

Murdered Justice: An Exploratory Study of Targeted Attacks on the Justice Community

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SUMMARY

On a balmy Monday evening, July 20, 1903 in New Orleans, Louisiana, District Attorney J. Ward Gurley was working late in his Canal Street office. At approximately 10:00 p.m., the door opened and in walked Gurley's former office clerk, Louis W. Lyons. The two men had previously had a falling out over Lyons' recent arrest for theft. An argument ensued and Lyons drew a pistol and shot DA Gurley to death before turning the gun on himself¹.

While Mr. Gurley might have the dubious honor of being the first documented member of the justice community to be murdered in the twentieth century, he would be far from the last. In a study of over 1300-targeted attacks occurring around the world since January 1, 1950, it was found that members of the Justice Community, namely judges, prosecutors and senior police officers were within the top five victim professions. In the United States, judges and law enforcement rank number one and two respectively as the most frequent specifically targeted government official.

This report details the findings of a study of the sixty-three perpetrated attacks and seventy attempts occurring between January 1, 1950 and December 31, 2012. The objective is to obtain a better understanding of various aspects of this type of violence, for which there has been little specific research. The study includes both completed attacks against a victim (regardless of whether injury occurred or not) and attempts, where the suspect was unable to launch the attack for whatever reason, including early detected and prevention by law enforcement. It examines those offense characteristics in terms of:

- motive of the solicitor and/or attacker;
- analysis of timing, location, and method of attack in completed attacks;
- characteristics of the victims and offenders of both attempted and completed attacks;
- factors that differentiate between successful and unsuccessful targeted attacks; and
- The nature of police intervention in preventing the completion of targeted attacks

One of the major difficulties when investigating targeted attacks upon members of the justice community, as opposed to the more commonly encountered societal violence, is the relationship between the victim and the offender. For those whose profession it is to deal with the nefarious elements of society, threats and attempts at intimidation are not uncommon. In the vast majority of these cases, the threats are merely bully bravado, or the verbalization of the frustration of being apprehended and the current predicament. While threats are part and parcel for the job, one's position along the process of justice tends to increase or decrease the amount that will be received. Hence, police officers are predictably the recipients' of the majority of threats. While many criminals/defendants

¹ Reported in the July 21, 1903 edition of the New York Times

certainly possess the capability to carry out a hostile attack, they fortunately often lack the degree of intent required to carry through with their vitriol. Therein lies the conundrum for both targets and investigators, differentiating between what has been referred to as the “hunters and the howlers” (Calhoun, Weston, 2006), those that want to do harm, and those who are all talk.

The research identified 133 individual hostile events in the United States consisting of both attempts and perpetrated attacks. Sixty-three of these events are categorized as having been completed. Of these, forty-one could be classified successful in that the targeted victim was killed. The remaining seventy events were attempts, wherein no violence against a targeted individual occurred. In assessing these hostile events, the research revealed:

- Revenge was the most common motive of targeted attacks on the Justice Community in the United States (for both the attempted and completed attacks; 67%). Within this category, there were 108 victims of the forty-two attempted targeted attacks and thirty-three completed attacks.
- There were forty-five targets where the motive for the violence was to “delay and/or derail” the investigation/prosecution. This accounted for the second most common motive at 30% (attempted and completed).
- Accounting for the final 3%, “rivalry” was the third most common motive with three targets (attempted and completed).

The analysis of the seventy attempted targeted attacks revealed that:

- The majority of the incidents targeted judges (35%), followed by prosecutors (34%) and law enforcement (31%).

The analysis of the sixty-three completed targeted attacks revealed that:

- The majority of the incidents targeted judges (43%), followed by law enforcement (30%), and prosecutors (27%).
- The majority of the incidents occurred at the target’s residence (51%), followed by the office (30%). Note – Office and courtroom were classified as the same location given the common occurrence of prosecutorial and judicial offices being housed within the courthouse building.

SOURCE STATEMENT

The information drawn upon for this study was derived from five main sources:

- National news reporting
- Legal case briefs
- Published articles and books documenting the various attacks
- Search warrant affidavits and official reports
- Interviews of detectives, prosecutors and family members familiar with the cases

A number of specific details for each hostile event were collected for this study. They include information relating to the type of incident (attempt or completed), offender and victim characteristics, pending charges, custody status, and offender method of operation.

INTRODUCTION

It is the environment of the justice community that brings together law abiding and upstanding citizens with those that have run afoul of the laws of the land. In this collision of raw emotion and rule of law, the byproduct of the anger and even perceived seeds of injustice can and does lead to threats of violence. Every year, hundreds if not thousands of threats are received against a specific law enforcement officer, prosecutor or judge. These threats, always taken seriously, are thus thoroughly documented and investigated. More often than not, they are deemed to be unsubstantiated as the threatening individual had no real intent in carrying it out.

In 1992, the United States Secret Service and the National Institute of Justice, Office of Justice Programs commissioned the Exceptional Case Study Project (ECSP). The objective of this ground breaking project was to study all persons within the United States known to have attacked, or approached to attack, a prominent public official or figure (i.e. the President, Vice President, their families, former Presidents, candidates of President, visiting heads of state, major federal officials, important state and local officials, celebrities, and corporate chief executive officers). The study ultimately identified seventy-four cases of such activity occurring between 1949 and 1996. Of those attacks, four were documented to have been perpetrated against Federal Judges.

The research further revealed that 51% of all attacks occurred at the home or office of the targeted individual. A firearm was used 81% of the time followed by edged weapons, 15% of the time. In the examination of the suspect's criminal background, 34% had no history of arrest. Regarding threats and planning, while 63% had communicated some form of a threat, but only 4 % where made directly to the target, and 7% to law enforcement. In the planning for the event, some 80% were found to have conducted some form prior to the attempt or attack.

One of the more interesting results of the study was the discovery of the "three myths" of protective intelligence, protective operations, and threat/risk assessment. The first of these was that "There is a profile of the assassin." The study found that historically, groups and individuals perpetrating acts of targeted violence displayed a myriad of variations in their motivations, political and ideological backgrounds, targeting and method of operations.

The second myth was "Assassination is a product of mental illness or derangement." The study found that while many had had contact with mental health professionals at some point in their lifetime, few had ever indicated they were considering attacking a public official. Finally, the third myth "Persons most likely to carry out attacks are those who make direct threats" was found to be quite the opposite. Those legitimate threateners usually do not communicate any direct threat towards the target and/or law enforcement.

The key issue this study highlighted is that the knowledge of who will actually carry out an attack will nearly always elude a potential victim, law enforcement, counter terrorism analysts and the like. The simple fact is the offender controls the day, time, location and

method of attack. This evolutionary process of violence often goes undetected by the victim and/or law enforcement. A graphic example of this process of building toward a targeted attack occurred in 1996.

Case study:

In September of 1995 in San Diego, California, 38-year-old Susan Klat was a respected Registered Nurse at the University of California, San Diego Medical Center. Susan's mother had been awarded custody of Susan's daughter Jennifer in 1990. Since that time, Susan had been actively trying to overturn that decision. She had filed a civil rights suit against the State of California, which was subsequently dismissed. She then petitioned the United States Supreme Court, to review her case, which was denied in June of 1996. Following the rejection, she wrote a letter addressed to Chief Justice Rehnquist, which stated:

"One shouldn't have to resort to creating casualties such as the Oklahoma bombing to get your attention. Unfortunately, experience shows that this is the only method that creates change and actually works." It went on to say, "I won't stop until I'm down and I'll keep coming until it's over. You can't live forever."

