



# **OVERVIEW OF COURTHOUSE SECURITY ASSESSMENTS**

## **VERMONT SUPREME COURT**

**FINAL REPORT  
January 2015**

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This document was prepared under State Justice Institute (SJI) Grant # SJI-14-N-007 allocated to the Vermont Supreme Court for consulting services rendered by the National Center for State Courts (NCSC). The points of view and opinions expressed in this report are those of the authors as agents of the NCSC, and do not necessarily represent the official position or policies of SJI or the Vermont Supreme Court.

Every attempt has been made by the National Center for State Courts (NCSC) assessment team to achieve completeness and accuracy in this report. The assessment team is grateful to those in the Vermont judiciary, who carefully reviewed the final draft of the report for factual accuracy. As for style and grammar in the report, the NCSC follows the Chicago Manual of Style 15<sup>th</sup> Edition. We realize that computer and/or human errors are possible.

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## **Introduction**

The mission of the National Center for State Courts (NCSC) is to improve the administration of justice through leadership and service to state courts, as well as to courts around the world. Through its research, consulting services, publications, and national educational programs, the NCSC offers solutions that enhance court security, emergency preparedness, disaster recovery, and continuity of operations based on the latest standards and information on “best practices.”

In the summer of 2014, the Supreme Court of Vermont (the Court) submitted a proposal to the State Justice Institute (SJI) to obtain funding to conduct security assessments of a sample of courthouses in the state. After the project was funded by SJI, the Court subsequently contracted with the NCSC to perform assessments on the following four courthouses in Vermont: the Chittenden County Superior Court in Burlington; the Edward J. Costello Courthouse in Burlington; the Washington Criminal and Family Court in Barre; and the Washington County Courthouse in Montpelier.

In November, 2014, the NCSC assessment team conducted onsite security assessments of each of the four courthouses listed above. The NCSC will issue detailed reports on how to improve security in each of the four courthouses. This report contains an overview of the observations and recommendations common to the four courthouses assessed.

The NCSC understands that the impetus for the Court to engage the NCSC to conduct the assessments at the four courthouses was the following legislative provision:

- (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 arrangements with other co-located State agencies.”

With respect to the first of the two specific items that the report is to address, “any options to reduce costs when any court is not in session,” the NCSC has been advised that this is

intended to address the question of whether a courthouse screening station needs to be staffed and in operation during times when court is not in session. It is the long-standing position of the NCSC that weapons screening stations are an essential element of courthouse security and really provide the “first line of defense” for those who work in or visit a courthouse. Keeping weapons out of a courthouse is imperative not only for the protection of a judge and those in a courtroom, but it is equally imperative for the protection of employees and the public in all parts of the courthouse as well. Court staff and members of the public can be victims of violence just as easily as judges can. Violence can occur in other areas of a courthouse as well as inside a courtroom. Accordingly, the NCSC cannot recommend any options for reducing costs by closing a screening station whenever court is not in session.

With respect to the second of the two specific items that the report is to address, “any options to reduce costs through shared security arrangements with other co-located State agencies,” there might be opportunities to share costs with co-located State agencies that are co-tenants within a courthouse. For example, a screening station, in order to be effective for the court, needs to be placed at the front entrance to the courthouse. This provides a level of safety and security for all tenants of the courthouse, not just the court. Arguably the cost of equipping and operating the screening station could be allocated on some reasonable formula among all of the tenants of the courthouse. However, any sharing or allocating of security costs among tenants may reduce the cost to the court but will not likely reduce the overall cost of the security measure.

As discussed later in this report, there may be possible efficiencies that can be gained by improved coordination and management of security resources, but there is not likely to be any net reduction in costs for security measures associated with any such improved coordination or management. In fact, implementing the recommendations in the NCSC assessments reports will likely require a significant addition in the net cost of security in these courthouses.

On balance, the four courthouses assessed by the NCSC have significant shortfalls in available security officers compared to what the NCSC’s Best Practice guidelines recommend. For example:

- Security officers inside the courtroom
  - The courts assessed in Vermont have at most one (unarmed) officer assigned to the courtroom during a proceeding (with an additional officer present if there is an in-custody defendant involved).

