WYOMING COURT SECURITY COMMISSION MINUTES
Cheyenne, WY – April 13, 2009

Call to Order

Chairman Moore of the Wyoming Court Security Commission called the commission meeting to order at 1:02 p.m, April 13, 2009 in the second floor conference room of the Supreme Courthouse in Cheyenne, Wyoming.

Roll Call/Introductions

Roll was taken with the following commission members in attendance: Wyoming Office of Homeland Security Director, Joe Moore, Justice William Hill, Judge Denise Nau, Sheriff Skip Hornecker, Chief Lori Emmert, Representative Kermit Brown and Campbell County Attorney, Jeanie Stone. Guests included Danny Glick, Laramie County Sheriff; Joe Evans, Executive Director for Wyoming County Commissioners Association; Kevin White, Supreme Court Security Officer; Mari Ramsey, Representative from the Attorney General's Office; Joann Odendahl, Deputy State Court Administrator, and John Heller, Wyoming Office of Homeland Security.

Approval of Minutes

Motion was made by Sheriff Hornecker and a second was given by Judge Nau to approve minutes from the November 6, 2008 Wyoming Court Security Commission meeting. The motion carried.

Sub-Committee Reports

A. **Equipment, Facilities and Architecture**

Sheriff Hornecker referenced the February 13, 2009 letter he wrote to Chairman Moore outlining a compiled list of equipment to be considered as minimal to establish a court security process. The compilation was suggested and submitted by court security units throughout the state. One of the concerns addressed was the need to include an x-ray machine on the list. However, at the time the list was compiled, Sheriff Hornecker intentionally omitted it from the list, but indicated the x-ray machine may be included under optional equipment. Captain Bill Long was in disagreement with leaving the x-ray machine off the equipment list. Chairman Moore indicated he would like to get acceptance by the commission on the equipment/facilities list before a matrix is created to use in determining what equipment is needed in each of the counties and the cost of this equipment so it may be presented to the legislature. A motion was made by Chief Emmert to accept the equipment list prepared by Sheriff Hornecker. Judge Nau gave a second and the motion carried. John Heller will prepare a matrix, adding the x-ray machine.

Discussion did not progress to Facilities and Architecture portion of the report. Chairman Moore wanted to limit the discussion to equipment and address architecture under the topic of Court Security Standards. Judge Nau stated under architecture, advice needs to be given about separating courthouse/courtroom security, especially for new construction. Sheriff Hornecker will incorporate Judge Nau's statement in his list of recommendations.

B. Training

Chief Emmert provided the objectives and syllabus for the Court Security Training for Wyoming peace officers which was offered at the Wyoming Law Enforcement Academy (WLEA) in Douglas, Wyoming, February 23-27, 2009. This was P.O.S.T. certified training.

Captain Bill Long and Kevin White attended Court Security Training in Glynco, Georgia. Captain Long provided two handouts, one of which outlined courthouse security, courtroom security and inmate security within the confines of the courthouse. He gave an overview of the training received in Georgia and indicated he came away from the training without a good understanding of the specific equipment utilized for court security. The second handout provided 29 areas covered in certification process of those performing court security function. Some of the P.O.S.T. training offered at WLEA is consistent with training in Georgia, but needs to be expanded. Specifically, WLEA lacks sufficient training with regard to high profile cases.

Chief Emmert suggested the Training Committee along with Captain Long, Kevin White and others get together to look at completing a strategic plan for court security training. Chairman Moore recommended this committee move cautiously in the development of this plan. He also stated peace officers need to continue taking ongoing court security training.

C. Protocol and Procedures

Justice Hill spoke about recommendations concerning protocol and procedures for court security. The following is a list of specific issues that were addressed at the sub-committee meeting December 29, 2008 and specific information about each item is enclosed in the memorandum to the Wyoming Court Security Commission, dated January 7, 2009.

1. What is the scope of security that should be provided?
2. Which courts should be afforded security?
3. Which agency(ies) should be responsible for local court security and should there be some form of statewide oversight?
4. What authority should court security officers have?
5. Preparation of manuals and extent of security preparations.
6. What equipment, if any, should be required in all secure areas?

Justice Hill stated in item 1, the sub-committee recommended the scope of security provided should be buildingwide. Recommendation for item 2 was all courts (municipal, state and supreme) be afforded security. Item 3 recommendations included security for the Supreme Court should be provided by Capitol Security Division of the Wyoming Highway Patrol possibly in combination with a bailiff of the Supreme Court; local security for state courts should be provided by sheriff's offices in each county and security for municipal courts should be provided by municipal police departments or depending upon the contract municipalities have

with counties, the county sheriff. During the discussion to arrive at the recommendations for item 3, it was realized there may be additional expenses incurred if there was a combination of peace officers needed to provide security to courthouses, more specifically to Supreme Court or municipal courts. Also this may require statutory amendments to clarify issues concerning peace officer status for this function. Item 4 recommends court security officers be P.O.S.T. certified peace officers. Ms. Stone asked if detention officers would have arrest authority. Sheriff Hornecker responded that detention officers could have limited arrest authority (within the courthouse) if it was listed in their scope of duties. The sub-committee also recommended, in addition to having P.O.S.T. certified training, additional specialized training in court security is necessary. Item 5 recommends preparation of policy and procedures manuals covering security issues, practices and policies be prepared by local governments. Item 6 covers recommendations to determine specific equipment requirements for court security be determined at the local level by local committees with the assistance of competent experts. This item can be correlated with the presentation on equipment as presented by Sheriff Hornecker.