In response to her letter, Special Agents of the Federal Bureau of Investigation contacted and interviewed Susan Klat at her residence. While she denied ever making any threats, her behavior was such that the FBI continued to monitor her while also forwarding the information to the Supreme Court Security personnel and the FBI Washington Field Office. It was shortly after that interview that Klat quit her job at UCSD Medical Center and traveled to Washington, D.C., where she had been able to obtain a position under a visiting nurses program.

Klat arrived in D.C. on August 17, 1996, and wasted little time in making her way to the Supreme Court. With security personal already alert to her possible presence in the area, she was identified as she attempted to enter. Klat would continue her vague but threatening statements such as "I wouldn't take a gun into court, but people have got to leave sometime." FBI Agents at the Washington Field Office learned that Klat had arranged to take some shooting lessons at a local range. On August 27, 1996, not long after she had called a friend back in San Diego requesting that her assets be liquidated, the FBI arrested at her apartment.

Susan Klat was charged and later found guilty by a jury in federal court with violation of 18 U.S.C. § 1114, Protection of Officers and employees of the United States and 18 U.S.C. § 115, Influencing, impeding, or retaliating against a Federal official by threatening or injuring a family member. On May 27, 1997, she was sentenced to 57 months in prison for each charge to run concurrently and a year of supervised release for each charge, also to run concurrently. Ms. Klat would later appeal the conviction, only to have it affirmed.

On October 8, 2008, the United States Department of Justice filed a *Report on the Security of Federal Prosecutors* with Congress. This report detailed the number and

nature of threats from 2005 through July of 2008 against personnel of the United States Attorney's Office. The report, one of the first of its kind, would go on to document a total of 765 threats received over a three plus year period. It detailed 210 threats in 2005, 162 in 2006, 199 in 2007 and 194 in the first eight months of 2008. These threats included all manner of delivery, from letters sent via the U.S. Mail, to emails, voice messages and even in person verbal threats. It was also reported that during the same period, there were only three documented physical assaults upon staff members, none of which were fatal.

In December 2009, the United States Department of Justice, Office of the Inspector General (OIG) released their *Review of the Protection of the Judiciary and the United States Attorney's*. This report documented threats directed against Federal judges, U.S. Attorneys and Assistant U.S. Attorneys from fiscal year 2003 through fiscal year 2008. In total, over the six-year period, 5,250 threats were documented. Including the numbers identified in the 2008 report filed with congress, the OIG reported that there were 592 threats in 2003, 665 in 2004, 953 in 2005, 1,111 in 2006, 1,145 in 2007 and 1,278 in 2008. Yet, for all of these threats, there were only ten attempts and three documented attacks against members of the U.S. Judiciary and U.S. Attorney's Office during the same six-year period.

Case study:

On a morning in May of 2011, at an outdoor shopping plaza in San Jose, California, a small bundle of papers was found left on a table outside of a café. Each sheet of paper was identical, containing photographs of a man and a woman, the façade of a home (indicating the home had been visited), along with aerial photograph of the area. The specific address of a home had been provided and identified upon the aerial. The name of the man and woman were given along with her profession as a prosecutor, and his as a federal agent. The fliers also made reference to the couples children. Despite the ominous tone of the fliers, there was no threatening language.

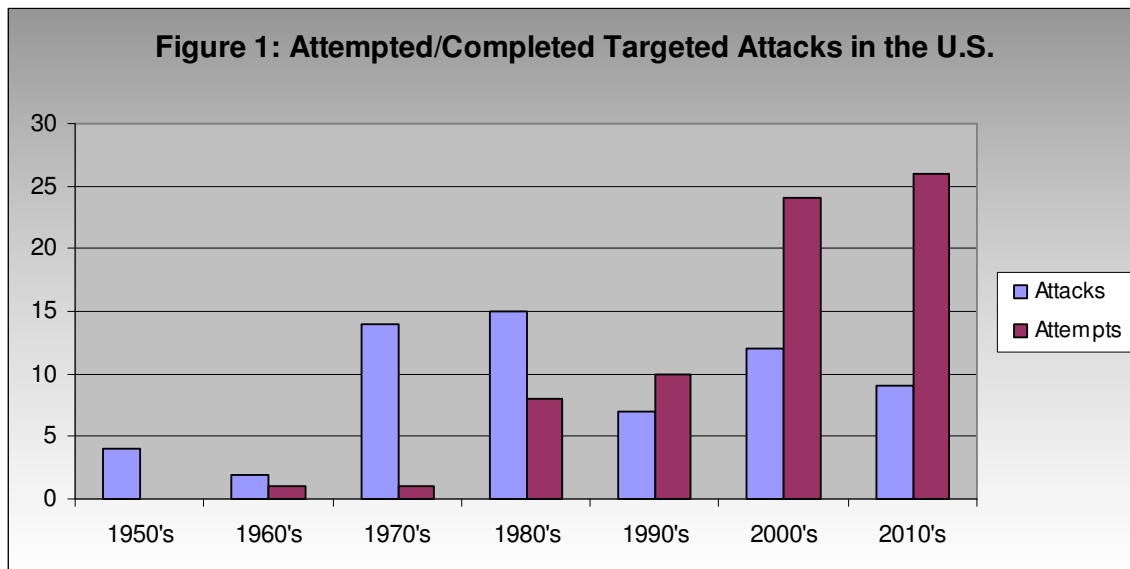
Over the course of the next two months, two more sets of fliers were recovered. While similar to the first, they were different in that they contained language in English and Vietnamese stating "Money, Guns, Ammo, Documents." While the fliers could only be described as frightening and threatening, at the time neither the Prosecutor nor Special Agent had received anything remotely threatening in recent memory.

Each had been in their careers for more than a decade, which only served to complicate further making a determination of who might be the ultimate target and thus identify a possible offender. Did these fliers stem from some personal matter unrelated to their profession? Was it due to some recent arrest or recent prosecution? Alternatively, did it stem from an individual from a distant case in the past that had recently been released? Over the course of the subsequent investigation into the threat, it was discovered to have originated from a defendant in court facing a misdemeanor domestic violence charge. Ironically, the prosecutor was never officially assigned to the matter, but had assisted briefly during the course of the case. As a result, it never showed up on her list of individuals she had prosecuted. At the time of the offender's arrest, he stated he never intended any harm.

During the sixty-two years beginning January 1, 1950, and ending December 31, 2012, there have been 351 documented targeted attacks worldwide upon members of the justice community. In 81% of these attacks, the adversary was successful in that their targeted victim was killed. Who are the individuals/organizations behind these attacks and what is the motivation? The answer to that question largely depends upon the region of the world where the attack occurs. However, the location, timing, and methodology of these attacks have been largely consistent regardless of the country of occurrence.

