

VERMONT JUDICIARY

Office of Court Administrator

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Report on Security submitted pursuant to Act 58 (2015)

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2016 Security Report

Executive Summary

Pursuant to Act 58 (2015), the Court Administrator submits this plan to establish appropriate statewide security standards balancing cost-effectiveness with facility-specific risk for all Vermont courthouses, including a status report on the implementation of recommendations made by the National Center for State Courts (NCSC) in January 2015.

Pursuant to the statutory requirement, in developing the recommendations set forth below, the senior Assistant Judge for each county submitted an assessment to the Court Administrator's Office (CAO) after consulting with the Security and Safety program manager and the Chief of Finance and Administration at the Vermont Supreme Court, as well as the presiding Superior Judge, Superior Court Clerk, Court Operations Manager(s), State's Attorney, and Sheriff, in the senior Assistant Judge's county.

This report synthesizes these local assessments, which were unanimous concluding court security operations and infrastructure suffer from significant deficiencies and needs across the Branch. The specific findings of the local assessments – in terms of the types of deficiencies and necessary solutions – were consistent with those identified by the NCSC experts during their assessment of four specific courthouses in the fall of 2014.

As directed by the Legislature, this plan also considers:

- issues related to security at county-owned and State-owned courthouses and measures to reduce the cost of court security budgets while maintaining the safety of staff and citizens;
- a proposal regarding whether counties should provide a security function at the entrance to county-owned courthouses that would be offset by restructuring of notary fees retained by the counties; and
- a proposal that reduces the court security budget by at least three percent.

However, as noted above, all of the local assessment teams concluded that more – rather than less – security was needed. The local teams nonetheless directly addressed the legislative challenge regarding savings while identifying the associated challenges. For example, the local teams noted that while billing co-located departments for security costs might reduce the Judiciary's expenses, it does not change the overall costs to the State. The Court Administrator's Office in this report identifies several other hurdles around these cost-reduction issues.

Based on these local assessments and last year's NCSC report, the Judiciary recommends the following funding increases for courthouse security based on the specific needs identified in this report:

- **Operating Budget: Increase in court officer coverage of \$1.8M to fund 35 additional officers, implemented over two years;**
 - **These additional officers would significantly increase front-door screening and courtroom security – however, it would continue to fall below NCSC “best practices” coverage, as discussed herein.**
 - **Provide funding for appropriate rate increases for sheriffs’ current security contracts.**

- **Capital Budget: Provide \$2.1M of capital appropriation for security infrastructure improvements, including \$315,000 in FY 2017 Capital budget adjustment and \$500,000 annually beginning in FY 2018/2019 biennial Capital Bill.**
 - **Such improvements include new installation and/or replacement of obsolete: X-ray machines; Walk-through metal detectors; Surveillance cameras; Duress alarms; Access control (internal) card readers; Courtroom ballistic protection; Screening post ballistic protection; Intrusion alarms; Public transaction counters; (selected) holding cells.**
 - **The Judiciary also requests physical security infrastructure improvements at the Barre courthouse, at a preliminary estimated cost of \$1M.**

Background

By law, the Court Administrator must “provide appropriate security services for each court in the state.” 4 V.S.A. § 30.

In 2014, the Legislature directed the Court Administrator to submit a report on the current operation and costs of providing security in Vermont’s courts. The Legislature asked the Court Administrator to consider possible ways to restructure court operations to achieve financial savings without increasing security risks, including:

- options to reduce costs when courts are not in session; and

- options to reduce costs through shared security arrangements with other co-located state agencies.

The CAO contracted with the National Center for State Courts to conduct the security study, and the NCSC identified significant unmet security needs in the four courthouses in the study sample. As set forth in the January 14, 2015 transmittal letter, the CAO determined that these unmet security needs reflected a general pattern across all Vermont courts.

With respect to the specific questions posed by the Legislature, the NCSC considered but could not identify any opportunities to reduce costs when courts are not in session. It did not recommend closing screening stations when courts are not in session, emphasizing that weapons

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screening stations are an essential element of courthouse security and provide the “first line of defense” for those who work in or visit a courthouse. The NCSC indicated that there might be options to share security costs with state agencies that are co-tenants within the same courthouse, but this would not reduce the overall cost of the security measures. Additionally, while there were possible efficiencies to be gained by improved coordination and management of security resources, there was unlikely to be any net reduction in costs for security measures as a result.

