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Annabel Cresswell (Acting President) <b>Criminal Bar Association NZ</b>	Maria Dew KC (President) <b>New Zealand Bar Association</b>
Frazer Barton (President) <b>New Zealand Law Society</b>	Arti Chand (President) <b>Pacific Lawyers Association</b>
Iswari Jayanandan <b>South Auckland Bar Association</b>	Tony Herring (President) <b>The Law Association</b>
Nick Chisnall KC (Co-chair) Elizabeth Hall (Co-chair) <b>Te Matakahi – Defence Lawyers Association of New Zealand</b>	Tai Ahu (Co-President) Natalie Coates (Co-President) <b>Te Hunga Rōia Māori o Aotearoa</b>

Tēnā koutou

### Post-incident reviews – Whangārei and Napier courthouses

The attached document outlines the findings from the Ministry’s post-incident reviews in relation to the attack on a family lawyer at the Whangārei courthouse in March 2023, and the attack on a defendant by members of the public at the Napier courthouse in September 2023.

We would be happy to address any further questions you might have around the findings from these two incidents and the work commissioned to strengthen the identified deficiencies. This update has been shared with the Chief Justice and in turn, the Heads of Bench and wider judiciary.

The Ministry has a range of proactive security controls in place to manage health, safety and security in courthouses. The findings and subsequent recommendations from the Whangārei and Napier incidents will be implemented to further strengthen those controls.

Nāku noa, nā



Kelvin Watson  
**Deputy Secretary, Corporate and Digital Services**

## The court security environment

The Ministry takes a 'risk-based' approach to security. This is consistent with the Health and Safety at Work Act 2015 and the New Zealand Government Protective Security Requirements. When there is an assessed risk, security controls are proactively put in place to reduce the likelihood of an incident occurring and mitigate the potential consequences.

Like any organisational risk, security risk is impossible to completely mitigate. As such, continual and proactive assessment of the security environment (both domestically and abroad) is necessary, and new controls are considered and implemented on an ongoing basis to meet the evolving threats that we encounter, or foresee encountering in future.

The Ministry's security controls provide physical protection to everyone who visits and works in the courts, and ensure the security of buildings and information. The court security function has expanded significantly since it was first introduced just over 20 years ago, and that growth has accelerated more recently. More broadly, the Ministry's security controls have evolved in recent years due to the changing threat landscape. Controls are now informed by several significant domestic security incidents relating to terrorism, cyber-attacks and violent crime.

### Our approach

We take a multi-layered approach to security. Court security officers, screening tools, building design and technological systems work together to create a comprehensive security ecosystem. This has developed considerably in recent years:

- Frontline court security staff have increased from around 100 FTE in 2017 to over 300 FTE now. They undertake screening at the front door, monitor courthouses with regular patrols and provide security support in the courtroom.
- Design and building standards, which are being progressively rolled out, provide for better separation of public and authorised staff areas, and safer interview rooms and docks.
- Improved technological systems, such as CCTV, swipe card access control systems, duress alarm systems and audible visual alert systems (i.e. building announcement systems connected to strobe lights) are providing increased support.
- Specialised security personnel have been recruited to provide advice and guidance at a national level.

The security risks that we encounter today will almost certainly continue into the future, and additional risks are likely to be identified. We are committed to proactive assessment of the current and future security environment, and updating our response accordingly. We also review and update our security controls in response to incidents like those which occurred last year in Whangārei and Napier.

## **The Ministry's response to 2023 incidents in Whangārei and Napier**

### ***Whangārei incident***

On 9 March 2023 a member of the legal profession was seriously assaulted at the Whangārei courthouse prior to representing their client on a Family Court matter.

The Ministry uses an incident cause analysis method (ICAM) investigation process in situations like this. This process includes gathering comments and feedback from the judiciary, court staff and others involved in the incident. It enables us to identify what is working well and any areas where we may need to adjust or strengthen our approach.

