

Wyoming Court Security Commission

Record of Proceedings

Supreme Court Building, Room 237

Cheyenne, Wyoming

July 14, 2010

I. Call to Order

The Wyoming Court Security Commission public meeting was called to order at 10:00 a.m. on July 14, 2010, by Chairman Joe Moore at the Supreme Court Building, Room 237, Cheyenne, Wyoming.

II. Roll Call and Introductions –*Joe Moore, Chairman*

In Attendance:

Commission Members:

Chairman Joe Moore – Wyoming Office of Homeland Security

Judge Jeffrey Donnell – 2nd Judicial Court, Laramie, WY

Commissioner Bill Brewer – Park County

Sheriff Jerry Colson – Carbon County Sheriff

(VIA TELECONFERENCE)

Sheriff Jack “Skip” Hornecker – Fremont County Sheriff

Jeani Stone - Campbell County Attorney

Representative Kermit Brown – Wyoming House of Representatives

Ex-Officio Commission Members:

Joann Odendahl – State Court Administrator/Supreme Court

Kevin White – Court Security Officer/Supreme Court

Absent:

Justice William Hill – Wyoming Supreme Court

Judge Denise Nau – Laramie County Circuit Court

Senator Drew Perkins – Wyoming Senate

Also Attending:

Keith Harris – Wyoming Office of Homeland Security

Melinda Gibson – Wyoming Office of Homeland Security

A quorum is present.

Distinguished guests in attendance:

Captain Bill Long, - Laramie County Sheriff’s Office

Director David Harris – Wyoming Law Enforcement Academy

Deputy Dave Colter – Teton County Sheriff’s Office

Director Betty Hauckap – Peace Officer Standards and Training (P.O.S.T.)

Sheriff Danny Glick, Laramie County.

II. Approval of January 6, 2010, Minutes

Director Moore directed the Commission Members to the minutes in the commission members' packets, labeled Item 5 in the packets. Judge Donnell moved to approve the minutes of the January 6, 2010, Wyoming Court Security Commission Public Meeting. Sheriff Colson seconded the motion. The motion passed.

IV. Sub-Committee updates

- A. Equipment & Facilities (Sheriff Hornecker & Senator Perkins)
Sheriff Hornecker. No update. Equipment lists have been provided to each county's sheriff's office.
- B. Training (Sheriff Colson & Judge Nau)
Sheriff Colson. No update. Training has been established.
- C. Protocol & Procedures (Justice Hill, Judge Donnell, Ms. Stone)
Judge Donnell. No report. There are new standards ready for presentation to the commission in new business.
- D. Local Management (Commissioner Brewer & Representative Brown)
Commissioner Brewer. No Report. Each county has established a local management committee. A list of each county's committee members are provided in the packet.

V. 2011 Legislative Agenda (Senator Perkins and Representative Brown)

- A. Contingency fund for "high profile cases"
Rep. Brown reviewed information discussed at the last Commission session: An attempt was made to include a \$100,000 footnote to this year's budget for high profile cases, as judged by the Supreme Court. The legislature determined the budget was too tight to include \$100,000 additional funds for high profile cases.

Chairman Moore opened the item for discussion. Judge Donnell inquired if the commission members had any other ideas? Two thoughts were expressed: 1) when more funding comes available, it may be less difficult to include an additional \$100,000 in the budget for this line item; and 2) when the need becomes apparent because of an incident, then funding may be more easily attained. It was noted there have been reimbursements in the past to counties suffering a hardship resulting from a high profile case.

Chairman Moore posed a question to the commission, asking them if the funding was something they wished to continue to pursue. Judge Donnell indicated yes, we do need to continue to pursue. If we do nothing, it is believed to be unimportant. Judge Donnell made a motion the commission work with legislative members to pursue funding of high profile contingency fund of \$100,000. Jeanie Stone seconded the motion. Motion carried. Chairman Moore

stated the Chairman of the commission would be the appropriate point-of-contact for this.

