

WYOMING COURT SECURITY COMMISSION MINUTES

Cheyenne, WY – August 19, 2008

Call to Order/Roll Call

The first public meeting of the Wyoming Court Security Commission was held in room B-63 of the Herschler Building, at Cheyenne, Wyoming on August 19, 2008. Director Joe Moore of the Wyoming Office of Homeland Security (WOHS) called the meeting to order at 10:00 am. Roll call was taken by Pam Nelson, WOHS Administrative Assistant.

Commission members present were: Wyoming Office of Homeland Director, Joe Moore, Senator Robert Fecht, Judge Denise Nau, Judge Jeffrey Donnell, Justice William Hill, Commissioner Bill Brewer, Police Chief Lori Emmert, Sheriff Skip Hornecker, and Ms. Jeani Stone, Campbell County Attorney. Representative Kermit Brown was absent.

Introductions

Introduction of Commission members and guests was led by Director Moore. Also in attendance were Mr. Tony Rose, United States Marshal for Wyoming; Deputy Dave Coulter from Teton County Sheriff's Office; Ms. Holly Hansen, State Court Administrator; Ms. Char Madden from Laramie County Sheriff's Office; Mr. David Harris, Director of Wyoming Law Enforcement Academy; Chief Justice Voigt, Wyoming Supreme Court; Mr. Joe Evans, Wyoming County Commissioners Association and George Parks, Wyoming Association of Municipalities and Mr. John Heller, WOHS.

Selection of Chairperson

Judge Donnell motioned to nominate Director Moore as Chairman of the Wyoming Court Security Commission and a second was given by Justice Hill. Director Moore agreed to accept the nomination and position as chairman.

Opening Remarks

Opening remarks by Chief Justice Voigt began with a thank you to the Commission for allowing the Court Security Interrogatory to be sent to judges, sheriffs, and county commissioners. He indicated problems within groups are different. Some problems he listed were: county owned buildings built without security, lack of funding and personnel issues, i.e., such as whether security is provided by county sheriff's officers or state employees. Also many courthouse buildings are 80-100 years old and there are issues with transporting prisoners between detention facilities and courthouses. Chief Justice Voigt stated each county courthouse needs an emergency plan with written policies and procedures.

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Review of Implementing Statute and Actions Taken Prior to First Meeting

Director Moore reviewed implementing the Court Security Statute and stated the Commission, under this statute, must meet at least twice per year.

According to the Action Plan for this Commission, which was in each Commission member's packet, four tasks need to be addressed by September 2009. These are listed under the standards sections (e) (i) of Wyoming Statute § 5-11-101 and include:

- A. Requirements concerning equipment, facilities and architecture for court security purposes.
- B. Basic training requirements for peace officers authorized to act as court security officers;
- C. Basic protocol and procedures for court security; and
- D. Requirements for the establishment of local court security management committees.

Director Moore commended Deputy Coulter and Mr. Harris on courtroom security training for peace officers conducted in March 2008 at WLEA.

Director Moore asked if the Commission desired to break down these four tasks into individual items to be worked on by separate committees. Judge Donnell recommended doing so. Ms. Jeani Stone indicated first gathering court security information on each county to get an idea of what works best for each county. Judge Donnell indicated the Commission currently has a great amount of information and suggested the Commission divide into groups now to begin working on these tasks. Director Moore gave the final determination to have these tasks divided up. With reference to the four items above, the following were listed as Task A, Task B, etc. These tasks were divided into committees with the following persons working on each committee. The first person listed represents the Chairman:

- Task A – Sheriff Hornecker and Senator Fecht
- Task B – Chief Emmert and Judge Nau
- Task C – Judge Donnell, Justice Hill and Ms. Stone
- Task D – Commissioner Brewer and Representative Brown

A sufficient number of surveys have been received from sheriffs and judges. A follow-up letter was sent out approximately three weeks ago reminding others to return these surveys to WOHS. A disc will be mailed out the last week of August to Commission members for review and comments to be returned directly to Director Moore at Wyoming Office of Homeland Security, .

The Wyoming Joint Interim Judiciary Committee will meet in Cheyenne September 8 and 9. During that timeframe a preliminary report from each committee working on these four tasks will be presented to this committee.

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Summary of Court Assessments to Date

Marshal Tony Rose presented a summary of court assessments to date. He congratulated all counties involved in the survey. It was his opinion all strengths and weaknesses should be addressed at an executive rather than public meeting due to the sensitive nature of this subject. Marshal Rose said he had received much negative feedback on court security. One item he suggested was having funding in place before changes were made. He said the hardest part of change is implementing the change and judges are the most resistant to change because they want to be accessible to their constituents. Each county courthouse should be equipped with a magnetometer, x-ray machine and itemizer at the approximate cost of \$100,000 per county. Currently off duty guards are hired to supplement sheriff's officers at \$25 an hour during big trials and there is an inability to hire other law enforcement officers for this purpose because they make a higher hourly wage. The average cost of court security per trial is \$35,000.

