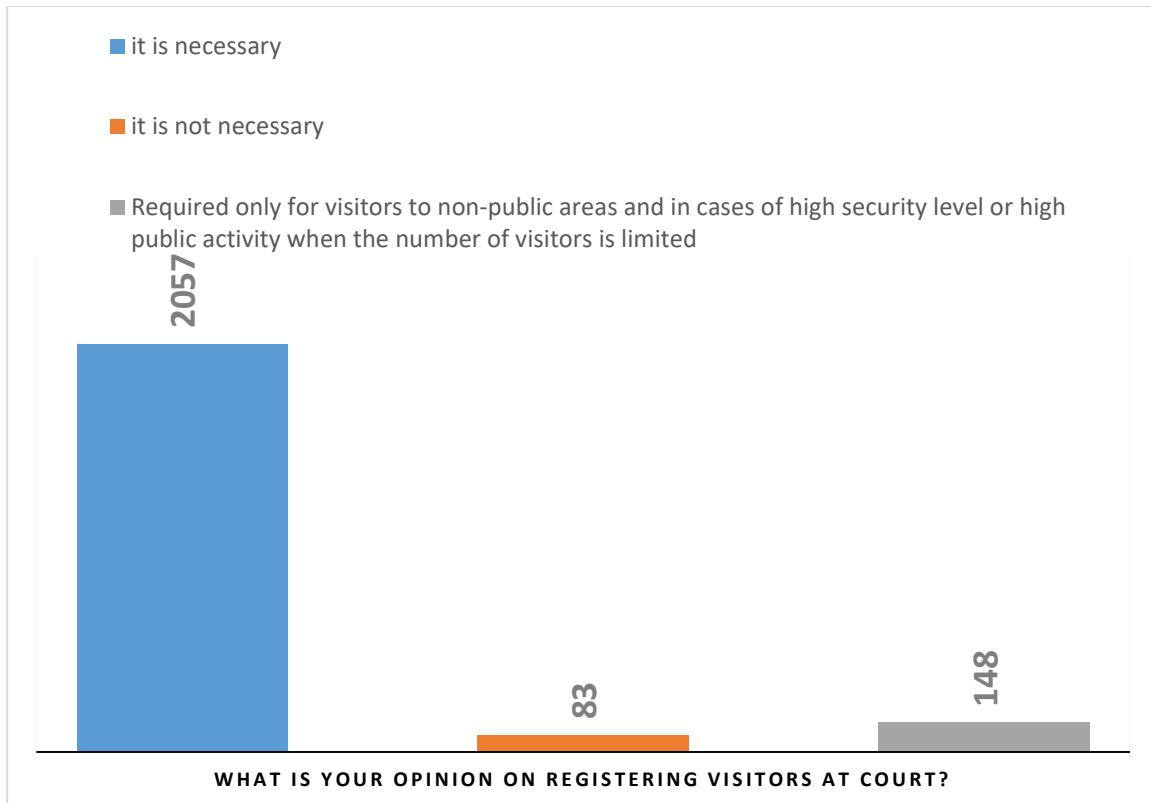


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3. Court security (fourth group of questions)

The fourth group of questions is intended to determine the attitude of judges and court staff to security measures already in place in courts where they work, as well as their own expectations of the future implementation of certain measures.



The respondents named the following as the main reasons for registering visitors according to the established procedure:

- *identification of the person and further possibility of holding him or her responsible in case of an offense;*
- *registration is a preventive measure, judges and court staff are more secure;*
- *the need for increased control.*

The overwhelming majority, this being **1957** respondents, do not believe that registering visitors at the entrance to the court can raise human rights concerns, with only **251** respondents opting for the contrary.



