

*County of Milwaukee*  
**Office of the Sheriff**



**David A. Clarke Jr.**  
**Sheriff**

November 16, 2011

The Honorable Chris Abele  
Milwaukee County Executive  
Milwaukee County Courthouse  
901 N. 9th Street, Room 306  
Milwaukee, WI 53233

Dear County Executive Abele:

The Facilities Management Division provides security to a variety of county departments located within the buildings they maintain in the Courthouse Complex, County Grounds buildings and City Campus. That critical layer of security, functioning in tandem with armed responders of my office who will quickly bring the law enforcement response should a critical incident develop at a security checkpoint, comprises the umbrella of protection which we (as county employees) and our public rely upon every day. Yesterday, I saw something for the first time in my nine years as Sheriff that has me wondering whether that umbrella has developed a leak.

On November 15, 2011, while traveling through the lobby of the Safety Building, I observed a uniformed county security guard manning a public-access screening point *alone*. While awaiting the arrival of an elevator, I had ample time to watch as she struggled (with a line of people extending out the doorway of the building) to maintain surveillance over the crowd for potential threats; operate the X-ray screening device; control the pace and flow of persons through the checkpoint; and operate both the fixed and handheld magnetometers.

Assuming that a partner had foolishly left her alone, I approached the officer and engaged her in discussion. A more polite, hard-working and determined county employee I have not met. The officer advised me that her partner had not left her alone. I was shocked to learn that she was assigned to that location, a main public access point for the building in the lobby off MacArthur Square, as a single officer post. Against that constraint she was working nose-down to get her mission accomplished, and based on what I observed Milwaukee County could

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use a few dozen more just like her. I asked my command staff member present to immediately contact a security supervisor to alert them to what I consider to be a shocking lapse of security and, quite frankly, the surrender of the integrity of that checkpoint. I am told that the supervisor responded to the checkpoint, confirmed that the single staffing was both his intention and wholly acceptable to him, and departed the area.

We rely on those checkpoints. I don't run them. If I did, the outcome that day would have been dramatically different. But I am certainly aware of the basic standards under which such checkpoints must operate to have any meaningful impact on actual security.

In their very informative February 2010 report *STEPS TO BEST PRACTICES FOR COURT BUILDING SECURITY* the National Center for State Courts (NCSC) discusses this very issue. In the report's preamble, the bona fides of the NCSC are offered:

*The NCSC, through its Court Consulting Division, has conducted security assessments of court buildings as well as personal security and safety training throughout the country. In conducting court building assessments, the NCSC assessment team has evaluated court security in terms of "best practices" – guidelines describing those security measures that should be in place with respect to a comprehensive set of topics covering court buildings and court operations. These best practices are not only based on the considerable experience of NCSC assessment team members, but are also a compilation of various guidelines from the U.S. Marshals Service, National Sheriffs' Association, International Association of Chiefs of Police, the Transportation Safety Administration, the Department of Homeland Security, and the National Association for Court Management.*

Those are subject matter experts that I will stake my safety on every time.

The 102-page report (and related implementation guide) goes on to speak directly to the issue of screening checkpoints, in a section appropriately entitled *Entry Screening – A Court's First Line of Defense*. This section notes the complex and varied activities that take place at a functioning screening checkpoint, and which I fear many take for granted:

- Ensuring that all members of the public are screened for weapons by use of a hand wand and physical search of personal items.
- Inspecting access cards and credentials for judges, authorized court staff, and other building tenants' staff.
- Ensuring that tailgating, or bringing non-authorized members through using credentials and bypassing the screening process entirely, is not occurring.
- Ensuring that delivery people and contractors, potentially bringing extremely dangerous items into a secure perimeter, are properly credentialed, verified by an authorized representative of the county, and escorted (while supervised) to their work location.
- Constantly rechecking, calibrating, and inspecting X-ray devices and magnetometers to ensure accurate performance.
- Ensuring that the established communications system between security and first responders maintains situational awareness by both parties, to increase the likelihood of a swift and tactically organized response should a critical incident occur.

I submit that these minimal requirements cannot be adequately met in instances in which a single security officer is present at a public screening station. In fact, the NCSC report confirms that at public screening stations where an x-ray device is present, the established best practice is to have THREE (3) officers present; one to operate the hand-held magnetometer, one to operate the x-ray machine, and one to handle problems that arise and maintain situational awareness over the entire operation.

I understand this standard. It may be a costly one, but at what price do we deviate from it? Our shared experiences, both at the courthouse and at our nation's airports, confirm our knowledge of how chaotic these checkpoints can be. Citizens arrive, often in large groups at high volume times, and start a cumbersome process that includes divesting personal items, fumbling for credentials, and talking with security personnel to establish what will, specifically, be required of them as they traverse the checkpoint process. On the security side of the equation, officers must conduct instant threat assessments; X-ray items and cognitively process the image and determine if subsequent hand-search of a parcel is warranted; control the flow of persons through the magnetometer, and

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often conduct a secondary scan with a hand-held device (which, in my experience at the courthouse, is the norm rather than the exception); and maintain a weather eye on the line of persons forming to ensure that no one bypasses this carefully constructed system, all while maintaining situational awareness such that they might be prepared to react to danger.

