



## State of New Jersey

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DIVISION OF MENTAL HEALTH AND ADDICTION SERVICES  
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### ADMINISTRATIVE BULLETIN TRANSMITTAL MEMORANDUM

**DATE ISSUED:** September 30, 2015

**EFFECTIVE DATE:** October 5, 2015

**SUBJECT: Administrative Bulletin 3:40  
Civil Commitment Courtroom Safety Plan**

The attached Administrative Bulletin is being forwarded for your review, action if necessary, and distribution to staff as appropriate. Please be advised that each recipient of this order is responsible for being familiar with the content and ensuring that all affected personnel adhere to it.

A handwritten signature in blue ink that reads "Valerie L. Mielke".

Valerie L. Mielke  
Assistant Commissioner

VLM:pjt

## DIVISION OF MENTAL HEALTH AND ADDICTION SERVICES

### ADMINISTRATIVE BULLETIN 3:40

**DATE ISSUED:** September 30, 2015

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**SUBJECT:** Civil Commitment Courtroom Safety Plan

#### I. PURPOSE:

This Administrative Bulletin establishes a uniform administrative procedure for safety during civil commitment hearings held on the grounds of a New Jersey State psychiatric hospital.

#### II. SCOPE:

This Bulletin applies to all NJ State psychiatric hospitals.

#### III. STATEMENT:

Adherence to the Supreme Court of New Jersey's judiciary security protocol regarding civil commitment hearings is required of all NJ State psychiatric hospitals. These requirements address judicial security in and out of the courtroom setting, as well as at ancillary courtroom settings, including New Jersey State psychiatric hospitals. All civil commitment hearing proceedings require the presence of a uniformed, armed sheriff's officer. The goal is to have a safety plan that meets the specific needs of the court and that can be implemented by the hospital.

Superior Court judges conduct civil commitment hearings at State institutions on an annual rotational basis. These hearings are formal court proceedings that would normally be conducted at the county courthouse, but cannot be held there due to clinical and security concerns. The county responsible for coordinating the annual civil commitment rotation provides the judge, and generally provides the officers for the proceedings. This uniformed, armed officer is to be present in the room of every civil commitment hearing held on the grounds of a NJ State psychiatric hospital.

#### IV. DEFINITIONS

*Judiciary Staff* includes, but is not limited to, the judge and administrative staff provided by the court vicinage to support the proceedings.

*Direct Care Staff*, for purposes of this Administrative Bulletin, means those hospital personnel whose primary function is face-to-face interaction with the patient providing the therapeutic contact necessary to achieve his or her

treatment goals, including, but not limited to, human service technicians, human service assistants, medical security officers, psychiatrists, nursing staff, and social workers. Direct care staff includes staff directly assigned responsibility for patient safety in the courtroom.

*Human Services Police* (HSP) Department provides protection 24 hours a day, seven days a week, all year long for facilities which are open and operated by the Department of Human Services, including NJ State psychiatric hospitals. HSP are appointed under the authority of N.J.S.A. 30:4-14.

*Sheriff's Officers* refer to officers assigned to court by the designated county Sheriff's Office. They are solely responsible for the safety of the Judiciary Staff during a civil commitment hearing at a State psychiatric hospital.

*Court Participants* refers to individuals participating in courtroom proceedings including county counsel, private attorneys, public defenders, hospital court coordinator staff, management assistants, and Office of Legal Liaison staff.

*Visitors* refers to family members or significant others who are in attendance and may or may not participate in courtroom proceedings.

## **V. PROCEDURES:**

- A. Each of the State psychiatric hospitals must have in place a written civil commitment courtroom safety plan.
- B. Each civil commitment courtroom safety plan must take into account three (3) basic components of security "Basic Security Requirements":
  - 1. Architectural (facility features or modifications);
  - 2. Technological (equipment and devices); and
  - 3. Operational (security personnel, policy, and procedures).
- C. In developing the hospital's civil commitment courtroom safety plan, four (4) areas of security must be considered "Safety Plan Requirements":
  - 1. Access control (e.g., control/monitoring of entrances and exits);
  - 2. Circulation control (e.g., appropriate separation of public, patients, judges and staff);
  - 3. Courtroom security (e.g., order, control of patients, etc.); and
  - 4. Emergency procedures (e.g., emergency egress route from the courtroom for the Judiciary Staff, emergency alert system, Emergency Code response staff and procedures).