Judge Donnell asked Marshal Rose if there were common problems when looking at these assessments. Marshal Rose indicated he was uncomfortable speaking about them at a public forum. He indicated two common problems found in assessments; one was about door security and another funding. In the case of door security, he gave the example of the Lincoln County Courthouse with sixteen doors. Judge Donnell also asked how much willingness there was to implement changes and Marshal Rose said the public was the biggest obstacle in making changes and there have been no follow up after assessments were completed

Marshal Services actually went to each county to observe and made security recommendations.

Sheriff Hornecker wanted to know if all counties were assessed. It was his understanding only those counties requesting assessments were done. Marshal Rose replied all requests were observed.

Deputy Coulter represents Court Officers and Deputies Association (CODA) and indicated CODA performs assessments in counties the same as Marshal Services does. The Local Court Security Management Committee is included in the first paragraph of the survey CODA uses and the committee is consists of every stakeholder in the facility. There are follow ups to the completed assessments.

The first 40-hour course on court security was conducted at the Wyoming Law Enforcement Academy (WLEA) in March 2008 with 16 law enforcement officers attending. Comments from this course were very positive. As was the case in this situation, Deputy Coulter indicated training can be adjusted as necessary for the groups being trained.

Senator Fecht asked if the Commission could receive a copy of the WLEA training curriculum. Mr. Harris indicated a copy would be provided to the Commission.

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Senator Fecht asked if there was knowledge of other states completing a court security plan. Deputy Coulter indicated Virginia has completed a plan which was spearheaded by Court Security Director, Jimmy Barrett. This plan is also on CD.

Deputy Coulter stated Marshal Services does not have same problems CODA does with assessing courts because all federal courts have uniform standards and county courts are unique to each county and it cannot be worded they will all be the same. Instead it may be worded "this is what you want the county to attain". Judge Donnell said there needs to be some minimum standards for each county. Committees can work out the details to build to the standard level. Judge Donnell stated the committees are the focal group to keep the public's consciousness on the issue of court security.

Ms. Stone asked if there were any communities having local court security management committees? Deputy Coulter replied, "Lincoln and Fremont Counties".

Ms. Stone stated most hostile areas in courthouses are elevators and hallways and Deputy Coulter said courthouse grounds and parking lots are also areas where there is much volatility.

Ms. Stone also asked if there has been much resistance from sheriff's officers regarding these assessments. Deputy Coulter stated the sheriffs are strongly in support of the assessments because court security falls under the responsibility of the county sheriff.

Sheriff Hornecker asked if CODA has minimum considerations within the assessments and if the format is available on disc. Deputy Coulter replied the Court Security Resource guide has information in it.

Commissioner Brewer stated he receives negative feedback from the County Attorney and Sheriff due to funding. "There's no way we will ever be able to protect everyone in a courthouse." Deputy Coulter replied, "it all comes down to funding and justifications." Director Moore stated the Wyoming Court Security Act allows the Commission to submit recommendations to the Legislature for distribution of funds to counties as appropriated for court security. This is a very important part of the act.

Court Security Training

Director Harris gave a presentation on Court Security training. Court security at WLEA in March filled the current niche of the 16 trained officers. Sheriff Hornecker recommended a special course at WLEA for seasoned officers who are more focused in the area of court security and Director Harris supported this idea because the course curriculum was adjusted for more experienced officers at the time this training was conducted. Mr. Harris would like to have yearly courtroom security training but needs to have the capacity at WLEA.

Director Harris indicated within training issues and needs, it is necessary to look at diversity of courtroom settings, resources available and ways to enhance security. He

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posed the question as to whether a train-the-trainer course could be taught in each county to make the law enforcement agencies more self-sufficient. Director Harris is willing to assist the Training Committee with needs assessment.

Senator Fecht asked how many cities provide security for municipal courts. Director Harris stated Casper and Cheyenne may be the only two cities providing municipal court security. Sheriff Hornecker stated there is a huge difference in duties performed between officers for court security and bailiff.

Ms. Stone said more small county courts are hit with high profile/volatile cases, therefore more training may be necessary. Judge Donnell stated the concern he sees are in more small day to day domestic cases than in high profile ones, because with high profile cases, there is much more awareness given to them.

Judge Nau asked a question about jurisdictional responsibilities relating to court security. She mentioned in the case of county court, the Sheriff would be responsible for courtroom security, but would the city SWAT team respond to a hostage situation?

According to Senator Fecht, the SWAT team would respond to this situation because although the court is a county facility, it is within the city's jurisdiction. Sheriff Hornecker stated in his county the tactical crisis team would be used. All law enforcement could be involved, depending on the situation.