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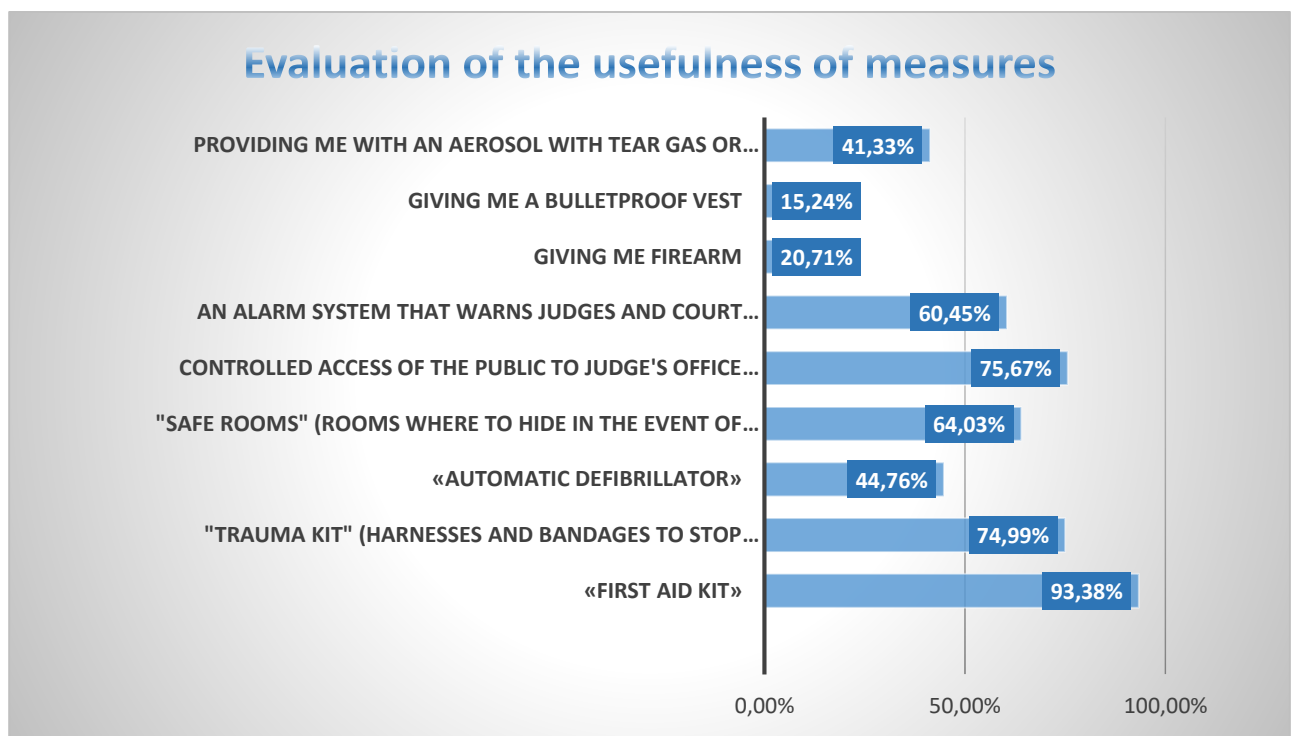


About **44.5%** of those surveyed said they would like to have a "duress alarm" on their desktop and smartphone, while **28.5%** do not see it as necessary.

In a clarifying question, we asked the respondents to indicate which statements were relevant to them regarding the duress alarm and received the following results:

- **3.22%** of the surveyed had duress alarm installed;
- **21,01%** believe it should be installed for all judges and court staff;
- **1.26%** of respondents consider that it is sufficient only for judges;
- **11.64%** of the respondents consider it is necessary to inform CSS;
- **4.92%** of the surveyed stated that there was no court security and they should inform colleagues;
- Duress alarm installed on the smartphone should notify the CSS, so they will be aware of my location and will call the police, **11.47%** believe.