B. Firearms within court houses

Judge Donnell indicated discussion was held to pursue a bill to close this loop. Current legislation is in place to restrict carrying a concealed firearm. However, as legislation currently stands, it appears to be OK to carry unconcealed. Sheriff Colson indicated rule cannot address the issue. This issue is one which must be addressed legislatively. Judge Donnell indicated judges do have the authority, however, to direct the atmosphere in their own courtrooms.

Representative Kermit Brown expressed his feeling it may be difficult to get legislation enacted as the issue is politically charged and there are multiple positions on the issue.

Sheriff "Skip" Hornecker reflected his belief the ability to carry unconcealed in the courtroom is an unintended consequence by the legislature. He would like see the legislature given the opportunity to clarify their intent on the issue.

Judge Donnell made a motion to ask a legislative committee to present a bill in the upcoming session to prevent open carry in courtrooms.

The consensus of the commission members is the legislature should have the opportunity to indicate their position on the issue.

Sheriff Hornecker indicated he personally won't be able to pursue the issue.

Judge Donnell suggested, perhaps the judiciary committee would address the issue. Senator Ross will be approached.

Skip 2nd the motion. Five (5) voted for. No nays. The remaining abstained.

VI. New Items for Discussion

A. Wyoming Court Security Standard 2010-2

Chairman Moore directed the members to the Wyoming Court Security Standard 2010-2. A draft of the Wyoming Court Security Standard 2010-2 was sent to the Wyoming Police & Sheriff's Associations. A letter has been received from the Laramie County Sheriff's Department with comments. Chairman Moore invited Captain Long to present an overview of letter.

Captain Long indicated the letter reflects Laramie County Sheriff's Department's concern regarding the expertise of a security auditor. It has been the experience

of Laramie County Sheriff's Department it is imperative a security auditor have intimate knowledge of security in the completion of a security audit. Their experience has been positive when audits have been completed by the U.S. Marshalls Service.

Sheriff 'Skip' Hornicker directed the members' attention to the third paragraph in step 1. The document was written as a very broad-spectrum document. The referenced paragraph is written with the U.S. Marshalls Service in mind. However, it is also written to allow leeway in the event of local issues or requirements, and to allow for any future auditing agency may develop in the future.

Sheriff Glick has used U.S. Marshalls for their past auditing needs. They, too, have had positive experiences with security audits completed by the U.S. Marshalls.

Sheriff Hornicker indicated the Fremont County Sheriff's Office has had two assessments completed by Dave Colter at their locations. Sheriff Hornicker expressed his confidence in Mr. Colter's ability, as well. Mr. Colter has been trained by the U.S. Marshalls in the art of security audits and is quite experienced in security issues.

Judge Donnell indicated situations, such as those outlined here, are specifically why this standard is written as it is.

Ms. Jeanie Stone, Esq. noted Standard 2010-2 provides for the local court to establish standards specific to the local court's individual circumstances. It's important to ensure the local community be allowed to tailor security standards locally to meet their unique needs.

Chairman Moore concurred Standard 2010-2 clearly allows for local control. Chairman Moore commended the committee for going beyond security to address natural hazards and emergency management procedures within The Standard. The Wyoming Office of Homeland Security is responsible to ensure continuity of government and stands ready to be a resource in this regard, as needed.

Following the establishment of Wyoming Court Security Standard 2010-2, Mr. Long inquired what could be expected should something go wrong. Judge Donnell expressed his opinion, if the standards outlined in 2010-2 have not been addressed and followed, those failing to implement the Standard may be subject to substantial financial consequences.

Chairman Moore asked the commission members for their direction regarding necessary changes to document, addressing one page at a time.