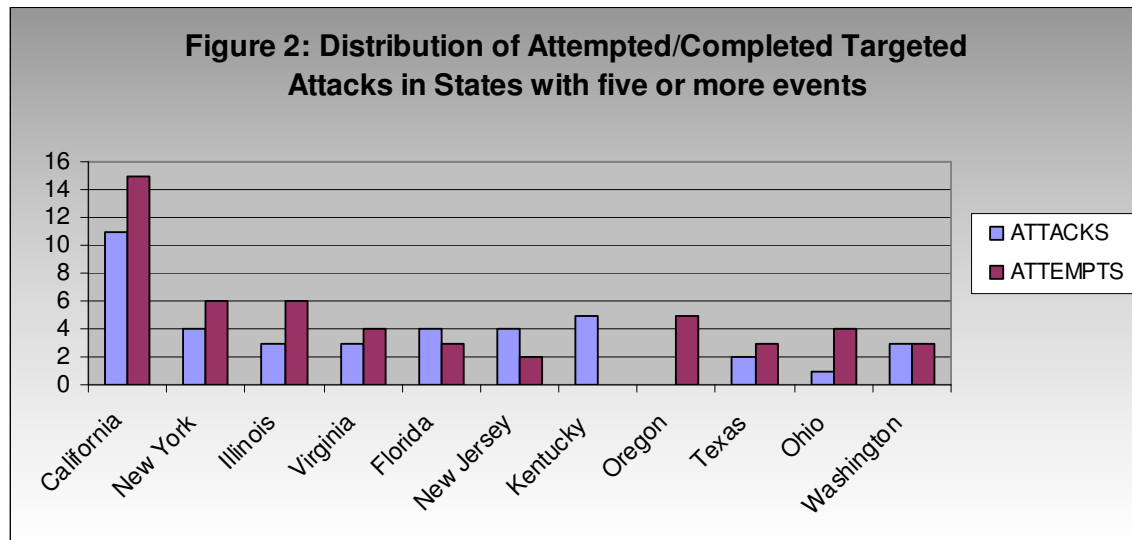
In the United States, judges, senior law enforcement and prosecutors have suffered the greatest number of targeted attacks of any government official over the same period of time. Research indentified 133 hostile events in the United States consisting of both attempts and perpetrated attacks. Sixty-three of these events are categorized as having been completed. Of these, forty-one could be classified as successful in that the targeted victim was killed (Note: in two of these cases, the murdered victims were not the targeted justice member. In one case, the father of the targeted prosecutor was murdered in a case of mistaken identity. In the second case, the husband and mother were murdered).

The remaining seventy events were attempts, wherein no violence against a targeted individual occurred. This trend of violence shows no indication of slowing down, as in the past three years, there have been nine attacks and at least twenty-six cases of a defendant either plotting and/or attempting to outsource the killing of a U.S. justice community member (see Figure 1). Further, there are currently ten cases, of a member of the justice community being murdered, which remain unsolved.



A total of thirty-three states documented either an attempt or a completed attack. Of those, twenty-seven states recorded a completed targeted attack against a member of the justice community. Sixteen states documented both attempts and attacks. However, only eleven states documented five or more total incidents (see Figure 2). California ranked the highest with a total of twenty-six events. Note: There were allegations and indications that a

District Attorney in Oregon was attacked by way of poison; however, it was never proved and thus not included in this study. This would have made a sixth event for that state, and the first ever attack.



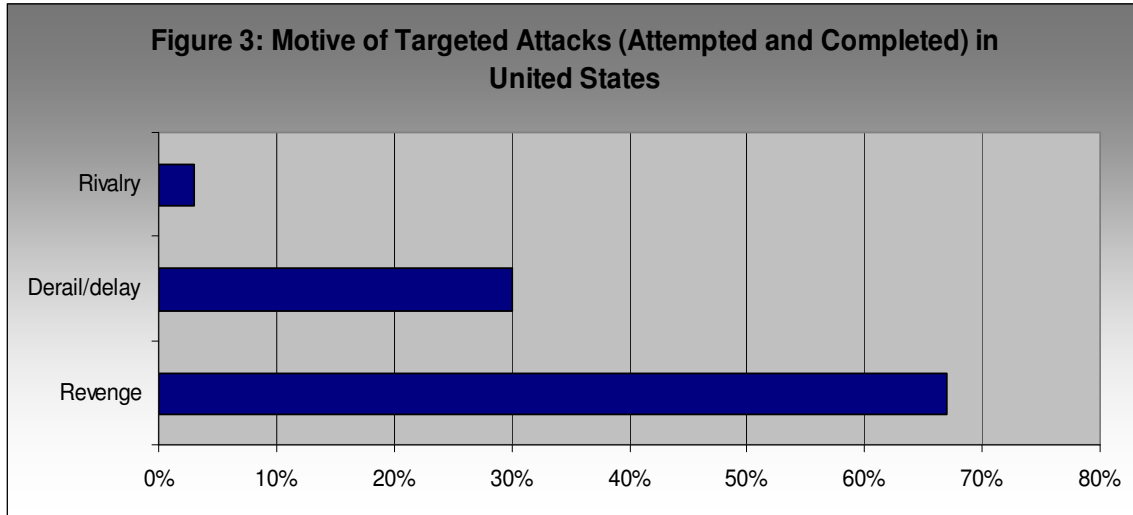
In California, the same individual perpetrated three of the attacks against the same target over the course of several months. Additionally, also occurring in California was the case of a lone offender conducting an attempt and an attack upon the same group of four targets, but with a span of twenty years between each event. California also had an instance of one offender conducting two attempts and one attack upon a single target over the course of one month, but employing four separate individuals to perpetrate the crime.

In Illinois, there was a single case of the same member of the justice community being the victim of an attempt and an attack over a three-year period. The offenders in each case were unrelated to each other, although the motive was the same, revenge.

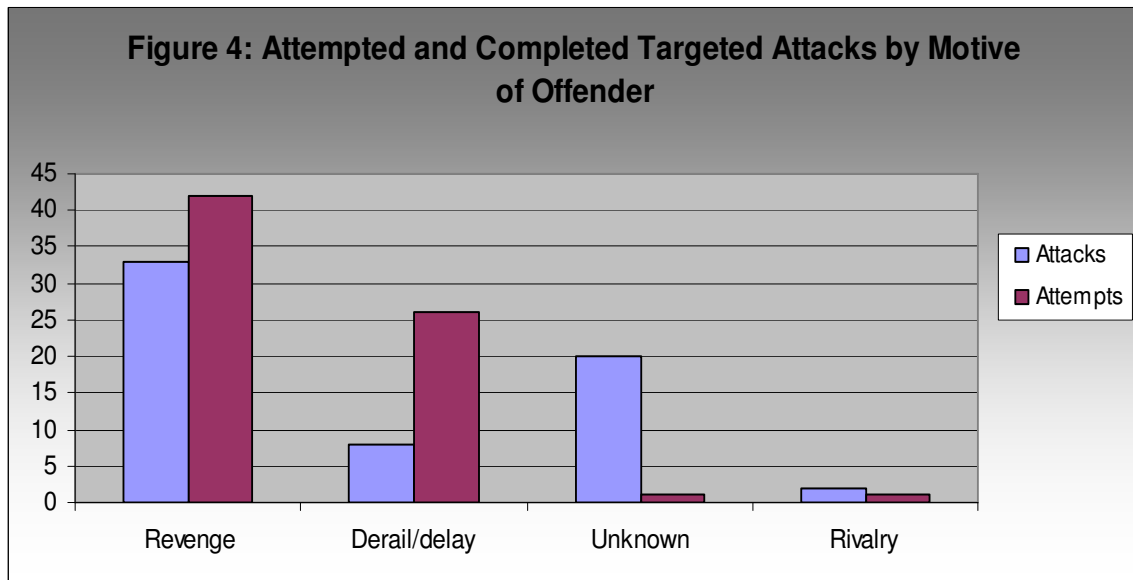
Ohio was the only state to document two attempts stemming from the same offender. In both instances, the offender was in custody, yet targeted separate individuals over a nine-year period.

ANALYSIS OF TARGETED VIOLENCE

In any attack/murder, motive is a key question that begs to be answered. This is certainly no different with targeted violence against the justice community, but can take on greater importance in context of trying to reduce the list of initial suspects. Understanding the possible motive can allow investigators to extrapolate potential suspects, thus affecting the initial direction of the investigation. Through the research, three categories of motive were identified (see Figure 3).