Overview of Interrogatory Sent to County Commissioners, Judges and Sheriffs

Mr. Heller presented an overview of the Interrogatory sent to judges, sheriffs and county commissioners. **Please refer to the attachment 1 (Key Points from the Interrogatory) for more information.**

Each committee working on the standards for the preliminary report to be presented to the Wyoming Interim Judiciary Committee September 8 and 9, will soon receive a formal letter from Director Moore outlining what needs to be in the report.

Judge Nau asked if there would be any objection to visiting other jurisdictions to see how courtroom security was set up. Director Moore said it would be agreeable to do so.

Guests' Comments

Mr. Joe Evans from Wyoming County Commissioners Association (WCCA) stated public access in the courthouse is a big issue and physical structures of courthouses vary so much from county to county making it difficult for the commissioners to justify the cost for court security. Sheriff Hornecker wanted to know at what level the commissioners were discussing court security as a priority. Mr. Evans indicated with Commissioner Brewer's help, they will keep the county commissioners apprised on this issue, but it is not a priority with the commissioners. Judge Donnell agreed it was a low priority with commissioners but they do need to buy in on this.

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Ms. Stone said commissioners may need to be educated on security issues within their counties. Mr. Evans stated due to the high turnover rate of commissioners (45 new commissioners since the 2004 and 2006 elections), it is important to constantly keep this issue in front of the commissioners.

Mr. George Parks, Executive Director of Association for Municipalities (WAM), thanked the Court Security Commission for the invitation to attend this meeting and said he would like to obtain, for the municipalities, the information presented from this meeting. It was suggested by Director Moore WCCA and WAM may want to include the Court Security Commission on their agendas.

Sgt. Char Madden, representing Laramie County Sheriff's Office, indicated their big concerns were training, manning and funding. She said Laramie County recently received cameras in all courtrooms. Courtroom security consists of a Sergeant, Corporal, two full time deputies working 43 hours each week and four part time deputies working 20-40 hours each week. These deputies come from the detention center. All of these deputies received eight hour in-house court security training which is P.O.S.T. certified.

Courthouse security is from 7:30 am to 5:30 pm. Sheriff Hornecker wanted to know if the detention officers could affect arrest and Sgt. Madden said yes, anywhere in the courthouse or jail. Sheriff Hornecker's opinion was court security for the court should be provided by trained peace officers. Sgt. Madden stated dual certification for Laramie County detention officers and peace officers was not feasible due to funding and manning issues.

Sheriff Hornecker asked how many arrests have occurred in the courtroom. Sgt. Madden was uncertain. She indicated there had been no challenge of authority and Sheriff Hornecker clarified by saying power of arrest had not been breached. Ms. Stone asked if there was a comprehensive security plan in place. Sgt. Madden stated the Risk Management Team meets once a month to discuss things such as policies, fire drills, evacuation plans in the case of disasters and other security concerns. There are written plans and procedures in place.

Ms. Stone asked how prisoners were transported to and from jail. Senator Fecht said while security officers transmit inmates to the courtroom from the catwalk, they are armed, but not while in the jail. Sgt. Madden indicated there is one deputy to three inmates needed when transporting inmates from jail to the courtroom. Also, when transporting inmates to district court, inmates go in leg shackles.

Laramie County Circuit Court has three courtrooms. Two courtrooms are connected with three holding cells; District Court has four courtrooms. Two courtrooms are connected with two cells; Municipal Court has two courtrooms. One courtroom is connected with two holding cells and there is one holding area in the basement of the courthouse.

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Ms. Stone asked if there were panic buttons throughout the courthouse. Sgt. Madden replied there were and these alarms go directly to the court security desk, which is manned Monday through Friday from 7:30 am to 5:30 pm.

Second Meeting Schedule

The second Court Security Commission meeting is scheduled for November. E-mails will be sent to each Commission member to get their input about a date for the next meeting.

The Commission recessed at Noon for lunch and reconvened at 12:35 p.m.

Closing Comments by Commission Members

Sheriff Hornecker will jot down what might be considered for the court security process under the Equipment, Facilities and Architecture Committee.

Judge Donnell has been working on the Court Security Task Force for one and a half years prior to the creation of this Commission.

Justice Hill stated this brain child from this Commission came from the Wyoming Police Chiefs and Sheriffs Association.

Commissioner Brewer said he was glad to have this Commission.

Sheriff Hornecker said he was pleased to be on the Commission and knows there will be some resistance with the work they will be doing.

Ms. Stone indicated county and district attorneys suggested looking at courtroom versus courthouse liability issues.

Chief Emmert reminded the Commission not to omit municipal courts from the need for security. She reported the first training committee meeting was held during the lunch period at this Commission meeting.

Judge Nau stated she was glad to be part of this Commission and though Laramie County has a pretty good court security system, there is always room for improvement.

Adjournment

A motion was made by Judge Donnell to adjourn the meeting. Commissioner Brewer gave a second. The motion passed and the meeting adjourned at 12:45 p.m.