#### D. Roles and Responsibilities

1. The courtroom safety plan must delineate the roles and responsibilities of hospital staff, including Direct Care Staff and others involved in court proceedings. Roles and responsibilities should address all four areas of security. Direct Care Staff, regardless of their specific roles within the courtroom, have been trained to handle and de-escalate patient-related disturbances. In the event that a patient creates a disturbance or becomes agitated and cannot be re-directed, the Direct Care Staff will implement the appropriate management techniques and, when necessary, escort the patient back to their unit.
2. Each hospital's plan must specify roles for other staff as appropriate related to the Basic Security and Safety Plan Requirements as defined in this Bulletin.
3. Sheriff's Officers are primarily responsible for the safety of the Judiciary Staff.
4. Human Services Police Officers are available to all State psychiatric hospitals. Hospitals may, in collaboration with the HSP Officers, identify roles as appropriate related to the Basic Security and Safety Plan Requirements e.g., in dealing with an emergency situation.

#### E. Court Design

1. Every courtroom must:
  - a. Contain an emergency alert system.
  - b. Be located in a secure location. In the event of immediate personal threat or harm to the Judiciary Staff can seek temporary refuge, such as a secured room within or adjacent to the courtroom or direct access from the courtroom to the outside of the building.
  - c. Be in an area where interactions between visitors, Judiciary staff, court participants and groups of patients are kept to a minimum.
2. Other architecture or equipment outside the courtroom must include:
  - a. Locations where family and patients can wait for court that do not impede access by the Judiciary staff.

- b. A location where attorneys can conference privately with their clients.

F. Courtroom Operations

- 1. Each hospital's safety plan must address the Basic Security and Safety Plan Requirements, including but not limited to, the following:
  - a. Prior to holding court:
    - i. A risk assessment/inspection of the courtroom to identify and remove any potential dangers that could compromise safety and security.
    - ii. Assessment of the patient on the unit to identify any risks to their court participation with steps taken to address them or notify the judge as appropriate.
  - b. Courtroom Security
    - i. The hospital must establish procedures for the Judiciary Staff and others' entrance into and location within the courtroom that minimizes security risks to the patients, Judiciary staff, direct care staff, court participants and visitors.
    - ii. To prevent distraction and enhanced risk, the hospital may establish procedures restricting the use of electronic devices in the courtroom by visitors, direct care staff, Sheriff's Officers and Human Services Police, except as required by the performance of their duties.
  - c. Patient Management
    - i. The hospital will establish procedures for managing patients who will be attending court, with reference to the Basic Security and Safety Plan Requirements as defined in this Bulletin, including transportation to/from court, in the waiting area and during the court proceedings.
    - ii. The number and type of staff managing patients going to/from court, in the waiting room and during court proceedings should reflect the patient

assessment and privilege level and at the hospital's discretion may include a clinical supervisor.

d. Family and Other Visitors

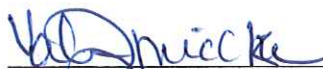
- i. The hospital will establish procedures to register visitors prior to entering the courtroom according to existing hospital policies.

G. Emergency Situations

1. Each hospital will execute protocols for disturbances and emergency situations. The hospital manages all emergency situations with the coordination of hospital staff, Human Services Police Officers, and Sheriff's Officers. The Human Services Police Department is responsible for coordinating all outside emergency response agencies.
  - a. Disturbances: All Direct Care staff, regardless of specific roles within the courtroom, have been trained to handle and de-escalate patient-related disturbances. In the event that a patient creates a disturbance or becomes agitated and cannot be re-directed, the direct care staff will implement the appropriate management techniques and, when necessary, escort the patient back to their unit.
  - b. In the event of an emergency situation, including but not limited to, bomb threats, active shooter scenario, hostage, fire alarm, medical codes and any disaster related event, hospital staff will implement the relevant hospital safety response.

**VI. TRAINING**

- A. Before being assigned to courtroom responsibilities, staff will receive training regarding expectations.
- B. A drill representing an emergency situation must be conducted within one year following implementation of the plan and at least every five years thereafter with participation by involved direct care staff and at their discretion, by Sheriff's Officers and Human Services Police.



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Valerie L. Mielke, Assistant Commissioner  
Division of Mental Health and Addiction Services