There were a number of differences identified between the known motives associated with the attempted versus the completed attacks (see Figure 4).



Motive – Revenge

Revenge for some perceived indignation or just plain hatred was the most common motive of targeted attacks against members of the justice community. There were a total of forty-two attempts and thirty-three completed attacks within this category targeting 108 members of the justice community. In seventy-one cases, the revenge motive was merely in response to being arrested, charged and/or convicted of the criminal activity. In four cases, the revenge was for a perceived disrespect directed to either the offender and/or their group/organization.

In thirteen of the cases, revenge was found to be in combination with the goal of derailing the investigation or court proceeding as the motive behind the attack. A single case of revenge, it was in combination with a motive of rivalry. This grew out of two men each seeking the removal of a specific individual, who happened to be husband and wife, but for widely different reasons. However, the primary offender in this case was seeking revenge against the judge and it was through his network that the attack occurred.

Offenders seeking revenge primarily targeted only one member of the justice community. However, this was not always the case, as there were ten instances found in which the offender(s) targeted two individuals, seven in which three people were targeted, and finally three cases in which four or more were targeted.

Additionally, there were at least three victims/witnesses to the crimes charged against the offender that were targeted at the same time as the member(s) of the justice community.

Motive – Derail/Delay Legal Proceedings

There were thirty-four incidents involving the targeting of forty-five members of the justice community, where the primary motivator for the attack was an effort to derail and/or at the very least, delay legal proceedings moving against the offender. In this category, twenty-six were attempted targeted attacks, while the remaining eight were completed acts of violence. Note: In two of the attempted cases, the same offender targeted the same member of the justice community, but used two different men in each attempt, occurring on different days. As such, both attempts were counted.

As with the motive of revenge, those offenders seeking to derail/delay proceedings generally targeted only one member of the justice community, but there were three incidents in which the offender(s) targeted two individuals for attack, and four cases in which three people were targeted.

In addition to the members of the justice community, there were at least nineteen victim/witnesses to the crimes that were targeted. One offender in a single case targeted fourteen of those victim/witnesses.

Motive – Professional Rivalry

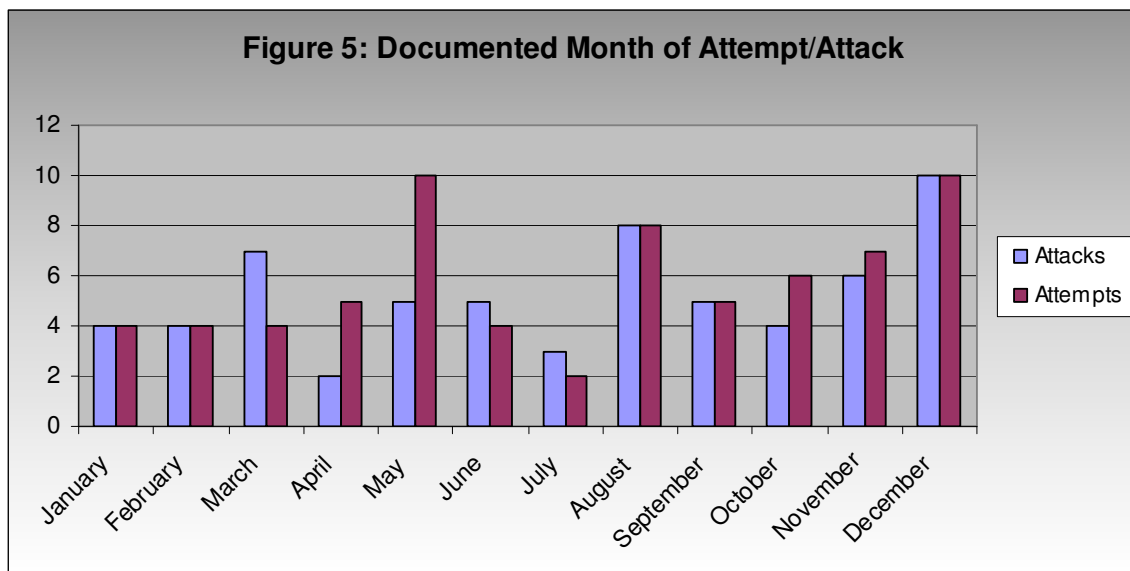
While Professional Rivalry was only identified as a factor in three of the events (one attempted and two completed), it was a prominent motive primarily in terms of the background of the offender. In this category, the motive was found to be a result of a corrupt individual (two lawmen, one judge) seeking to gain position over the targeted victim. The two completed attacks were successful, resulting in the death of the victim.

Motive – Unknown

There were another twenty-one incidents where the motive could not be determined primarily due to the offenders never being identified. Ten of these, however, are a result of murders remaining unsolved.

Attack timing

In assessing the timing of attempts and attacks most favored by offenders, the month of each event was noted. While December had the most activity, followed closely by August and May, there was not a definitive pattern (see Figure 5). However, the bulk of the attempt/attack activity was concentrated to the late summer through early winter months.



Epoch of Targeted Attacks

One of the more intriguing questions formulated during the research was the length of time that had passed between the initiating event that caused the targeted attack to be plotted, solicited and/or perpetrated and the event itself.

In the cases involving attempts to attack a member of the justice community, 83% of the offenders were facing charges at the time, either in the form of active investigations or trial proceedings. In another 13% of the cases, a period of one year or less had passed

between the initiating event and the attempt. The two most extreme cases involved the same offender targeting the same group of individuals. In that instance, the first attempt was ten years after the fact and the second, thirty years later.

In the cases of a perpetrated attack, where the case was solved, 48% involved an offender facing charges at the time, either in the form of active investigations or trial proceedings. Three of the cases spanned a period of one year or less between initiating event and the attack. Other cases involved offenders waiting between three and six years before conducting their attack. Finally, the two most extreme cases involved an offender killing one of his targeted victims thirty years after the initiating event. The second case involved an offender killing his targeted victim forty years after their initial encounter. (Note: While this offender had had dealings with the targeted officer as recently as three years before the attack, at the time of the arrest, he had citations issued to him by the officer from 40 years earlier.)

Summation of Analysis:

The analysis of targeted violence upon the justice community to this point has sought to identify the converging and diverging factors between attempts and completed attacks. While the research found revenge to be the overwhelming common motive, there was a major difference with those seeking to derail/delay. Within that category, the attempts outnumbered the attacks by a factor of nearly three. While attempts and attack activity was consistent across the calendar year, there was considerable divergence in the timing between the initiating event and the attempt/attack activity.

ATTEMPTED TARGETED VIOLENCE

Offense Characteristics

As indicated in the previous section, there were seventy incidents of an attempt to attack a member of the justice community between January 1, 1950 and December 31, 2012. In total, 112 people were targeted. Most of the incidents of attempted attack involved one target (66%). However, in 34% of the cases, multiple targets were identified by the offender(s). There were twelve incidents that involved two targets, seven incidents that involved three targets and five that involved four. In addition to the targeting of the justice community, in eight of these incidents one or more witnesses or victims were also identified as a target of similar violence.

A primary offender, defined as the individual with the motive for the attack, was identified in all seventy incidents. However, in ten of those cases, there were joint primary offenders. In 83% of the attempts, the primary offender(s) solicited another to perpetrate the crime. Of these, nine solicited within their own organization or sphere of influence (sophisticated criminal networks or traditional organized crime). The other forty-nine reached out to individuals either known or believed to be willing to undertake such an operation, usually fellow inmates perceived as being dangerous. The remaining 17% of primary offenders plotted the attack without any known assistance. In total there were 101 offenders, including the primary, identified as being involved in the seventy incidents of plotting and/or, solicitation to murder (Note: These statistics do not include individuals who were solicited to commit the crime or informants that notified law enforcement nearly immediately).