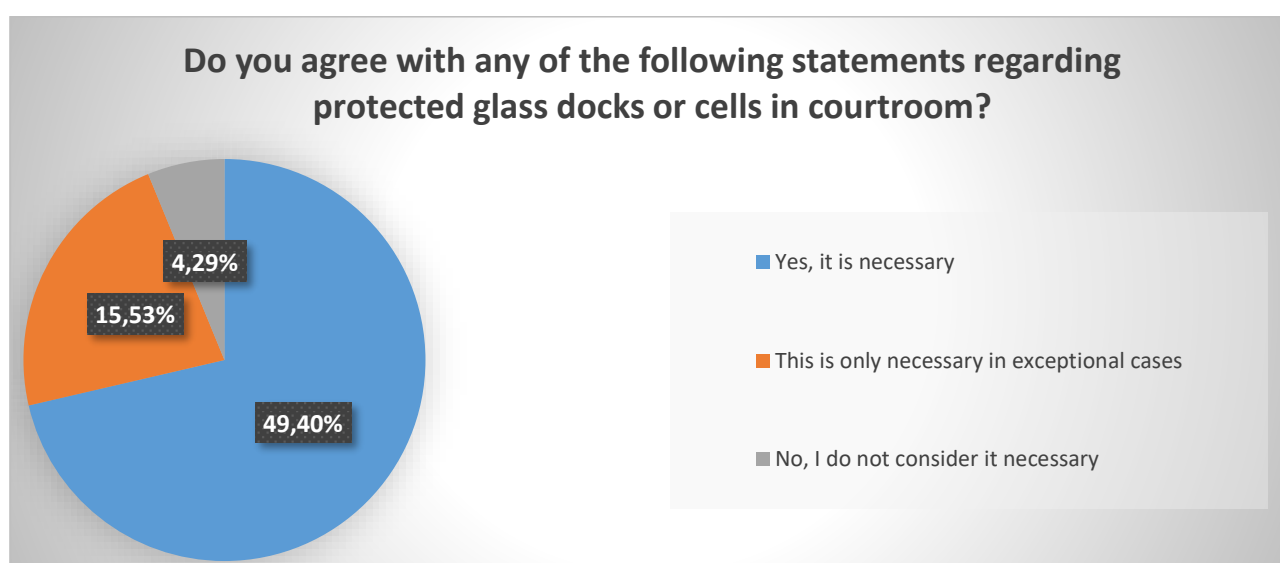
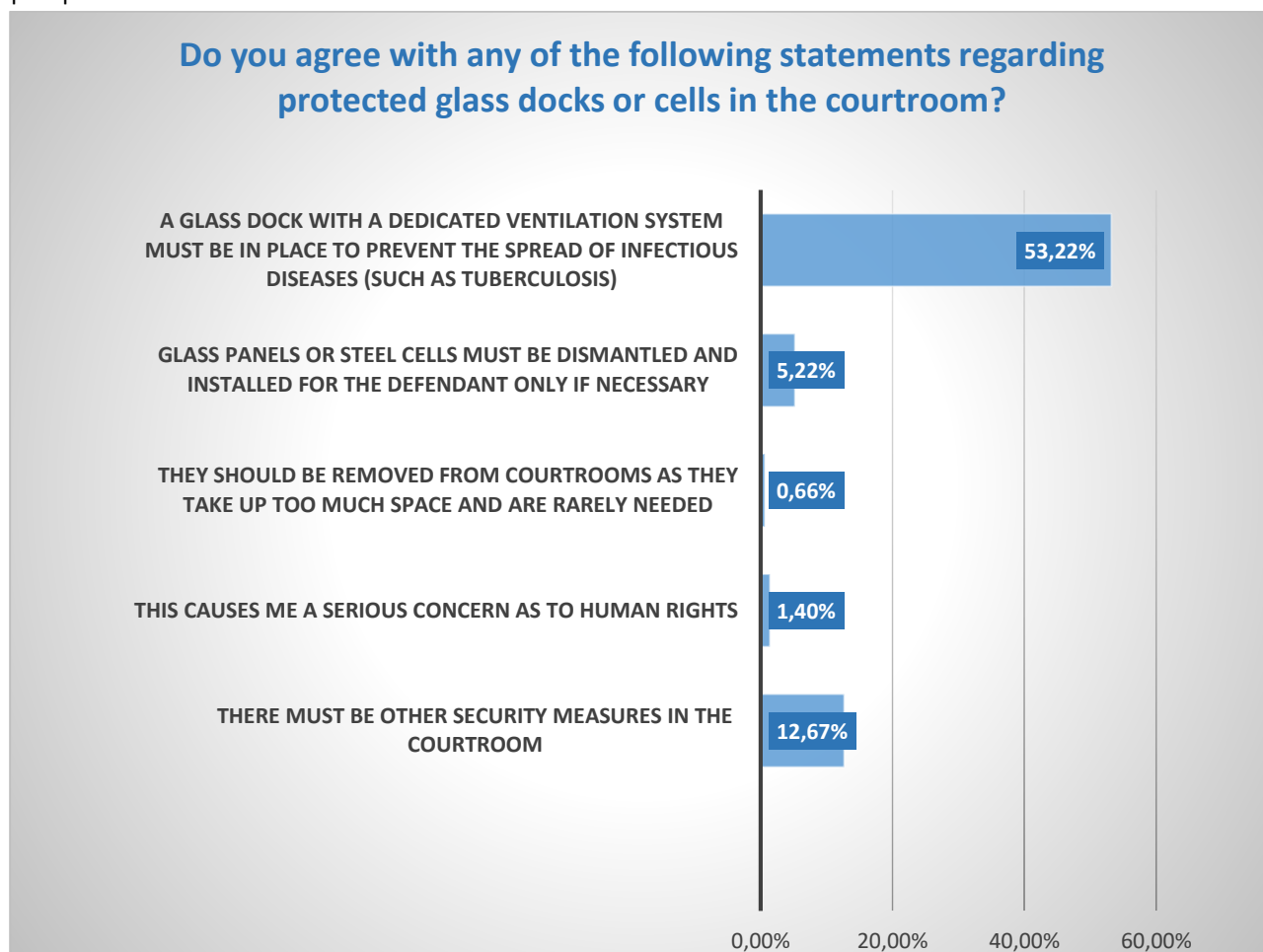
In further questions, judges and court staff were to note the usefulness of implementing technical and organizational security measures in court and personal on a scale of 0 to 5 (where 0 is not useful, 5 is very useful). The results are shown below as a percentage of the usefulness of the sum of answers, where only 4 and 5 were selected:



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Among other things, judges and court staff were asked to answer questions related to security measures regarding keeping in courtroom of persons being defended and the provision of medical information about themselves for security purposes.



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36.84% of the respondents said that they would indicate their blood type, allergies and other important medical information known on the back of your personal badge, **26.60%** are against providing such information. At the same time, **5.72%** reported that they were ready to provide additional information on consent for post-mortem donorship.

4. General security measures (fifth group of questions)

The fifth group of questions is related to the general security measures followed by the judges and court staff. The survey found the following:

- **49.07%** of respondents do not introduce themselves as judges or court staff;
- **31.52%** of the respondents prohibit posting any personal information about themselves or family members on the Internet and prohibit children to open the door to a home when someone comes;
- **25.73%** of respondents pay attention to what suspicious persons look like and can describe them in detail;
- **21.51%** of those polled are prohibit posting on the Internet their photos and photographs of family members;
- **6.35%** of respondents installed alarms on the premises;
- **5.02%** of respondents carefully open parcels received;
- **4.22%** of respondents check their vehicle for the presence of dangerous items (spikes, explosive devices, etc.);
- **2.49%** of respondents frequently change the order of their movement through the city (time of departure, routes, vehicles);
- **2.09%** of respondents noted for themselves "safe harbors" (police departments, public buildings with security) on the way home from work;
- **0.60%** of respondents have a secure room (with strong doors) in the apartment which can be safely locked in case of entry into their housing.