The NCSC proposed numerous recommendations to address security concerns at Vermont’s courts, including the following:

- Create courthouse security committees;
- Develop and implement security policies and procedures, and perform regular drills;
- Establish clear lines of authority within each courthouse, and identify which type of officer should be assigned to which duties;
- Establish command centers within each courthouse;
- Enhance weapons-screening stations by using appropriate equipment, increasing the number of security officers operating screening stations, and creating documented procedures to govern the proper operation of each station;
- Increase the number of security officers present in courtrooms during hearings and patrolling courthouses;
- Install a sufficient number of CCTV cameras and place them in all recommended areas;
- Ensure that public transaction centers have a protective barrier on top of the counter, a CCTV camera at back of counter, and one or more duress alarms within easy reach;
- Provide adequate exterior lighting around courthouses;
- Provide window coverings to remedy line-of-sight issues; and
- Create an in-custody detention center at the Barre courthouse.

The NCSC recognized that the implementation of these recommendations would likely require a significant addition in the net cost of security in these courthouses, but concluded that taking meaningful steps toward achieving these goals was imperative to minimize existing risks. As emphasized by the CAO in its January 2015 transmittal letter, the Vermont justice system must be protected from threat and intimidation, and modern and effective court security is critical to achieving this goal.

The number of threats and incidents of violence in and around our courthouses continues to increase. Most recently, DCF social worker Lara Sobel was tragically shot and killed in the immediate vicinity of the Barre courthouse. There was an alleged sexual assault in the Costello courthouse. Other violent incidents include two stabbings within a courthouse, and an individual

who broke a courthouse plate glass window with a brick during business hours. There have been numerous arrests made within courthouses, and judicial officers have received threats and other inappropriate communications. Individuals have tried to enter courthouses with loaded firearms and other weapons, with one arrest at the screening post in Burlington for violating 13 V.S.A. § 4016 by attempting to bring a firearm into court.

For example, in calendar 2015, the Chittenden Superior Court, Criminal/Family/Environmental Divisions (Costello) – the Judiciary's largest courthouse – processed 100,835 visitors, detected 11 firearms (includes stun guns, toy guns and ammunition), 2,318 knives or sharp edged weapons, 41 cases of finding drugs or paraphernalia, 127 cans of oleoresin capsicum or mace, 3,803 miscellaneous prohibited items, and 26 handcuff keys. There were 174 reported court security operational incidents in Vermont courts during calendar year 2015. These included in addition to the two stabbings mentioned previously, 5 assaults, 5 bomb threats, 21 disorderly conduct complaints, and 2 escapes. The number of threats against Judicial Officers, court staff and stakeholders continues to increase.

Status of Current Implementation of Security Enhancements

The NCSC's recommendations, and associated cost implications, can be grouped into four broad categories:

1. Organizational, operational, and procedural changes (can be implemented at relatively low cost);
2. One-time operating equipment and other purchases (one-time operating costs);
3. Ongoing security operational enhancements (significant increase in Judiciary operating budget costs);
4. Security infrastructure improvements (capital costs).

This section addresses each category of recommendations, and the current status of implementation.

1. Organizational, Operational, and Procedural changes:

The Judiciary has taken several steps in implementing the NCSC recommendations at relatively low cost:

Court Security Committees: In 2015, the Supreme Court authorized the creation of Court Security and Emergency Planning Committees (CSEPCs) in all Court Units. The Committees collected information, assessed current security needs, and proposed recommendations pursuant to Act 58, as reflected herein. The Committees will continue to meet periodically on an ongoing basis as a means to continuously assess security and emergency planning in all courts, as recommended by the NCSC as a "best business practice." The CSEPC policy is included in this report as **Attachment A**.

The creation of the CSEPCs is only the first step in local involvement. The Judiciary will create and deploy an "all hazards" training program for Judiciary staff and building tenants in all

courthouses. Each facility will establish an occupant emergency plan, conduct training, orientate new employees, and conduct regular drills. Local safety teams will be established in each facility to execute the plans during an emergency, with membership on a voluntary basis. The scope of hazards for this initiative will include fire and evacuations; bomb threats; shelter-in-place; weapons of mass destruction; natural event emergencies; and active shooter.

Security Operational Process Improvements: The following security operational process improvements were established during 2015:

- Automated Incident Reporting System;
- Intelligence Alert Sharing;
- Judiciary Emergency Notification System (JENS) in partnership with VT-Alert;
- Court Security Intranet Web Page; and,
- Automated Daily Activity Reports.