Target Characteristics

The professional distribution of the targets of the attempted offences was:

- Judge – 35%
- Prosecutor – 34%
- Law Enforcement – 31%

Witness/Victims – Eight were targeted in conjunction with the justice member. In one case, one primary offender wanted all fourteen victims/witnesses in the case to be killed.

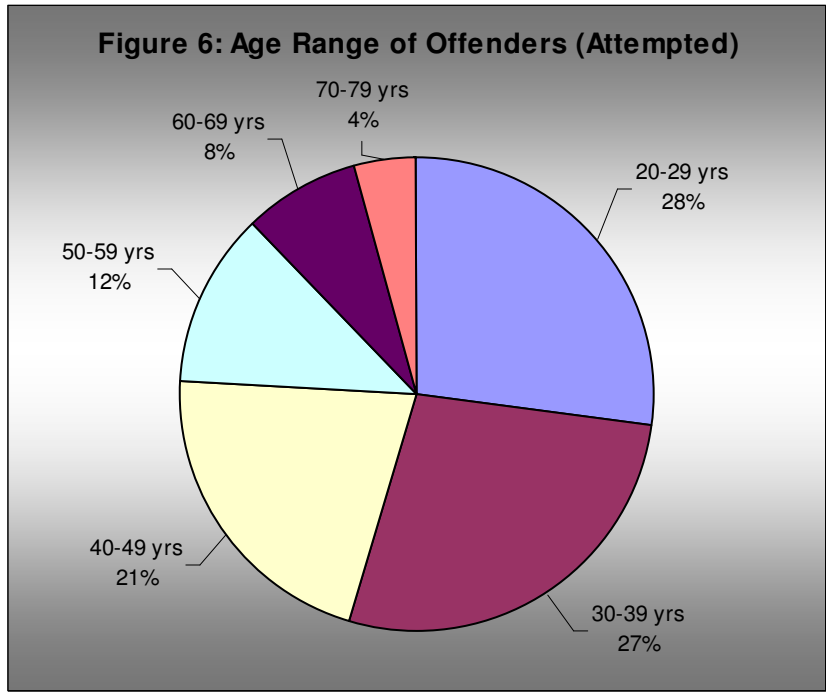
As might be expected, males were the predominate gender of targets accounting for 78% (Note: In 14 of the cases, the gender of the target could not be identified).

Offender Characteristics

Caucasian was the identified race of the offenders in 57% of the events. Blacks accounted for 29%, while Latinos were responsible for 13% of the attempts. In one case, an offender was of East Indian origin, while another eighteen could not be determined.

The gender distributions of identified offenders involved in the attempted offenses were males (82%), and females (18%).

The age distribution of the identified offenders was found to be concentrated between those in their twenties through their forties. However, there were a surprising number of offenders in their 50's and older (See Figure 6). In seventeen of the cases, the exact age of the offender could not be determined.



Forty-three out of the seventy primary offenders were found to be in custody at the time the plot was discovered. The charges these defendants were facing leading to the attempts were mostly of a violent nature, following by closely by narcotic related offenses (see Figure 7).

Figure 7: Type of Charges at time of event

Number	Charges	Number	Charges
15	Violent Crimes	2	Stalking Crimes
10	Narcotic Crimes	1	Vehicular Manslaughter
9	Fraud Crimes	1	Child Molestation
3	Property Crimes	1	Perjury
3	DUI Crimes	1	Probation Violations
2	Weapon Crimes	5	Civil Cases
2	Arson Crimes	5	Unknown

Detection and Progression of the Attempted Offenses

Police intervention, by means of a variety of tactics, successfully prevented sixty-six attempts to attack. In thirty-six of these cases, the individual approached by the primary offender was either already a confidential informant for police, or reported the threats immediately to law enforcement. In some instances, the reporting parties agreed to work with law enforcement on the investigation. In sixteen of the cases, an Under Cover Officer was introduced as a hitman willing to take on the contract.

Attack Planning Continuum:

While planning is a key component to a competent targeted attack, in only a few instances was the type of planning able to be ascertained. Beyond determining the type of attack to be conducted and who would carry it out, essential information on a target can be only acquired through what is referred to as Intelligence, Surveillance, and Reconnaissance (ISR). Intelligence collection via open sources was documented in at least seven cases. Surveillance of the targeted individual(s) was also documented in seven of the cases. Finally, Reconnaissance of residence and/or office location(s), where the potential attack was to occur was noted in ten of the cases.

Summation of Research – Attempted Attacks:

The analysis of attempts to attack members of the justice community identified a number of factors, which are summarized below:

- There were 112 targets or intended victims and 101 offenders involved in the seventy attempted targeted attacks.
- Multiple targets made up 34% of the intended victims (there were twelve incidents that involved two targets, seven incidents that involved three targets, and five involving four targets).
- 82% of the offenders were male, 18% female
- Three quarters of offenders were between 20 and 49 years of age.
- Over half the offenders were white, with blacks involved in another quarter.
- Offenders facing charges of violent crimes were the most likely to plot an attempted attack, followed closely by narcotic and fraud related crimes.
- The most common motive in the attempted targeted attacks was revenge.
- Nine of the attempted attacks stemmed from criminal networks
- Once the matter was brought to the attention of law enforcement, only sixteen were known to have been investigated by means of an undercover operation.

COMPLETED TARGETED ATTACKS

Offense Characteristics

Within this study period, there have been sixty-three targeted attacks of which 65% were successful, in that the targeted victim was killed (Note: Of these attacks, three were perpetrated by the same offender against the same target, all of which failed to kill. These were counted as completed due to the method of attack being a booby-trap device that was installed, yet failed to function. However, they were counted as one in terms of race, and gender of the offender). Further, there are currently sixteen cases of targeted attacks that have never been solved, ten of which were successful in killing the targeted victim.

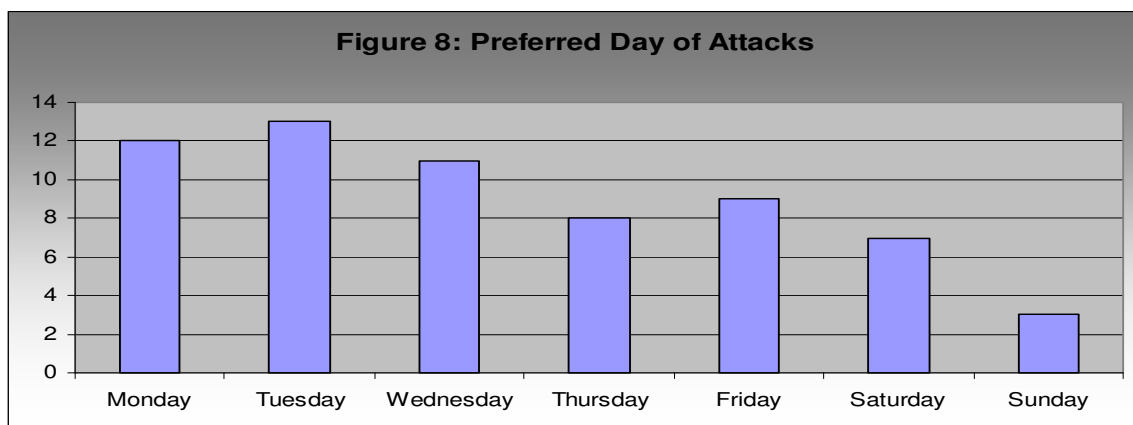
There were ten cases of attack, in which a person solicited/incited/or ordered the killing conducted through a third person, the proverbial hitman or assassin. All of these attacks involved the killing of one target.