- According to NCSC best practices in court security, two court security officers, who are armed, should be assigned to a courtroom whenever any court proceeding is being held; one assigned to provide security for the judge and one for the courtroom. An additional security officer or transport officer should be assigned when there is an in-custody defendant involved. Unless specifically requested by a judge, a second security officer is not ordinarily needed for civil cases.
- Security Officers operating a screening station
  - Typically only one officer operates the screening station at the assessed courthouses in Vermont.
  - According to NCSC best practices in court security three officers (at least one of whom is armed) should be assigned to operate a public screening station: one officer to operate the magnetometer, one to operate the x-ray imaging system, and one to handle problems.
- Security Patrols
  - There are no regularly assigned security patrols in and around the courthouses assessed in Vermont.
  - According to NCSC best practices in court security, there should be regularly assigned patrols by security officers both inside and around the perimeter of a courthouse.

It is clear that in order to provide a degree of security within the courthouses recommended by the NCSC best practices in court security, additional security officers will ultimately be required.

For informational purposes, the Vermont Judiciary has advised the NCSC that in order to provide front-door screening and courtroom security across all courts, the Judiciary currently spends: (1) approximately \$2.4M for sheriffs and private security; (2) approximately \$1.2M for salary and fringe benefits for 21 state employee court officer positions; (3) additional variable expenditures for temporary court officer employees as needed; and (4) ad hoc operating expenditures for equipment. The Judiciary further advises that hourly rate increases for the sheriffs have been sporadic over the past decade.

To varying degrees, each of the four courthouses that the NCSC assessed has some good elements in place in the way of basic security measures, such as duress alarms. More importantly, there is a strong commitment on the part of leadership in the Vermont Judiciary to the fundamentals of courthouse security and to put in place effective measures in the pursuit of sound courthouse security. Improvements in security are indeed needed in the four courthouses, and unfortunately there may be limited funding available to meet these needs. Sensitive to the funding constraints faced by these Vermont courts, the NCSC assessment team has

recommended measures to improve security that can be implemented with little or no funding, as well as those measures that will require additional funding. While in some instances there may be opportunities to use existing security resources more effectively, the NCSC assessment team did not identify any opportunities to reduce the current level of funding dedicated to security in any of the four courthouses.

It is also important to emphasize that the NCSC assessment team observed only the four courthouses identified above. The NCSC assessment team is not able to determine how representative these four courthouses are of all the other courthouses in the state of Vermont. Accordingly the NCSC assessment team urges caution in making any statewide inferences with respect to the observations and recommendations contained in its assessment reports of the four courthouses.

This overview report discusses the major security challenges faced in most if not all of the four courthouses that the NCSC assessment team assessed. The issues presented in this report are prioritized by first placing them into one of the three following categories according to cost and time required to implement the recommendation:

Category A: Items that can be accomplished relatively quickly with little or no cost.

Category B: Items that will entail a moderate amount of cost and time to implement.

Category C: Items that will require a more significant amount of cost and time to implement.

Within each of these three categories, the items are prioritized according to the risk management involved, with those items posing the most risk for the courts listed first.

Of major concern to the NCSC is that there are instances in some of the courthouses assessed where the screening stations are always not effectively equipped, staffed or operated—effective screening that could prevent weapons from being brought into the court areas of any of the four courthouses. Until such time as effectively staffed and operated screening stations are in place, these courts remain vulnerable. Absent effective weapons screening as “a first line of defense,” other security recommendations set forth in the reports become that much more critical to implement.

**Category A: Items that can be accomplished relatively quickly with little or no cost.**

**Issue #1: Need for a Courthouse Security Committee**

There is no security committee in place in any of the four courthouses. Without such a committee, it is difficult, if not impossible, to properly assess and address the myriad of security challenges facing the leadership of the courts. A formalized interagency security committee would provide a means for the courts, the prosecuting attorney's offices, county officials, sheriff deputies, and other judicial stakeholders to take a more comprehensive and structured approach in addressing matters of security in each of the courthouses.

A court security committee should be in place to meet regularly and to exercise rigorous oversight on all matters relating to security and emergency preparedness within the courthouse. Further, the committee needs to work according to an action planning process where items are presented, discussed and placed in a "Who Does What By When" format in order to make sure progress and implementation are achieved. The purpose of the committee is to improve communication and cooperation in the provision of court security. The committee should meet regularly and appoint task force members that are chaired by a committee member. In order to effectively move the committee's agenda along, meetings should be conducted according to an effective action planning process.