One officer?

For more than two decades, we in Wisconsin law enforcement, the "big brothers" of our security partners, have taught the "contact / cover" principle in our training academies. This basic tactic is used by two officers when encountering a potential adversary. The contact officer handles the transaction with the subject, while the cover officer stands in a position of advantage relative to the subject being processed. The cover officer does not get involved in the routine aspects of the interaction, yet remains ready to intervene when a threat appears, such as the subject reaching for a concealed weapon. The partner watches the subject and surrounding area for potential threats or other interference, and in general makes it possible for the contact officer to focus their full attention on the subject.

We use this time-proven tactic, quite simply, because it provides a number of advantages. Primarily, the tactic benefits both officer and citizen. The contact officer is free to focus on the subject, trusting their partner to monitor the surroundings for secondary threats or attempts to bypass security using diversionary tactics; and the citizen has just one officer to listen to, so the interaction will be less confusing—particularly important if the subject is elderly, mentally ill, or emotionally disturbed.

We ask much of our security personal, and in return we entrust them with our safety. They confront and deescalate unarmed subjects who make verbal threats to fight. They encounter subjects with contraband and, worse, weapons. They must, on the spot, make a rapid determination whether sound tactical decision-making concludes that a situation is too dangerous to try to manage alone (that is, whether there is a high probability that they will succeed in controlling it) and whether they should engage or wait until they have sufficient backup. In doing so, they must instantly size up the factors that they have been taught:

- Is the subject tense or agitated?
- Is the person showing signs of mental or emotional disturbance?
- Is the subject's reaction to the officer appropriate?
- Is the subject conspicuously ignoring the officer, or responding with exaggerated emotional attention?

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- Is the person showing signs of being ready to fight?
- Is he assuming a boxer stance, fists clenched, and shoulders forward as though about to attack?

I fear that with single staffing of security checkpoints at the courthouse complex, we are making decisions based solely on finances that indicate that somebody has been lulled into a false sense of security. Not me. I understand that tactical evaluation of our complex security system here is not a one-time thing. We must continually reassess the level of threat, the current climate, and the nature and capabilities of potential adversaries. Security is not the arena of the weak-willed. Some administrators are reluctant to even use terms like "potential adversaries." To do so denies reality and leaves safety to mere chance.

My comments do not exist in an academic vacuum. I close, quite simply, with the chilling reality that our security checkpoints exist for several reasons, one of which we almost never talk about. On one hand, they exist as a public screening point; a highly publicized area that screens persons for potential weapons, and dissuades them from even attempting to carry those weapons into the courthouse environment. On the other hand, checkpoints exist as a method to maintain potential encounters and conflict at a controlled location in an area that is tactically advantageous. Quite simply, we'd rather have the conflict or fight at the building's perimeter than in an interior space in which response, target identification, and target isolation are infinitely more complex and problematic.

We have, as a nation, seen high profile examples of this concept.

- In March 2010, an armed man opened fire at an entrance to the Pentagon in Washington, DC, injuring two police officers, before being shot and killed by them. The assailant, armed with two nine millimeter semiautomatic weapons and several magazines of ammunition, calmly approached the security checkpoint (at an entrance near the Metro station) and as the officers started to ask him for his pass, pulled a gun from his coat pocket and opened fire.
- In January 2010, a Las Vegas retiree, angry over cuts in his Social Security benefits, opened fire in the lobby of the federal courthouse killing a court security officer and wounding a deputy U.S. marshal.
- In June 2009, a security guard was shot and killed at the United States Holocaust Memorial Museum when a deranged white supremacist and Holocaust denier entered the building and opened fire. The shooter had

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- previously been arrested and convicted for entering federal buildings with various weapons.
- In July 1998, a gunman burst through a security checkpoint in the U.S. Capitol and killed two Capitol police officers in what the Associated Press termed, "...a terrifying exchange of fire that sent panicked bystanders diving for cover in the majestic marble building known around the world as a symbol of America and democracy."

Our courthouse is a symbol...Its exterior granite, and its hallways lined with marble. It is a symbol of justice and order here in Milwaukee County. And as such, it becomes a focal point and target for those who oppose the rule of law.

As we keep hearing, again and again, "Times are tough. Difficult choices must be made." *But not with public safety.* Staffing weapons-screening posts with a single officer is a recipe for disaster, and particularly intolerable when, to me, the answer may be as simple as closing a few screening points until adequate staffing can be achieved.

Please let me know your thoughts on this issue, and what actions you intend to direct in relation to the issue that I have raised.

Sincerely,



David A. Clarke Jr., Sheriff  
Milwaukee County

- C: The Honorable Lee Holloway, 5th District; Chairman, Milwaukee County Board of Supervisors  
The Honorable Willie Johnson Jr., 13th District; Chairman, Judiciary Safety and General Services Committee  
The Honorable Jeffery A. Kremers, Chief Judge, First Judicial Administrative District  
Mr. Jack Takerian, Director, Department of Transportation and Public Works  
Mr. Gary Waszak, Interim Director, Facilities Management Division  
Mr. Ernest Sanchez, Security Coordinator, Facilities Maintenance Division