Training: The Judiciary has engaged in a variety of security and safety training activities during 2015, including:

- Court Officer security seminars (2 training sessions covering 83 personnel);
- Court Security Manager: ALICE (Active Shooter), certified trainer;
- Individualized courthouse security training;
 - Burlington, Woodstock, Rutland
 - Security Training provided to judicial officers at Judicial College
 - The Judiciary is currently negotiating with a security consulting firm to provide courthouse security training across all counties.
- CPR and Automated External Defibrillator (AED) Training (Bennington);
- Security training as part of new Superior Judge orientation.

2. One-time Operating Equipment and Other Purchases:

In the past year, the Judiciary has utilized available one-time funds and grant funds to purchase equipment that will enhance courthouse safety, including:

- **Court Officer radio enhancement:** Provided interoperable mutual aid law enforcement radios to 16 State-employed court officers who previously had no communication with first responders. The \$16,000 cost was funded by a federal Homeland Security Grant. (Completed 7/2015)
- **“Go Kit” equipment for emergency events:** In the next several months, each courthouse will be provided with the necessary equipment for evacuations and emergencies, including portable megaphones, ID vests for safety team members, flashlights and administrative supplies. This equipment is critical because no courthouse currently has a voice evacuation system.

3. Ongoing Security Operational Enhancements:

The NCSC report noted the significant discrepancies between its “best practices” regarding security operations and the Vermont Judiciary’s practices. The most prominent discrepancy relates to coverage levels of security officers at screening posts, in courtrooms, and throughout courthouses generally, and can be summarized as follows:

- **Current staffing:** Current general practice is one screening officer at the door and one court officer in each courtroom during hearings. Not all Civil Division-only courthouses attain even that coverage level. There is limited or no “rover” coverage. **Current staffing levels, including deputy sheriffs, contracted private security, and Judiciary permanent employee court officers: 64 Full-Time Equivalent positions.**
- **NCSC “Best Practices” staffing:** Three armed screening officers. Two armed court officers in each courtroom. Command centers for larger courthouses. **Estimated staffing requirement to achieve NCSC best practices: 155 Full-Time Equivalent positions.**

The Judiciary agrees with the NCSC that security officer coverage is a critical issue. However, the Judiciary lacks funding in its base budget to support any additional security officer coverage. Thus, no coverage expansion has occurred since the NCSC report.

Moreover, the Judiciary has repeatedly expressed concerns about the budget process regarding security officer costs. Last year, the Judiciary requested additional funds for hourly rate increases for service contracts with the sheriffs, but neither the Governor nor ultimately the Legislature provided these funds. The Judiciary is concerned that a similar pattern will occur this year. The sheriffs – who provide the vast majority of the Judiciary’s security services – experience the same cost increases as other employers. At the rates currently provided by the Judiciary, several sheriffs have indicated that they “lose money” on these services and may decline to participate in the future. If the Judiciary is not provided resources to fund reasonable cost increases, it may jeopardize the Judiciary’s ability to procure its current level of coverage, let alone seek the additional coverage that is needed.

In the “Conclusions and Requested Funding” section of this report, the Judiciary identifies a path to improve court security coverage and the associated fiscal impact.

4. Security Infrastructure (Capital) Improvements:

In the fall of 2014, in conjunction with the NCSC findings, the Judiciary developed an inventory of security-related capital needs. Those needs addressed deficiencies in the following areas – where the items below were inadequate, outdated, or non-existent:

- X-ray machines;
- Walk-through metal detectors;

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- Surveillance cameras;
- Duress alarms;
- Internal access control card readers;
- Ballistic protection of courtrooms;
- Ballistic protection of screening posts;
- Intrusion alarms;
- Strengthening protection at public transaction counters;
- Holding cells.

It was also noted that the Barre courthouse lacks a secure “sallyport” for individuals in custody to enter and exit, and has other security infrastructure deficiencies.

At that time, the Judiciary estimated the total security infrastructure capital needs at \$2.9M, of which approximately \$1.0M was associated with the Barre sallyport. The Judiciary requested \$590,000 as part of the FY 2016-2017 biennial capital budget, identifying those items of highest priority and recognizing that the scope of the needed improvements could not be addressed in a single biennium. The Governor included \$100,000 in his recommendation. The Legislature increased that amount to \$275,000 over two years (\$150,000 in FY16 and \$125,000 in FY17).

The Judiciary has recently been advised that the Governor’s recommendation for the FY 2017 Capital Adjustment Act includes \$315,000 for Judiciary security improvements, which would bring the biennial total back up to the level of the Judiciary’s original request.