The offenders of thirteen of the attacks were involved with organized criminal groups, either, ordering the attack or members acting on their own accord. These groups included traditional Italian mafia, outlaw motorcycle groups, and sophisticated local criminal organizations and street gangs.

Of the cases that were solved, thirty-four incidents involved only one offender. There were five incidents involving two offenders, three incidents involving three offenders, four incidents had four offenders, and one incident with five offenders.

Patterns of Attacks:

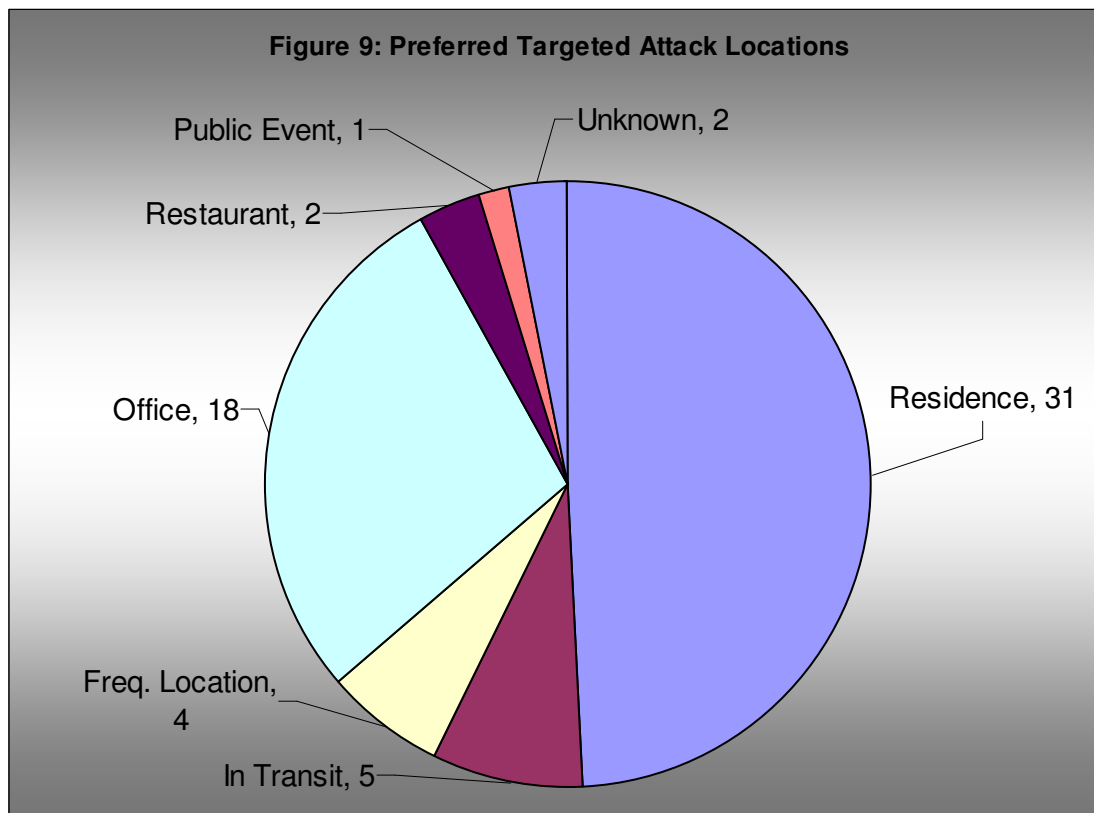
Offenders targeting another for attack are generally handicapped in terms of when they can strike, by the habits and routines of their target. While these personal and occupational routines are unique to each individual, most fall within a generalized form and thus can be surmised by an offender. Hence, there was no specifically identifiable pattern of attack activity regarding the day of the week the event would occur (see Figure 8). However, the traditional weekends accounted for the lowest occurrence of attacks, likely due to the loss of the targets occupational routines.



Beyond the day of the week in which an attack was conducted, assessment of the time of the day selected, if known, found that 37% occurred during the morning hours. The afternoon hours accounted for 23% while the evening/night hours recorded 27% of the attacks.

Location of Attacks:

The residence was the known location of 51% of the targeted attacks (see Figure 9). Of those, 68% were successful in that the offender killed his target/victim. In only six instances was the home physically penetrated by the offender during the attack. In four of the attacks, the offender knocked at or rang the doorbell and calmly waited for the victim to answer. The target's office was the scene of 30% of the attacks and achieved a 59% rate of success. Note: The office, courthouse and courtroom were all counted as the same given the common occurrence throughout the United States of all three being located within the same structure(s). Further, no law enforcement officers were attacked at an office/courthouse.



Victim Characteristics

Most perpetrated targeted attacks involved males as the victim 92% of the time. Note: This statistic counts the three attacks by the same offender against the same target as one incident. Only five females were found to fall victim to attack, in contrast to the 22% of females targeted in attempts.

The professional distribution of the victims most often targeted were members of the judicial branch, accounting for 43% of all attacks. However, in contrast to the attempts where law enforcement was the third most targeted profession, they suffered the second highest number of completed attacks, 30%. Prosecutors made up the remaining 27% of victims.

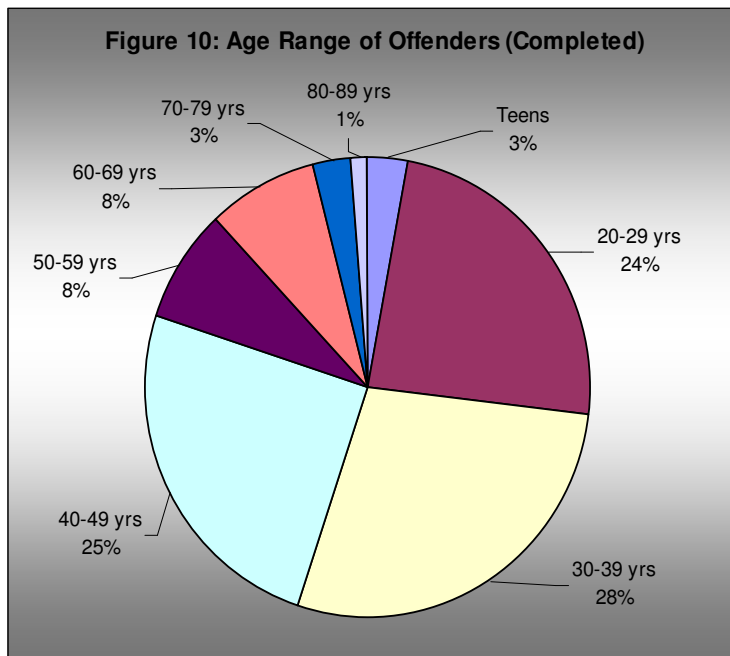
Interestingly, there were ten judges that were victimized, which stemmed from cases unique to the judiciary (i.e. civil cases, including divorce, child custody, etc) and thus falling outside of those that would be encountered by prosecutors and law enforcement officers.

Offender Characteristics

In the forty-seven completed attacks that were solved, seventy-four offenders were ultimately identified as being involved (Note: the three attacks perpetrated by the same individual counted as one). Sixty-three were arrested, charged and convicted. The other eleven offenders were either killed by law enforcement or committed suicide prior to their capture. Two offenders were found to have set their residences on fire either prior to, or immediately after conducting the attack.

There was only one female known to have actually murdered a member of the justice community. The remaining seventy-three known offenders were male.