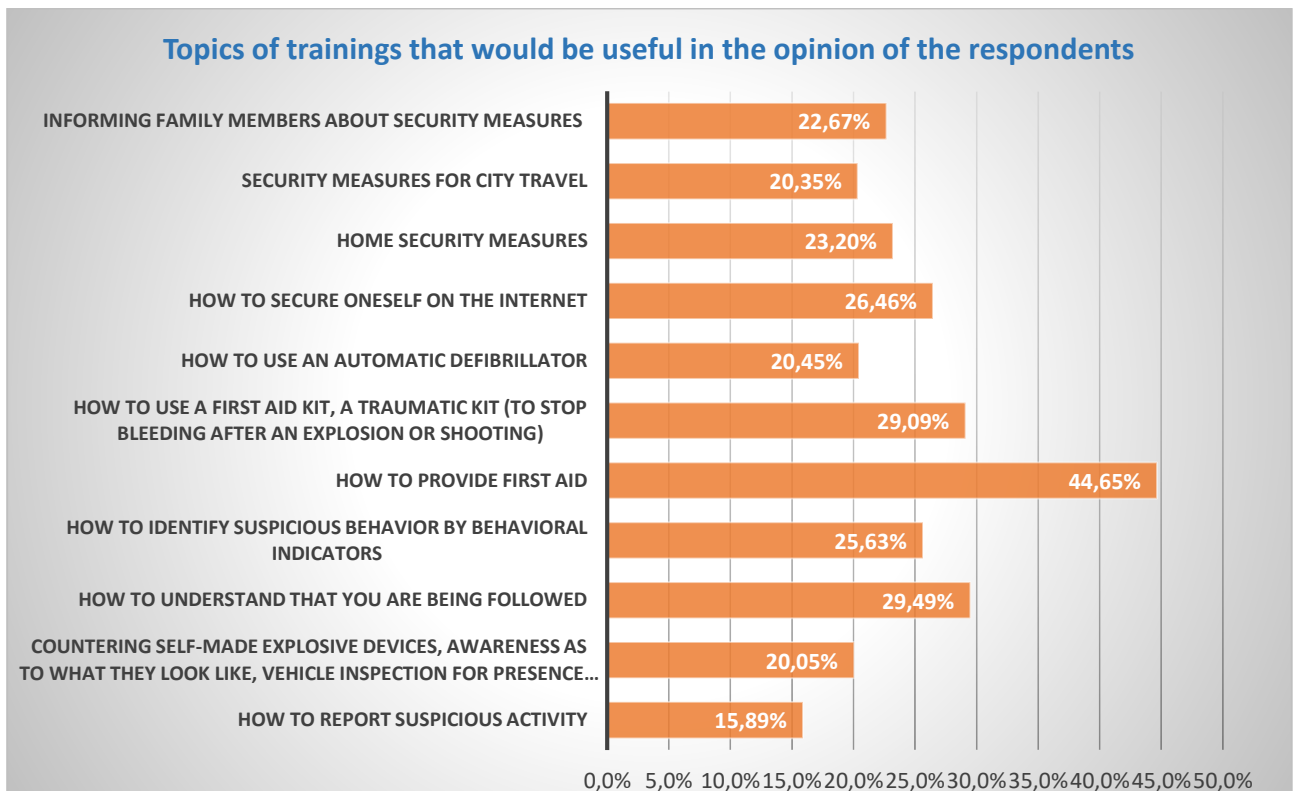
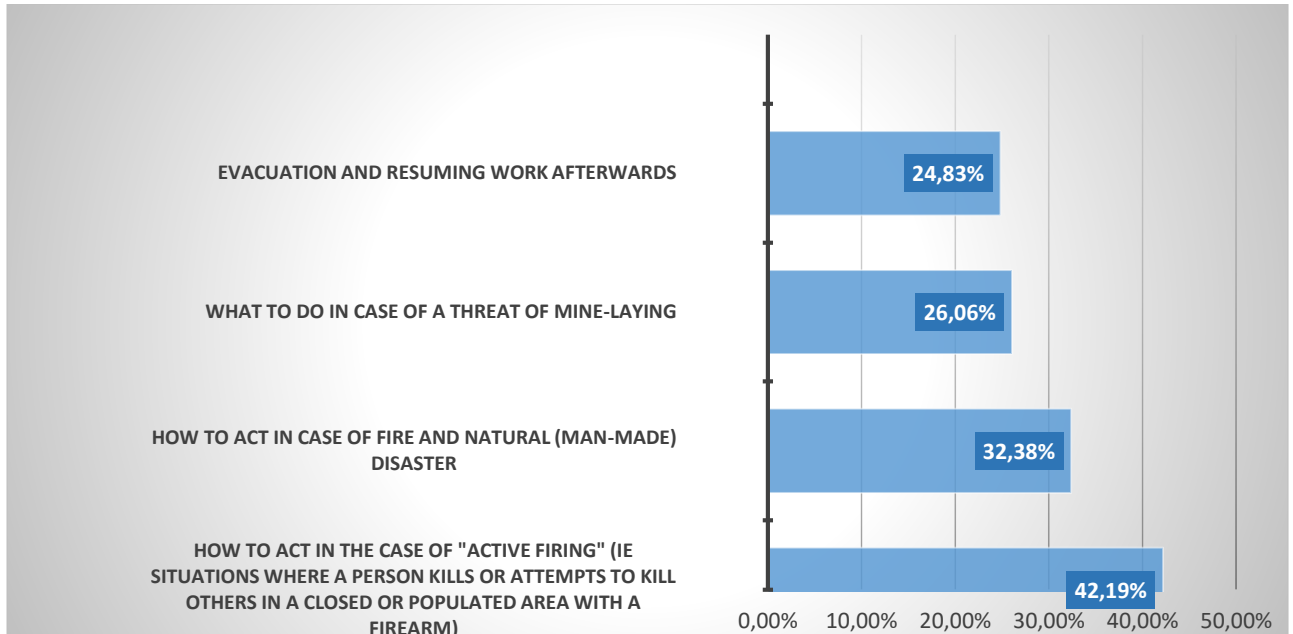
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5. Personal safety training (sixth group of questions)