The ICAM process identified that the following factors contributed to the Whangārei incident:

- A lack of awareness of standard operating procedures relating to the assessment and management of operational risks.
- Insufficient and/or a breakdown of cross-sector information sharing that may have helped to identify the presence of additional risk.
- Inconsistent site security inductions provided to lawyers and judges.
- The physical security environment: for example, separation of authorised access and public access areas and placement of duress alarms.
- Infrequent scenario-based exercises for emergency responses.

### ***Napier incident***

On 11 September there was a serious assault on a defendant at the Napier courthouse. Supporters of the victim's family and friends climbed over the glazed partition separating the public gallery from the body of the courtroom and physically assaulted the defendant, who was in the dock located in the centre of the room directly in front of the public gallery.

The subsequent ICAM investigation identified the following issues:

- A lack of co-ordinated and clear communication between internal business groups, the judiciary and sector partners that could have identified the risk posed by the hearing.
- Registry and other justice sector staff in the body of the courtroom were unaware of how to effectively respond to an emergency incident.
- Property issues (furniture no longer secured to the floor within the dock) had not been identified and escalated for remediation within a reasonable timeframe.
- The judiciary, counsel and others had not received site security inductions.
- The glazed partition between the dock and the public gallery was not high enough to prevent access to the body of the court. This highlighted the importance of site security assessments to identify risks, which may also change as the security environment evolves.

The Ministry is doing a number of things in response to both incidents.

### ***Work completed***

- The Ministry has incorporated lessons learned into court security officers' annual requalification course. The incidents provide teaching scenarios that are used to reinforce the need for particular processes and practices.
- The Ministry has established a 'use of force' panel with senior justice sector partners to ensure that, where force is used in response to an incident like this, it is proportionate and appropriate.
- Regional security managers have worked with local court security managers to review court security patrols at all sites.

### ***Further work underway***

#### *Communication*

- The Justice Sector Memorandum of Understanding (MOU) is being used as the means to develop an end-to-end process to improve information sharing. Because engagement needs to occur at a number of levels, both across the justice sector and within sector agencies, this needs to be an iterative, deliberate process, which will take time.
- The Ministry is engaging with local sector partners in Hawkes Bay at the regional manager level to develop an action plan to ensure information is being shared in a structured and timely manner. The intent is to then roll this model out nationwide.
- In March 2024 the Ministry will start work with the judiciary on an MOU covering health, safety and security arrangements. This is an opportunity to enhance and strengthen understanding of our respective roles, responsibilities and requirements, including in relation to communication and information flow.

#### *Review of training and education*

- The Ministry already has an online emergency management incident scenario training programme, which is available to all staff. Emergency management exercises are run throughout the year across selected sites.
- The Ministry has refreshed the existing site security induction programme to enable it to be tailored to individual sites. Inductions are targeted toward people who regularly work at a particular site, including the profession and the judiciary. The new health, safety and security induction package for judges and the profession will be launched across all sites in March 2024. All members of the judiciary will receive a site security induction before sitting for the first time at each courthouse.
- Training for court security managers and site managers is being reviewed to ensure they understand their roles and responsibilities regarding security, both day-to-day and during a significant event. This will also incorporate training on the use of 'safe spaces' – secure zones in the building that judges and staff can be safely evacuated to during an incident.

- The Ministry is implementing a new [Government Security Classification System](#) Policy, which was updated in response to recommendations from the Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain. The recommendations are designed to promote more proactive information sharing between government agencies. This work is scheduled for completion in the second quarter of 2024.
- The Ministry is rolling out new Coordinated Incident Management System (CIMS) training for site managers in the first quarter of 2024.

#### *Property remediation*

- The Ministry's property team has a nationwide dock upgrade programme underway. The Napier courthouse has been re-prioritised after the most recent incident, with the work scheduled to be completed in March 2024. Work on remaining sites around the country is expected to be completed by 2028.

#### *Physical security*

- A nationwide site security assessment programme has commenced. Sites are being prioritised based on risk. This programme will determine any physical security shortfalls in accordance with the New Zealand Government Protective Security Requirements. This work programme is being led by the Ministry's Resilience and Assurance team.