The racial breakdown, of the seventy-four known offenders was white (78%) of the time. Blacks accounted for 20%, while there was only one case involving a Latino and one involving a Lebanese man. The sole female offender was white.



The age distribution of the offenders was consistent with those identified in the attempts, including the number of offenders in their fifties and beyond (see Figure 10). In nineteen cases the age could not be determined. There was also a single attack in which the two offenders were nineteen years of age.

Twenty-five out of the forty-seven primary offenders, i.e. those wanting the justice member attacked, had a criminal or civil proceeding occurring at the time of the event (see Figure 11). The remaining either had no active cases or involved unknown offenders.

Figure 11: Offender Charges Pending

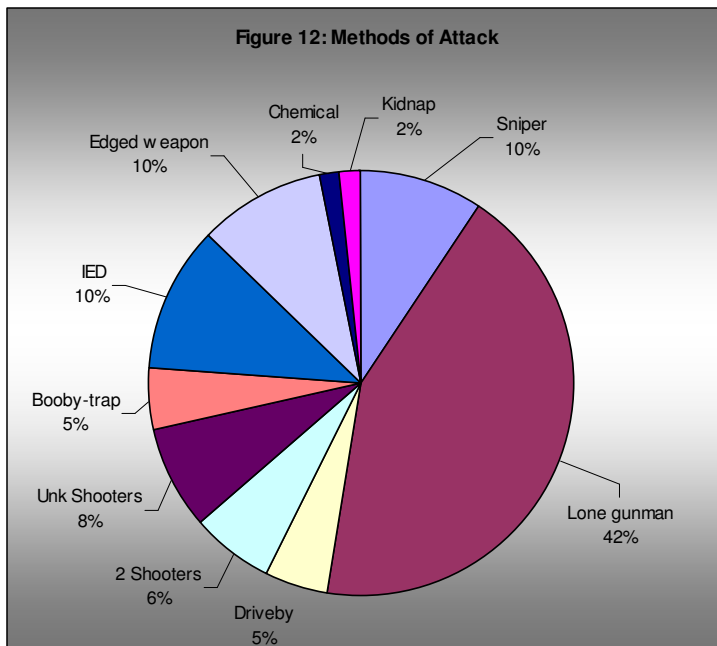
Number	Charges	Number	Charges
7	Violent Crimes	1	Traffic Violations
7	Narcotic Crimes	2	Divorce Cases
2	Child Molestation	5	Civil Matters
1	Alcohol Crimes		

Examining the criminal history of the known offenders, 65% were found to have a criminal past at the time of the attack. Of those, twenty-eight had a history of violent offenses.

Offenders involved in organized crime or sophisticated street level criminal groups (Note: not all of the attacks were at the behest of the organized group) were involved in 62% of the attacks. Twelve of these offenders were either leaders or fell within the senior leadership of the organizations. Seventeen of these men were acting on the orders of their criminal groups. However, unlike those attempts to solicit the attack/murder of a member of the justice community, whereupon the primary offender contacted perceived dangerous individuals, in the perpetrated attacks, the primary offender reached into his own organization or sphere of influence to orchestrate the attack.

Methods of Attack

The firearm was consistently found to be the preferred weapon of choice in completed attacks, accounting for 71% (See Figure 12). The handgun, was the most preferred type of firearm to be employed (whether used as the tool of death, or to overcome initial resistance on the part of the victim), having been used in forty-six of the attacks.



Accounting for over half of all attacks, the lone gunman was the most common method of operation. In 10% of these, the lone gunman took the form of a “sniper” style attack making use of a rifle. While

perhaps perceived as the quintessential method of assassination, it has actually seen relatively infrequent use, documented in only twenty-seven targeted attacks worldwide between 1950 and 2009 (McGovern, 2010).

In at least three of the attacks, suppressors were either known or alleged to have been employed. In two of these incidents, the suppressor was of an improvised construction. In all three, the offender was successful in killing their target.

Attacks using explosives remained a relatively rare method of attack, accounting for only 10% of the cases. Note: Three of the “booby-trap” based attacks did not employ explosives.

In addition to having the highest rate of occurrence, attacks by the lone gunman had one of the highest rates of success with 89%. Only attacks by “2 Shooters” obtained a better rate with 100%. While the sniper was successful 50% of the time, driveby style attacks achieved only a 33% success rate. Attacks employing an edged weapon attacks were successful 33% of the time. Interestingly, IED attacks, including the one explosive based booby-trap, obtained only a 33% rate of success. The three remaining booby-trap based attacks were unsuccessful (Note: It was these three attacks that were conducted by the same offender against the same target over a period of several months).

Assessment of Solved and Unsolved Completed Targeted Attacks

The final aspect of the research into completed targeted attacks involved a comparison between the solved and those that remain unsolved. The primary purpose was to determine the presence of any identifiable elements common to solved targeted killings that could be used in the investigations of the remaining unsolved attacks.

In summary, there were sixty-three completed targeted attacks in the United States upon members of the justice community occurring between January 1, 1950 and December 31, 2012. Unsolved cases had the most activity during the months of December and August, each accounting for 25% of the attacks. Solved cases recorded the majority of attacks during the months of March (13%) and December (13%), with the remaining months accounting for between 8% and 11%.

Most were likely to occur during the traditional work week, unsolved (81%), recorded most attacks on Tuesday, Wednesday and Friday each accounting for 19%; while solved (84%), documented most attacks on Tuesday (22%), Monday (20%), and Wednesday (17%). In terms of time of day, the unsolved cases occurred most often (43%) during the evening hours of 1800 and 2100 hours. Conversely, with the solved cases, most occurred during the morning hours (26%) followed by the afternoon (24%).

The location of the attacks revealed statistically little difference between the ratios of solved and unsolved. The residence accounted for the highest occurrence of attacks of which 52% were solved, while the office was the site of 33% of the solved cases. The only noted difference lay in attacks staged while the target was in transit. In those instances, the solved accounted for only 2% of the total attacks.

Summation of Research – Completed Attacks:

The analysis of attacks on the members of the justice community identified a number of factors, which are summarized below:

- There were forty-one victims killed in the sixty-three attacks
- 77% of the victims were killed with a firearm
- Sixteen of the completed targeted attacks remain unsolved as of the date of this study, of which ten were murders
- The most common motive in completed targeted attacks was revenge (53%)
- A single offender was behind 72% of the attacks
- As with the attempts, three quarters of offenders were between the ages of twenty and forty-nine
- Three quarters of offenders were white, with blacks responsible for nearly the remaining quarter
- Over half of the offenders had a criminal history, many for violent offenses

CONCLUSIONS

When a member of the justice community is murdered, it is always news worthy. While the nature of the professions demands interaction with dangerous people, judges, prosecutors and cops do not necessarily move within the same circles. This targeted violence is also noteworthy for what it represents to society as a whole. A person willing to kill a cop, a prosecutor or a judge has no respect for the rule of law, and thus would not hesitate to kill a civilian.

Nevertheless, crime affects the justice community as much as anyone else. During this same period of study, cops, judges and prosecutors were victims of fraud, burglary, assault and even murder. Yet these crimes were not due to their respective professions. Like any other average citizen, some were in the proverbial “wrong place at the wrong time.” In others, the violence stemmed from domestic issues gone awry. In the initial minutes and hours following the discovery of an attack upon a member of the justice community, the first questions pondered are whether it is related to the hundreds if not thousands of criminal cases the victim handled, or if it is of the more commonly encountered violent crime. Therein lay the difficulty for investigators assigned to these exceeding complex cases, differentiating between random and targeted.