The sixth group of questions was aimed at identifying the needs and wishes of judges and court staff in acquiring knowledge and security skills.

Respondents were asked to select from the list of trainings those in which they wished to participate:



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V. Conclusions

The fact that the judiciary were active in survey over such a short period of time indicates a high level of expectations and needs for ensuring both general and personal security.

Also, sincere and frank answers of judges and court staff members to the questions revealed a number of systemic problems and gaps in the organization of judicial security. They can be divided into two categories: psychological and organizational.

1. Psychological:

- high level of anxiety and fear of judges and staff members regarding their own safety;
- lack of sense of security in the workplace and at home due to various risk factors;
- Distrust to the effectiveness of system of threat and intimidation response.

2. Organizational:

- insufficient control over the situation with the public (activists) during mass events in the court and high-profile cases considered by the court;
- improper working conditions, incl. poor sanitary and epidemiological condition of court buildings;
- lack of court protection or low level of court protection services;
- lack of proper and adequate response (investigation) to reports of cases of threats and intimidation;
- a small number of reports of threats and intimidation due to the low level of trust in the authorities who are dealing with these tasks;
- Low awareness of court security measures, incidents happening with colleagues and, accordingly, lack of information on security measures taken (positive cases).

Also, the results of the survey show that not only because of concerns about their own security and negative attitude towards the judiciary within the public, there is a tendency to increase visitor control via visitor registration, the desire to have an



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effective toolkit for reporting incidents, incl. using the duress alarm in the office and on their smartphone.

Unfortunately, according to information received from the judiciary, a relatively small percentage of respondents had the duress alarm.

In view of the security risks and threats, we must state a significant demand among judges and court staff as to:

- *Provision of personal security and active defense (bullet-proof vests, aerosols, shockers and firearms (or traumatic) weapons) and pre-medical aid (first aid kits, traumatic kits and automatic defibrillators);*
- *equipment with alarm systems of their own premises;*
- *arrangement of controlled access to meeting rooms and offices, safe rooms;*
- *informing about escorting the defendants, including ensuring that the defendants are kept in glass docks with a ventilation system or introducing other alternative security measures for the defendants during their stay in the court premises.*

Based on the survey results, there is also no high demand for personal protective measures for judges or the desire of judges to have such protection in a mandatory 24/7 mode.

It is quite logical, from the perspective of their own safety, that not all respondents support the idea of providing private medical information on the badge and post-mortem donorship, but many say that such decisions will be acceptable to them.

Surveys on the use of general security measures by judges and court staff showed that the majority of respondents hide information about their professional activities for security purposes, and use other precautionary measures to reduce risks and threats to their own security.

Among the most common measures are limiting the leakage of personal information on the Internet, conducting conversations with family members and installing an alarm system on their own premises.

Of particular interest to the judges and court staff were the topics offered for security training, which undoubtedly indicates a demand among the judiciary to



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minimize professional risks and learn to manage threatening situations not only in the workplace but also in life and be prepared to help colleagues and others.

Also, summarizing all of the above, it should be noted that the results of the survey of judges and court staff, in our opinion, achieved the goal.

Recommendations on possible ways to further improve the judicial security system will be outlined separately.



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