D. Local Management

Court Security Standards

Court security standards were drafted with the following recommendations:

1. The Sheriff shall have primary responsibility for providing court security for all district and circuit courts in his/her county.

   A. Nothing in this section shall interfere with the authority of a presiding judge when court is in session.

2. Effective July 1, 2009, all court security officers shall be Peace Officers in the State of Wyoming and shall complete a Court Security Officer course approved by the Wyoming Law Enforcement Academy within one year of initial assignment to duties as a Court Security Officer.

3. All individuals, other than those specifically identified below, shall be prohibited from carrying deadly weapons as defined in W.S. 6-1-104(a)(iv) into any courtroom covered by the Wyoming Court Security Act.

   A. This prohibition shall not apply to:

      i. The presiding judge

      ii. Peace Officers certified in the State of Wyoming

   B. Nothing in this prohibition shall preclude a judge from carrying a concealed weapon or determining who will carry a concealed weapon in the courtroom.

i. The presiding judge is strongly encouraged to advise the sheriff of those individuals they authorize to carry a concealed weapon in the courtroom so the court security officers, and any peace officers responding to an incident in the courtroom, are properly informed.

4. The Local Court Security Committee shall be chaired by the Sheriff. *Sheriff Hornecker suggested in this meeting the Local Court Security Committee also could be chaired by a representative from the sheriff's office. Judge Nau agreed with this suggestion and commented the Laramie County Court Security Committee is presently chaired by a Laramie County Commissioner.*

   A. The local Court Security Committee shall meet at least two (2) times per year.

   B. Presiding judges of the district and circuit courts in the jurisdiction will be represented on the local Court Security Committee.

   C. The other members and composition of the local Court Security Committee shall be decided, appointed and approved in writing by the County Commissioners.

   D. The local Court Security Committee shall determine the physical limits of the "courtroom" for the purposes of court security.

      i. Courtroom security may be extended to other parts of the facility in which the courtroom is located to provide adequate security.

      ii. Including court offices, connecting hallways, and other rooms as may be more efficient, effective, or otherwise necessary.

      iii. Limits may extend to include the entire courthouse and area within the cartilage.

(Discussion about Court Security Standards prior to making recommendations for these standards is attached for further reading.) Representative Brown stated the Court Security Commission needs to drive down to governing bodies closest to the public the necessity for court security standards. Joe Evans wanted to know if Representative Brown was getting opinions from constituents promoting legislation for court security standards and the process to invoke these standards. Mr. Evans agreed with Justice Hill, initially commissioners wanted security within the entire courthouse, but now he hears from commissioners there is differences of opinion on this issue. There is concern courthouse security may interfere with people trying to take care of routine business, such as the example Representative Brown gave of the man and woman going in to get their marriage license. Sheriff Hornecker indicated it is important to separate the court from the courthouse, especially with new construction and yet have it remain accessible to people to conduct their daily business. Reference to this is in the third to last paragraph of the Equipment, Facilities and Architecture sub-committee report included with these minutes. Chairman Moore stated the county commissioners would be responsible for making decisions about their respective courthouses. Chairman Moore requested each

commission member review the draft of the Court Security Standards and make comments about the recommendations, submitting these comments to Mr. Heller for compilation.

Presentation by Captain Long

Captain Bill Long gave a presentation on court security training he and Mr. White received in Glencoe, Georgia. (Please refer to this under the Training portion of these minutes.) Two pages of information on this topic was distributed by Captain Long and Mr. White provided handouts about 10 Essential Elements for Court Security to the commission. Mr. White will conduct an overview of court security for court clerks the week of April 20, 2009 in the Supreme Courthouse.

Comments

Chairman Moore expressed his appreciation to Justice Hill and Ms. Hansen for allowing the commission to meet in the Supreme Court conference room. He thanked Representative Brown for his support and guidance with House Bill 229. Although the bill died in the Senate, Representative Brown stated with more time to refine this bill, he would like to take another run at getting the bill passed. Chairman Moore asked Representative Brown if he would contact the Legislative Management Committee to make a recommendation to the Governor to fill the senator vacancy on the commission, which was vacated by Chief Robert Fecht. Representative Brown stated he would.

Ms. Stone, with the agreement of Justice Hill, recommended the chairman forward a letter to the appropriate county and state officials providing an up to date overview of the commission's background, action taken to date and proposed areas of concern with a focus towards the creation at the local level of a Court Security Management Committee. Chairman Moore agreed to prepare the letter for distribution.

Schedule of Next Meeting

Chairman Moore will notify commission members at a later time, the date and time of the next Court Security Commission meeting. The commission will need to meet prior to September 2009 to review the commission report, which is to be submitted to the legislature in September, as required by state statute. Chairman Moore requests this document also be approved by County Commissioners prior to the commission meeting.

Adjournment

Chairman Moore thanked those present for attending this meeting. The motion to adjourn the meeting was made by Justice Hill and Ms. Stone gave a second. The motion passed and the meeting adjourned at 2:32.