This difficulty is only exacerbated when there are limited to no witnesses, the victim is killed, and no one is in custody. There is perhaps no better illustration of this than that which occurred on August 5, 1965, in Louisville, Kentucky. On that day, the battered body of a young woman washed ashore from the Ohio River. The enormity of the case quickly became clear when she was identified as 35-year-old Alberta Odell Jones. In February of that year, she had become the first female, African American Prosecutor for the Louisville City Attorney’s Office. Certainly, such a profile in the American South during the racially charged 1960’s could easily lead to the assumption that she had been targeted, but had she? Tragically, the case would remain unsolved for forty-five years, until in 2010, a man believed responsible was interviewed in Orange County, California. While the lack of evidence would prevent the man from being taken into custody, investigators would come away with an answer to that first initial question, she had been a random victim. Sadly, whether that is definitively the case or not shall forever remain an enigma.

This study revealed a number of points that demand consideration by the justice community from both the perspectives of subsequent investigations as well as potential targets/victims. In every documented and solved incident, there was a relationship, a link, between the target/victim and the offender. While often masked behind the sheer volume of cases a justice member handles within a given year, or career, nevertheless, it was present, and thus can be found. Within the attempts, 83% of the offenders were facing pending charges at the time the plot was conceived. Many of these individuals were in fact, in custody. This carried through, albeit at a reduced frequency of occurrence with 48% of the completed attacks. At a minimum, this serves to assist investigators by initially narrowing the list of possible suspects.

The most apparent critical factor differentiating the attempts from the perpetrated attacks comes down to communication. The vast majority of completed attacks involved either lone offenders carrying out their own revenge, or organized and sophisticated criminal groups operating either on their own or within their organizations to conduct the attacks. Conversely, the majority of known attempts happened when the primary offender, either solicited an unknown, untested individual, and/or openly discussed the operation.

One of the more troubling findings, from the perspective of targets/victims, was the location of the majority of attacks. The increasing frequency of violence occurring at the residence (62% since 2000) is problematic at a number of levels. As courthouse/office locations continue to have physical security enhanced and hardened, a factor not likely lost on potential offenders, only serves to force more attacks to occur away from these areas. While difficult to predict, attacks occurring at the residence or while in transit, will likely continue and even increase. Lacking the presence of armed officers, alarm systems, closed circuit television cameras and security lighting, all play to the benefit of offenders while leaving targets exceedingly vulnerable.

Our homes are our castles and are supposed to be areas where we can safely let down our guard. For the most part we can. However, it is precisely the nature of this environment that leaves us vulnerable. Even highly trained and experienced law enforcement officers are not generally prepared to deal with an attack at the threshold to their home. The suspect that calmly knocks at the door, takes advantage of human nature, while waiting for their victim to answer. No one wants to turn the home into a fortress/prison and the reality is there is not a need. In the attacks studied, only six occurred inside of the home after the offender forced his way inside. From a tactical perspective, the interior of a home is fraught with unknowns. Outside, a target is vastly more vulnerable and thus easier to strike, while limiting the chances the offender might be detected and/or subverted in their goal. Thus, the focus of one's vulnerability needs to be in these areas.

As this report was being written, a prosecutor was murdered while he walked to his office. The killing had all the hallmarks of a targeted attack and remains unsolved. Within weeks of that attack, a family member of a retired senior police officer was murdered at her residence. This targeted attack stemmed from the offender seeking revenge upon that senior officer. While neither was included in this study, it never the less serves to highlight the trend of rapidly increasing targeted violence focused upon the justice community. In the first three years of this decade, more attempts and almost the same number of attacks have been recorded than occurred throughout the 2000's, a trend that will likely worsen. In this atmosphere of continuing violence targeting the justice community, it is critical we remain aware of our vulnerability and more importantly an awareness of our surroundings.

ABOUT THE AUTHOR

Glenn McGovern is currently a Senior Investigator with the Santa Clara County District Attorney's Office – Bureau of Investigation. He has over two decades of law enforcement experience having worked in a variety of positions. For twelve years, he was involved in SWAT and special operations dealing with high-risk operations, protective details, threat, and risk assessment. For three years, he was assigned fulltime to the FBI Joint Terrorism Task Force in San Jose, conducting international terrorism investigations. He is also a California State DOJ certified Crime/Intelligence Analyst.

He has authored two books, *Protective Operations: A Handbook for Security and Law Enforcement* (CRC Press, March 2011) and *Targeted Violence: A Statistical and Tactical Analysis of Assassinations, Contract Killings and Kidnappings* (CRC Press April 2010), as well as a dozen articles appearing in *The Counter Terrorist magazine*, *POLICE Magazine*, *LAW and ORDER*, *the Journal of Counter Terrorism*, and *Perspectives in Terrorism*.

He is presently at work on a new book, which details the events of targeted attacks upon members of the justice community here in the United States and abroad.

REFERENCES

Arnold, Thomas K., *A Head of Steam*, The San Diego Reader, March 20, 1997,
www.sandiegoreader.com/news/1997/mar/20/head-steam

Brandlin, James R. *Protecting the Homefront: The Importance of Personal Security and Judicial Privacy Protection Away from the Courthouse* Los Angeles Superior Court, Los Angeles, California

Borum, Randy *Preventing targeted violence against judicial officials and courts*, University of South Florida, January 2001,
http://works.bepress.com/randy_borum/30

Calhoun, Frederick S. and Stephen W. Weston, *Protecting Judicial Officials: Implementing an Effective Threat Management Process*, U.S. Department of Justice, National Institute of Justice, June 2006

Gomez, Mark and Sean Webby, *Prosecutors face threats*, San Jose Mercury News, August 13, 2011, page 1, 6

McGovern, Glenn, *Targeted Violence: A Statistical and Tactical Analysis of Assassinations, Contract Killings and Kidnappings*, CRC Press, Boca Raton, 2010

Petersen, R. Eric and Jennifer Manning and Erin Hemlin, *Violence Against Members of Congress and Their Staff: Selected Examples and Congressional Responses*, Congressional Research Service, January 25, 2011

Protective Intelligence & Threat Assessment Investigations: A Guide for State and Local Law Enforcement Officials, U.S. Department of Justice, National Institute of Justice, July 1998

Report on the Security of Federal Prosecutors, U.S. Department of Justice, October 2008

Review of the Protection of the Judiciary and the United States Attorneys, U.S. Department of Justice, Office of Inspector General, Evaluation and Inspections Division, December 2009

United States of America, Appellee v. Susan Viola Klat, Appellant, 213 F.3d 697 (D.C. Cir. 2000)

He's the author of the book Targeted Violence as well as the recently published study "Murdered Justice: An Exploratory Study of Targeted Attacks on the Justice Community." McGovern, a former SWAT officer, spoke with us from Santa Clara County, Calif., where he works for the district attorney's office as an expert in threat, risk and vulnerability assessments. There's not a lot of information on targeted attacks on members of the justice community, which includes prosecutors, McGovern said, at least not a lot that isn't classified. "I just started researching The U.S. is in the midst of an unprecedented spike in targeted attacks on the justice community, says law enforcement researcher Glenn McGovern. "We've never had this many in such a short period of time," McGovern told Yahoo News. "This is the most heinous type of crime because it's premeditated." An average year might see one or two assassination attempts on a judge, prosecutor or law enforcement member. In the first three months of 2013, there have been six apparent targeted attacks resulting in six deaths, including the possibly related Kaufman County, Texas, cases. "Watch your mail and your neighborhood. Be aware of anything." Murdered Justice: An Exploratory Study.