The status of the Judiciary’s capital appropriation is as follows:

- Completed:
 - Purchase of 5 new Walk-Through Metal Detectors - \$15,000
 - **Addison; Caledonia; Franklin** (Civil); **Orange; Rutland** (Civil)
 - Supreme Court Clerk Public Transaction Counter - \$7,000
- In Progress:
 - **Brattleboro** and **Middlebury** courthouse cellblock expansion and safety – architectural and engineering planning drawings in progress – estimated \$125,000
 - **Barre**: Cameras, Duress Alarm, Access Control, Ballistic Protection of Screening Post – planning underway as part of new tenant build-out: \$59,825
- Planned for FY 2017:
 - **Newport**: Cameras, Duress Alarm, Access Control, Screening Post Ballistic Protection – \$59,825
 - **Burlington (Costello)**: Ballistic Protection of Screening Post – \$8,350

Prior to enactment of the Capital Bill appropriation, the Judiciary utilized FY 2015 one-time operating funds to enhance security infrastructure in a few instances where critical needs were identified. For example, at the Burlington (Costello) courthouse, at a cost of \$40,693, the Judiciary acquired: a new X-ray machine; walk-through metal detector; and handheld metal detector – replacing 15-year-old equipment. The Judiciary also contributed \$43,144 of one-time

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FY 2015 funds toward the Windsor County courthouse renovation, to install a camera surveillance system, duress alarms and access control. This is the first time that Internet Protocol (IP) cameras and digital networked recorders have been used in Vermont courts. As a result, the Judiciary can now remotely access camera images from Woodstock. Finally, the Judiciary spent \$34,000 to acquire federal surplus X-ray machines and walk-through metal detectors, which were installed in high-volume courthouses where existing equipment was older. In turn, this older equipment was circulated to other locations in the branch where the equipment was nonexistent, nonfunctional, or obsolete. As a result, the Judiciary was able to leverage a small expenditure on federal surplus equipment to address numerous pressing needs.

It should be noted that the Judiciary's capacity to fund security infrastructure projects is limited. The Judiciary's operating budget is extremely constrained, and is not intended or constructed to fund capital projects.

Also during 2015, the Legislature funded the expansion and renovation of the Lamoille County courthouse in Hyde Park. The Capital Bill appropriation for this project includes a new camera surveillance system, duress alarms, access control and ballistic protection for the perimeter screening post. Many of these components are transportable and have been installed in the temporary courthouse in Morrisville. They will be moved back to the Hyde Park courthouse when the work there is complete. This installation is now the second courthouse – after Woodstock – where courtroom camera images can be accessed remotely.

In the “Conclusions and Requested Funding” section, the Judiciary identifies those capital infrastructure needs that have not yet been addressed, and the associated fiscal impact.

Summary of Local Assessments

As indicated above, the Assistant Judges in each county submitted reports to the CAO outlining security issues within county-owned and state-owned courthouses, and proposing measures to reduce the cost of court security budgets while maintaining the safety of staff and citizens. The Assistant Judges were also asked to address:

- whether their counties should provide a security function at the entrance to county-owned courthouses that would be offset by restructuring of notary fees retained by the counties; and
- ways to reduce the court security budget in each assistant judge's county by at least three percent.

Each county voiced concern about the safety of judges, staff, and the public within their courthouses, and many common themes emerged.

Security Issues

With respect to security issues, most counties identified the following needs:

Security Personnel:

- Additional officers are needed to screen individuals entering courthouses and to provide backup for one another.
- Additional officers are needed to monitor cameras and to serve as “rovers” to properly ensure interior and exterior building security.
- Additional courtroom officers are needed to ensure courtroom safety. Some counties do not have any officers inside courtrooms during civil or probate hearings.

Screening Stations:

- There is a need for upgraded X-ray machines and similar equipment. Some courthouses have no screening officers. Others do not have any screening equipment other than handheld metal detectors.

Cameras:

- Upgraded camera systems are needed, including additional interior and exterior cameras, and cameras that record. As indicated above, there needs to be an officer assigned to monitor camera feeds.

Duress Alarms:

- Additional and better placed panic buttons are required.

Physical Infrastructure Changes:

- Several counties have recently upgraded courthouses, but many do not, and these counties express concerns about inadequate locks, unsecure exterior and interior glass doors, and workspaces that are easily accessed by members of the public. Almost all counties expressed concern about the lack of polycarbonate barriers at service counters.

Lighting/Parking:

- Additional exterior lighting is needed, as well as more secure parking for judges and staff.

Planning and Drills:

- Almost all counties requested additional emergency planning, dissemination of emergency plans, and more drills, including coordinated drills, to ensure that staff, members of the public, and law enforcement can quickly respond in an emergency.