**Recommendation: A court security committee should be established in each courthouse to take a comprehensive and structured approach in addressing matters of security. To achieve real progress in making their respective courthouse more secure, members of each of the court security committees must meet, candidly discuss the concerns identified in their respective NCSC assessment report, and then agree on how to develop appropriate action plans for implementation.**

**Note:** The NCSC has been advised that the Vermont Supreme Court is in the process of mandating the establishment of a security committee in each court location.

**Issue #2: Establishing Clear Lines of Authority**

There is some confusion about "who is in charge" of security within the courthouse. There are at least two separate organizations providing security services for each courthouse: (a) court officers employed by the state, and (b) deputies employed by the county sheriff. (In one of the courthouses there is a third security provider – an employee of a third party contractor.)



Sheriff deputies are certified law enforcement officers; they are armed and uniformed. Court officers are not armed and typically wear black blazers.

To fully implement the recommendations in the NCSC assessment reports, important decisions will need to be made about which type of security officer should be assigned to which duties. There may be an opportunity to explore ways to gain efficiencies in how officers are assigned. Examples of this might include assigning other, non-courtroom, duties to court officers when court is not in session, or varying the staffing levels at screening stations during peak vs. non-peak hours. However, improved management and coordination of duties between the different organizations may only serve to limit the need for additional resources; improved management and coordination will not eliminate the need for additional resources. In order to fully implement the NCSC assessment team's recommendations with respect to the proper staffing of courtrooms, screening stations, command centers, and patrol duties in and around the courthouses, a net increase of security officer resources will most likely be needed.

**Recommendation: Under the auspices of the newly established court security committee, an effort should be made to:**

- **Establish clear protocols, clarifying the duties and responsibilities of each of the security providers.**
- **Explore ways of improving the management and coordination of security officer resources.**
- **Determine and advocate for the increased security officer resources needed.**

### **Issue #3: Policies, Procedures and Training**

There are two crucial factors to consider with respect to security policies and procedures for courthouses. The first factor is that such policies and procedures do exist. This means that those in authority have given these matters proper thought, that concepts of best practices have been taken into account, and that an effort has been made for consistency in security matters throughout the system. The second is how such policies and procedures become a living reality and are practiced. Staff who are properly trained on well-publicized policies and procedures will know precisely what to do in case of an emergency or critical incident.

There are little if any formal written court security policies or procedures for the four courthouses. Court staff are not regularly trained in emergency response. There are no regular drills for such matters as building evacuation, active shooter, building lockdown, etc.

Although there may be an occasional training session offered, very little periodic formal training of judicial officers or court staff takes place with respect to security and emergency management. A formal court security training program greatly improves courthouse security. For example, court staff need training in how to deal with an angry customer, how to diffuse volatile situations, and self-defense training, to name a few.

Deputies on duty at the courthouses may receive law-enforcement training and certification. However, neither they nor court officers receive ongoing formal court-specific training; training with respect to court security is largely on the job. They do not receive formal training, for example, on such topics as: how to deal with highly emotional people whose lives are affected by trials; what specifically to look for during proceedings inside a courtroom; and what specific procedures to follow when operating a screening station.

**Recommendation:** The court security committee should set a goal to establish a comprehensive set of policies and procedures on all important issues pertaining to courthouse security and emergency preparedness. Policies and procedures should be published and made available to everyone working inside the courthouse at the appropriate level of detail, depending on job responsibilities.

**Recommendation:** Emergency and evacuation drills to negative events should be conducted regularly. Judges and court staff should have designated areas to congregate outside away from the courthouses after they evacuate.

**Recommendation:** The courts, through their court security committee, should take an active role in establishing a formal court security training program for all court employees.

**Recommendation:** Deputies and court officers should receive court-specific security training on a regular basis. Training should be cohesive and comprehensive with a wide range of pertinent subject matter, including threat assessment and the protection of judges and their families.

#### **Issue #4: Line of Sight Issues**

In each of the four courthouses there are various locations (e.g., courtrooms, chambers, jury deliberation rooms, secure hallways) with windows that afford a line of sight into the courthouse from neighboring apartments and office buildings. There are either no coverings (e.g., blinds) on these windows, or the coverings are left in an open position. This creates an enhanced opportunity for a tragic incident (e.g., the shooting of a judge and injury to a court

employee through a chambers window in June 12, 2006 in Reno, Nevada). Further, uncovered windows in a courthouse can create a silhouette effect in the evening when (particularly chambers) lights may be on, making the occupants an easy target for some wanting to do harm.

