

## Written, verbal threats to federal judges jump

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WASHINGTON — In the past five years, written or verbal communications that threaten, harass or make unsettling overtures to federal judges and others protected by the U.S. Marshalls Service (USMS) have increased by 89%, and threats via the Internet are also increasing.

Michael Prout, assistant director for judicial security within the USMS, recently provided the data to the U.S. Sentencing Commission which is looking into sentencing guidelines under the Court Security Improvement Act of 2007. The commission sought input on whether current guidelines are adequate as they apply to offenses under the act.

The USMS, according to Prout, is concerned with two criminal provisions of the 2007 act: 18 U.S.C. 115 and 18 U.S.C. 119, particularly with respect to violations that occur through the use of the Internet.

The first section, 18 U.S.C. 115, prohibits threatening a federal official to influence, impede or retaliate against a federal official who is performing official duties. This statute specifically mentions the federal judiciary. The 2007 act increased the statutory maximum penalty for this crime to 10 years, except that imprisonment for a threatened assault cannot exceed six years.

The second section, 18 U.S.C. 119, is a new law that makes it illegal to intentionally release personal restricted information, such as a home address or Social Security number, with the intent to threaten, intimidate, or incite the commission of a crime of violence to a covered person, such as a judge, assistant U.S. attorney, federal law enforcement officer or a member of their family. Violations of this section are punishable by imprisonment of up to five years.

The USMS has two categories of communications:

◆ Threats — defined as an inappropriate interest, circumstance or event that causes, or could potentially cause, damage to a target whether it is a person, location or specific event. A threat may be communicated in writing, verbally or through a third party.

◆ Inappropriate communications — any communication in writing, by telephone, verbally, through an informant, or by some suspicious activity that threatens, harasses, shows an unusual direction of interest, or makes unsettling overtures of an improper nature directed to a protectee.

Prout said a threat is always an inappropriate communication, but an inappropriate communication is not always a threat.

"For the purpose of this report, we defined 'through the use of the Internet' as writings or other information posted on an Internet website or blog," he said. "We consider these threats to be more serious than written communications sent solely via e-mail. In terms of impact to the victim, and the potential to incite others, we do not consider a communication sent via e-mail to be much different than communication sent via regular mail.

"On the other hand, we view inappropriate communications and threats made via Internet postings and blogs very differently than other delivery method," he added. "Unlike a letter or an e-mail, comments posted on an Internet Web site have the potential to be viewed by a countless number of persons. Internet postings that are hyper-critical and contain restricted personal information of the protectee, such as a home address or Social Security number, can create a large number of potential threateners virtually unknown to the USMS."

Prout reported the following breakdown of inappropriate communications (ICs) by fiscal year:

FY 2003	674 total ICs received (no further breakdown available)
FY 2004	873 total ICs received (no further breakdown available)
FY 2005	943 total ICs received (no further breakdown available)
FY 2006	1,111 total ICs received • 651 ICs received via written method of delivery • 12 ICs received via Internet posting or blog (1.0% of total ICs)
FY 2007	1,145 total ICs received • 632 ICs received via written method of delivery

	<ul style="list-style-type: none"> <li>• 13 ICs received via Internet posting or blog (1.1% of total ICs)</li> </ul>
FY 2008	1,278 Total ICs received <ul style="list-style-type: none"> <li>• 724 ICs received via written method of delivery</li> <li>• 15 ICs received via Internet posting or blog (1.2% of total ICs)</li> </ul>
FY 2009 (to date)	478 total ICs received <ul style="list-style-type: none"> <li>• 265 ICs received via written method of delivery</li> <li>• 8 ICs received via Internet posting or blog (1.7% of total ICs)</li> </ul>

In the vast majority of these Internet cases, Prout said, the threat or inappropriate communication was directed at a single victim, usually the presiding judge in a particular case. In rare cases, he added, the threats made reference to more than one judge, or to a prosecutor or case agent.

"Internet cases do not necessarily create volumes of victims; they do, however, create volumes of potential threateners," he told the commission. "Additionally, our numbers only catch the number of Internet threats and inappropriate communications that were reported to us. It is impossible to determine how many threats and ICs occurred everywhere on the Internet, just as it is impossible to determine who has seen these threats."