Page 1: No changes proposed for page 1

Page 2: No changes proposed for page 2

Page 3: The members proposed the following changes to page three:

1. Bulleted Item 'Chemical Hazards' be changed to 'Hazmat/WMD'
2. Bulleted Item 'System(s) Outage (FMS/CMS)' spell out FMS- File Management System and CMS-Content Management System
3. Bulleted Item 'Natural Disasters; Severe Weather' remove 'Severe Weather'
4. Bulleted Item 'Disruptive Individuals' correct typo to bring the two words together, rather than separated by a space
5. Bulleted Item 'Excessive Number of Cases' modify to 'Excessive Number of Judicial Cases'
6. Designation of PIO is made by management committee in connection with the court. Therefore, change the last sentence in the second full paragraph from 'The Court' to 'The Security Committee', making the last sentence read 'The Security Committee should designate an appropriate individual to serve as the court's Emergency Coordination-Public Information Officer.'

As a point of clarification, Captain Bill Long confirmed the commission members' distinction between the responsibilities of the Security Committee versus those of the judge in the event something should happen. The Security Committee will appoint a Public Information Officer (PIO), but upon the occurrence of an event within the court, the PIO is expected to coordinate with the judge.

Page 4: No changes proposed for page 4

Sheriff Colson asked whether it would be appropriate to provide a deadline for implementation of Standard 2010-2 and require a report to the commission. Chairman Moore expressed the desire of the Commission would surely be to encourage participation. Judge Donnell indicated there is no provision in the statute allowing for the enforcement of a deadline. Judge Donnell proposed a follow up with local commission after 90 days to see where they are may be appropriate. It was further suggested it would be appropriate to provide a responsive letter to the local committees regarding their progress, encouraging them to pursue maximum security effectiveness within their jurisdictions.

Director Moore acknowledged and thanked Judge Donnell for his efforts in the creation of Wyoming Court Security Standard 2010-2.

Sheriff Jerry Colson made a motion to approve Wyoming Court Security Standard 2010-2 with changes. Sheriff 'Skip' Hornecker seconded the motion. Four members voted for the Standard with changes. Jeanie Stone opposed. The remainder of the members abstained. Motion carried.

B. Wyoming Court Security Standard 2010-3

Chairman Moore directed the Members to Wyoming Court Security Standard 2010-3 and opened the item for discussion.

Chairman Moore expressed his appreciation for the presence of Director David Harris of the Wyoming Law Enforcement Academy, Deputy Dave Colter from Teton County Sheriff's Office, and Director Betty Hauckap, representing Peace

Officer Standards and Training (P.O.S.T.). Director Hauckap reported there are currently 45 attending the post-certified course. The individuals attending the courses are not P.O.S.T. certified. Director Harris has established courses for Court Security officers to attend, as outlined in Wyoming Court Security Standard 2010-3, bullets #3 and #4. There is currently no certification as 'court certified officers.' The standard does allow for the creation of a specific certification.

P.O.S.T. certified training is approved, but not P.O.S.T. certification. The Standard does allow a meeting with the P.O.S.T. Commission to address this issue.

Deputy Dave Colter presented the course curriculum. Mr. Colter indicated students will be able to do a preliminary audit after training. The curriculum has been modified somewhat at the suggestion of the students who have completed the course work. One modification which has been implemented is the inclusion of guest experts as speakers. Deputy Colter also reported Wyoming appears to be leading the way among the states in training court security officers.

Sheriff 'Skip' Hornecker suggested as Wyoming does not currently issue 'specialty specific' certifications, the Court Security Commission may wish to avoid requiring a specific certification for Court Security Officers.

Sheriff Jerry Colson concurs with The Standard's recommendation Court Security Officers attend 40 hours of Court Security Training, as stated in bulleted Item 5.

Judge Donnell made a motion to change Standard 2010-3, Item #6, 2nd line to read 'training & authorization' rather than 'certification.' Discussion followed regarding a specific Court Security Certification versus attending 'P.O.S.T. – certified training. Director Hauckap indicated an officer's record currently reflects they have attended the P.O.S.T. – Certified course.

Deputy Colter expressed P.O.S.T. – approved training is most appropriate at this time, given there are currently no specialty-specific certifications in the State of Wyoming.