**Recommendation:** Coverings should be installed on all windows that afford a line of sight into the courthouse from neighboring buildings. The coverings, when installed, should always be positioned to let light in but to obscure any possible view into the courthouse areas from the outside.

***Category B: Items that will entail a moderate amount of cost and time to implement.***

#### **Issue #5: Closed Circuit Television (CCTV) Cameras**

CCTV cameras in courthouses provide an effective security measure that can serve as a deterrent to disruptive or violent behavior. Further, when digital video images are recorded and retained for a period of time, CCTV cameras can be an effective tool to apprehend and convict anyone committing a crime.

There are serious deficiencies in the CCTV camera systems available in the four courthouses. First, there is an insufficient number of cameras in each courthouse; cameras are not located in all recommended areas. Second, many of the cameras currently found in the courthouses are old, analog cameras that provide less than clear images.

**Recommendation:** Additional CCTV cameras should be installed as recommended in each of the four courthouse reports. Peripheral equipment (e.g., recording devices) should be installed so that there is a viable updated CCTV camera system in place for the courthouse. All video images of court areas should be monitored and should be recorded and retained for at least ten working days.

#### **Issue #6: Command Centers**

A command center is the central location within a courthouse where security equipment is monitored and responses are managed. Without a properly equipped and adequately staffed command center, the necessary and vital technological tools for court building security (e.g., closed circuit television (CCTV) cameras, duress alarms, and intrusion alarms) cannot be utilized or monitored in a successful manner. An effective command center should include the following: CCTV monitors, a duress and intrusion alarm monitoring panel that indicates the location of the activation, a fire alarm panel, and communication equipment (radio

control/telephone). Dispatch and recording equipment that is easily accessible should be part of the command system.

The command centers for the four courthouses may not in all cases be adequately staffed or fully equipped.

**Recommendation: A properly equipped and staffed command center should be established at each of the four courthouses. All the required monitoring equipment should be located in one secure area. The Center should be sufficiently staffed so that each officer can be rotated away from the monitors every 45 minutes, in order to avoid “snow-blindness” caused by continuous viewing of monitor screens.**

### **Issue #7: In-custody Detention Center at Barre Courthouse**

Although not an issue common to the four courthouses, a discussion concerning the detention center in Barre for in-custody defendants is included in this overview report because of the serious threat it poses to security and safety of judges and court staff in the Barre courthouse. The detention center is located in the secure back hallway on the first floor of the courthouse. This secure back hallway is used regularly by judges and court staff. In-custody defendants are brought into the courthouse through a back door and are then escorted about forty feet down the secure hallway into the detention center, which is sandwiched between a courtroom and administrative offices. There is a glass front to the detention center through which in-custody defendants can observe judges and court staff walking by. This is a crowded, congested area that exposes judges and court staff to a significant risk of contact and potential assault by an in-custody defendant.

**Recommendation: Ideally, the detention center should be eliminated and replaced by a new exterior detention center adjacent to the sally port. If this is not feasible in the foreseeable future, then the following intermediate steps should be taken:**

- **A CCTV camera should be installed in the secure back hallway.**
- **A strobe-light system should be installed to alert judges and staff whenever an in-custody defendant is about to be escorted into or out of the detention center.**
- **The glass front of the detention center should be replaced with an opaque wall.**
- **A viewing port should be installed into all doors leading into the secure hallway.**

### **Issue #8: Exterior Lighting around Courthouses**

The NCSC assessment team observed that the infrastructure for lighting around the exterior of the four courthouses is minimally adequate for purposes of security. The adequacy of exterior lighting seemed to be a particular concern for court staff interviewed by the NCSC assessment team. Good lighting is one of the most cost-effective measures that can be taken to improve security in and around a courthouse.

**Recommendation:** A thorough review of all exterior lighting should be conducted to determine specifically where lighting can be improved. Lighting should be upgraded using energy-saving, high-intensity sodium lights, and other repairs should be made as required.

