

SUPREME COURT OF VERMONT
OFFICE OF THE COURT ADMINISTRATOR

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Senator Jane Kitchel, Chair
Senate Appropriations Committee, Room 5
Senator Richard Sears, Chair
Senate Judiciary Committee, Room 1
Representative Mitzi Johnson, Chair
House Appropriations Committee, Room 42
Representative Maxine Grad, Chair
House Judiciary Committee, Room 30
Statehouse, 115 State Street
Montpelier, VT 05633

Dear Chairs Kitchel, Sears, Johnson, and Grad:

On behalf of the Supreme Court and Patricia Gabel, the State Court Administrator, as per the requirements of Section E.204.1 of Act 179 of 2014 (FY 2015 Big Bill), please find the attached report on security within the Vermont court system. The report, prepared by national court security experts, identifies significant unmet security needs in the four courthouses in the study sample; the Judiciary advises that these needs reflect a general pattern across all our courts. A brief discussion follows, but we urge you to read the report itself, which is brief but significant.

Big Bill language:

The report requirement was as follows:

Sec. E.204.1 JUDICIARY; SECURITY REPORT

(a) The Court Administrator with the Manager of Security and Safety shall review current court operations and shall submit a report to the House and Senate Committees on Judiciary and on Appropriations by January 15, 2015 with any findings on the current operation and costs of providing security in all the State's courts. The report shall include any recommendations resulting from the review to restructure such operations to result in financial savings without increasing security risk to the Judiciary. Specifically, the report shall address:

- (1) any options to reduce costs when any court is not in session; and
- (2) any options to reduce costs through shared security arraignments with other co-located State agencies.

Study funding and logistics:

This language was added by the Senate. At the time it was added, the Judiciary requested but was not granted additional General Funds to conduct the study. Given the Judiciary's strained financial resources, the Judiciary could not absorb the cost of the study internally, but fortunately we were able to obtain a grant from the State Justice Institute. (The grant was for \$50,000, with \$5,000 of cash match and \$20,000 of in-kind match that the Judiciary generated internally.)

Using the \$75,000 in combined funds, the Judiciary contracted with the National Center for State Courts (NCSC) to conduct the security study. As documented in the attached report, NCSC has developed national expertise in court security, and we feel fortunate to gain access to their resources and knowledge.

Given the limited funds available and the short time-frame, it was necessary for NCSC to limit its scope to four courthouses:

- Chittenden Criminal (Burlington – Costello);
- Chittenden Civil (Burlington);
- Washington Criminal (Barre); and,
- Washington Civil (Montpelier).

These locations were selected to provide as wide a representation as possible of Vermont Judiciary courthouses, reflecting:

- Urban and non-urban;
- Civil and criminal;
- State-owned and county-owned;
- Single-courtroom courthouse and multi-courtroom; and,
- Historic building and more recent construction.

Study Findings and Recommendations:

Rather than restate the finding and recommendations, we refer you to the report. In summary, the report finds multiple security needs in the four courthouses and provides recommendations to bring the Vermont Judiciary's operations to the standard of national best practices. Some of those recommendations are low-cost, and the Judiciary is already in the process of implementing them. Other recommendations require significant one-time and/or ongoing investment of expenditures. Given the Judiciary's strained financial resources, it is not possible for the branch to fund these needs internally, and we will be discussing this issue during our budget hearings.

Regarding the study requirements to investigate reduction of costs related to non-hearing days and multiple courthouse tenants, the consultant examined but did not identify any such reduction opportunities in the four courthouses studied.

NCSC recommendation regarding armed officers in courtrooms:

The Vermont Judiciary currently employs a mixed model; in some cases, court officers in the courtroom are armed law enforcement officers; in other cases, they are trained but unarmed court security officers. The NCSC advises that its best practices calls for armed security officers in the courtroom. The Judiciary notes that this is a complex issue and will continue to examine its current model in relation to the NCSC recommendation. It should be noted that this debate does not apply to perimeter screening; it generally agreed that is critical that an armed presence exist at each court's perimeter, and the Vermont Judiciary strives to achieve that goal wherever possible.

Conclusion:

Within Vermont the number of threats and incidents of violence during court operations continue to increase. During the past six months alone, Vermont courts have experienced the following incidents:

- Stabbing within a courthouse;
- Defendant arrested at courthouse weapons screening post, carrying a loaded firearm and attempting to enter the courthouse;
- During court business hours defendant threw a brick, breaking courthouse entrance window;
- Several arrests made within courthouses; and
- Several threats and inappropriate communications targeting Judicial Officers.

It is no longer acceptable – if it ever was – to assume that violent incidents such as have occurred elsewhere in the United States could never happen in Vermont.

Modern and effective court security is critical to protect not only Judicial Officers and Judiciary staff, but also litigants, their representatives, witnesses, family members, and members of the public. Our Vermont justice system must be protected from threat and intimidation. All who come through our doors must be comfortable and confident that their safety is a priority while in our courthouses. Thank you for highlighting this essential program.

We look forward to working closely with the Legislature during this Session to ensure that we maintain the integrity of the Vermont judicial process, of which an effective security regimen is a critical component.

Very truly yours,



Matt Riven
Chief of Finance and Administration

cc:

Supreme Court Justices
Patricia Gabel, Esq., State Court Administrator

Steve Klein, Director, Joint Fiscal Office
Maria Belliveau, Joint Fiscal Office
Stephanie Barrett, Joint Fiscal Office

Jim Reardon, Commissioner of Finance
Sarah Clark, Deputy Commissioner of Finance
Emily Byrne, Budget Director
Heather Campbell, Budget Analyst