The differences between a Certified Peace Officer and a Detention Officer were outlined by commission members and guests attending the meeting. Sheriff Glick indicated a Certified Peace Officer has authority to detain & arrest. Detention officers do not. A detention officer does have authority to control the court room.

Judge Donnell stated a peace officer is granted authority to arrest by the legislature. This commission can address only peace officers, per the statute. The Commission cannot make standards for non-peace officers.

Sheriff 'Skip' Hornecker indicated a detention officer can also arrest in the course of their duties. Given a detention officer can make an arrest in the course of their duties, this commission can address a standard for a detention officer.

Commissioner Brewer expressed his view against eliminating detention officer, noting this view is a point of comment only. His perspective is detention officers serve a definite purpose. Agreement was expressed around the room.

Chairman Moore suggested this might best be resolved by striking bullet Item #1 in addition to changing certification to training & authorization. Each bullet item was discussed in turn for changes.

Item #1: Removed.

Item #2: Becomes #1 and strike 'by Commission,' so the item reads '...establishes the standards and training...'

Item #3: Becomes #2.

Item #4: Becomes #3.

Item #5: Becomes #4. Strike 'and certification,' and make the item read '...recommends the court security training requirements for law enforcement...'

Item #6: Becomes #5. Judge Donnell and the commission members confirmed the term 'peace officer' is utilized in the generic sense of the word as someone with a badge, to include a detention officer, a P.O.S.T. – Certified Peace Officer, or any law enforcement officer. The words 'peace officer' should be read very broadly. Strike 'certification' and replace with 'training' making the item read '...toward establishing training for Wyoming peace officers to perform court security duties.'

Item #7: Becomes #6

Director Haukap commented there is a lot of training available. Deputy Colson remarked these are recommendations only.

Chairman Moore again expressed his appreciation to the guests attending the meeting for their attendance and their input.

Judge Donnell moved to make the changes to the Standard 2010-3 as proposed and approve the Standard for dissemination to the Local Court Security Management Committees. Sheriff Colson seconded the motion. Motion carried.

Chairman Moore indicated at 11:30 a.m. the commission would break for lunch and will reconvene at noon.

Director Moore reconvened the meeting of the Wyoming Court Security Commission at 12 noon.

C. Selection of Commission Chair

The selection of a new commission chairman was tabled as an entirely new membership may be assigned by the new governor. Chairman Moore informed the current members he will be leaving at the end of this governor's term.

VII. Annual Report - Due September 1, 2010

Chairman Moore stated everything directed by statute has been accomplished. Chairman Moore indicated he, with the assistance of Mr. Harris, will complete the required annual report for the legislature.

The standards created by the Wyoming Court Security Commission, as directed by the Wyoming Court Security Act, W.S. § 5-11-101(e), will be maintained on Homeland Security's web site and available for anyone wishing to avail themselves of the information contained in them.

VIII. Public Comments

Chairman Moore entertained comments from the public.

Sheriff Glick indicated he has watched work of this commission with interest and thanked the members for their efforts and the timeliness of it. Sheriff Glick commended the Commission for a job well done.

Chairman Moore responded much of the credit is appropriately directed to Judge Donnell. Chairman Moore confirmed the feeling of the commission members, it is important to protect Wyoming citizens, officers of the court and all within the court system.

Chairman Moore then entertained commission member comments.

Sheriff Colson: No comment.

Commissioner Brewer: Best wishes were extended to Chairman Moore in his future endeavors.

Judge Donnell: The commission has made a good start. He is hopeful work will continue, as this is only a start.

Ms. Stone: No comment.

IX. Next Meeting

The commission members determined to tentatively schedule their next meeting for sometime in January, with the specific date to be determined at a later date by e-mail correspondence.

X. Adjournment

Chairman Moore indicated he would entertain a motion to adjourn. Judge Donnell so moved. Sheriff Colson seconded. Motion carried.