*Category C: Items that will require a more significant amount of cost and time to implement.*

### **Issue #9: Weapons-screening Stations**

A properly staffed and equipped weapons-screening station is the “first line of defense” in terms of courthouse security. If there is not an effective means of keeping firearms and other dangerous weapons out of a courthouse, then those who work in or visit a courthouse cannot have reasonable assurance that they will be safe from harm.

There are some deficiencies in the screening stations at the four courthouses assessed. In some cases there may be an inadequate number of staff assigned to operate the station. Also, the station staff may not be properly trained; necessary screening equipment may be absent, old, or not kept properly calibrated. Finally, as a general rule, there are not adequately documented policies and procedures to govern the proper operation of the station.

**Recommendation:** All screening stations should be properly staffed and equipped, and are operated in accordance with adequately documented policies and procedures.

### **Issue #10: Security Officers in the Courtrooms**

Security within courtrooms is the responsibility of court officers employed by the state court system. These court officers are unarmed. In-custody defendants are escorted to the courtroom from detention centers by sheriff deputies. Additional court officers or sheriff deputies may also be present in court when requested by a judge as special circumstances

warrant. However, as a regular matter, only one unarmed court officer is in the courtroom during court proceedings.

As discussed above under Issue #2, the need for additional security officers may be mitigated by additional efficiencies in the coordination and management of security officers. However, the need for additional officers may only at best be mitigated, not eliminated. In order to fully implement the NCSC assessment team's recommendations with respect to the proper staffing of courtrooms and other areas, a net increase in the number of security officers will most likely be needed.

**Recommendation: According to NCSC best practices in court security, two court security officers, who are armed, should be assigned to a courtroom whenever any court proceeding is being held; one assigned to provide security for the judge and one for the courtroom. An additional security officer or transport officer should be assigned when there is an in-custody defendant involved. Unless specifically requested by a judge, a second security officer is not ordinarily needed for civil cases. The judge determines the need based on the risk involved in a particular case. An additional security officer should be assigned for all high-visibility trials. All security officers assigned to a courtroom should use a triple-retention holster and should undergo formal training on courtroom-specific security procedures. The presence of armed and properly trained security officers in the courtroom is an important goal that the courts in each county should strive to achieve over time.**

### **Issue #11: Public Transaction Counters**

Public transaction counters present inherent risks for court staff. Members of the public, with whom staff need to deal, can become frustrated and angry at times. There is the potential for court staff to feel the brunt of that frustration and anger to the point of physical violence. Three basic security measures that should be in place at every public transaction counter in every courthouse are:

1. A 24-36 inch high polycarbonate (e.g., Plexiglas™) type protective barrier on the top of the counter.
2. A CCTV camera at the back of the counter capturing the faces of the public transacting business at the counter.
3. One or more duress alarms within easy reach of staff.

All of the public transaction counters in each of the four courthouses are deficient in one or more of the three basic security measures that should be in place at every public transaction counter in every courthouse.

**Recommendation: Polycarbonate (e.g., Plexiglas™) barriers, CCTV cameras, and duress alarms should be installed at the public transaction counters in each courthouse, as specifically noted in the individual assessment reports.**

## Conclusion

The leadership at the Supreme Court and at the courts in the four assessed courthouses are to be commended for their interest in improving court security. The Court Security Committee, as recommended by the NCSC, needs to institute a thorough and systematic process in each courthouse for prioritizing all of the recommendations in the security assessment report for its courthouse. Such prioritization should take into account the risks involved by inaction and also the cost-effectiveness associated with implementation. Those items that pose the greatest risk to the courts and those items that can be implemented with little or no cost should be given high priority. Planning should be undertaken immediately to implement all recommendations contained in the individual reports, to include a longer range budget strategy for those items that require a significant level of cost.

Operating a courthouse today is by its very nature a risky business. Day in and day out, courthouses are visited by disgruntled and even law-breaking citizens. Moreover, courthouses can be seen as an important symbolic target for those in our midst who wish to wreak mischief or terror.

Security is not a one time achievement. It is a serious and continuous goal and requires constant vigilance. Further, it must be a number one priority, every single day, for all those interested and involved in the process. The risks involved in courthouse operations are great and varied, and they can never be eliminated. But with proper attention and care, they can be minimized. Taking meaningful steps toward full implementation of all of the recommendations contained in each of the four NCSC assessment reports will help the courts minimize the risks.