Some glaring security risks are unique to particular courthouses:

- Holding Cells: In the Brattleboro courthouse, there is one holding cell that is often overcrowded. There is no attorney-client room, and attorney-client consultations must occur in an unheated garage. This means that an in-custody defendant is taken out of the holding cell and locked to a handle in the garage while a chair is brought for the attorney. Other counties similarly report issues with overcrowded holding cells, and the risks posed by in-custody defendants within the courthouse.
- No Security: As indicated, there are several (primarily Civil Division only) courthouses that have no front-door security screening officers whatsoever. Others have no courtroom officers for civil and probate hearings, and/or no cameras in the courtroom.
- Infrastructure Needs: Various counties report that their buildings do not allow judges and other staff to enter secure areas without constantly traversing public areas of the courthouse. On high volume days, defendants, witnesses, attorneys, and staff must mingle while attempting to enter buildings, and ingress is slowed by the lack of screeners. In some locations, there is no secure passage between floors, and no security door between the public area and the judge's chambers. Litigants have entered chambers on several occasions. In some locations, the age and/or condition of the courthouse makes significant security infrastructure modifications cost-prohibitive.
- Co-Tenant Concerns: Problems can also arise with co-tenants in state-owned buildings. For example, in some locations that are shared with Probation and Parole and the State's Attorney's Office, there may be offenders in the building after hours without meaningful supervision or entry screening. In these locations, because there is no secure private entrance into the courthouse for court personnel, staff, judges, victims, witnesses, and others, must walk through offenders waiting to attend various programs and meetings with the Probation and Parole Department.

Cost Savings

There is an almost unanimous consensus that a 3% cut is not feasible and that it would compromise the minimal courthouse security currently in place. As required by Act 58, however, counties did propose cost-saving measures which fell into the following categories:

- Delayed openings of courthouses and lunch-hour closures.
- Requiring co-tenants of state-owned buildings to contribute to security costs.
- Using notary fees to cover some security costs, although most counties expressed concern that these funds would be insufficient.
- Numerous counties already contribute to security costs, and others expressed willingness to contribute to security costs, although at least several cautioned that this might require a statutory change.
- Several counties, including Washington, recommended consolidating operations in fewer courthouses to save money.

The counties indicated that the reduced hours will have a negative impact on court services, and on the Judiciary's mission. Counties also expressed concern about being able to maintain contracts for security staff with the sheriffs' offices if a 40-hour work week cannot be guaranteed, and if level funding for such contracts continues.

CAO Recommendations Based on Local Assessments

The local assessments are generally consistent with the NCSC findings and validate the concerns that the Judiciary has previously expressed around security needs.

The local assessments can be categorized in the same clusters as the NCSC findings:

1. Organizational and procedural changes;
2. One-time equipment and other purchases;
3. Ongoing security operational enhancements;
4. Security infrastructure improvements.

(1) Organizational and procedural changes and (2) one-time equipment and other purchases:

The Judiciary takes seriously the concerns and requests expressed by local court staff and other court users for additional planning and drills. As noted above, establishing the CSPEC structure was a valuable first step in the process of developing and implementing court-specific training and procedures. The discussion above identifies the concrete steps that the Judiciary has taken – and will take in the immediate future – to address these issues.

The Judiciary has financially supported those requests for one-time purchases of new or replacement security equipment, and will continue to do so. Unfortunately, the majority of the needed improvements – regarding officer coverage and capital infrastructure costs discussed below – are beyond the Judiciary's ability to address within its current operating budget.

(3) Ongoing operational enhancements -- Court Security Workforce:

The gravest concern as expressed by the local assessment teams is that of court officer coverage – which is consistent with the findings of the NCSC report. As noted above, there are significant discrepancies between NCSC “best practices” and the Vermont Judiciary's practices related to coverage levels of security officers at screening posts, in courtrooms, and throughout courthouses generally. The discrepancy can be summarized as follows:

- **Current staffing:** Current general practice is one screening officer at the door and one court officer in each courtroom during hearings. Not all Civil-Division only courthouses attain even that coverage level. There is limited or no “rover” coverage. **Current staffing levels, including deputy sheriffs, contracted private security, and Judiciary permanent employee court officers: 64 Full-Time Equivalent positions.**

- **NCSC “Best Practices” staffing:** Three screening officers. Two court officers in each courtroom. Command centers for larger courthouses. **Estimated staffing requirement to achieve NCSC best practices: 155 Full-Time Equivalent positions.**

The Judiciary recognizes that it may not be feasible to attain the NCSC best practices standard – an increase of 142% – given the size and number of Vermont courthouses. The Judiciary therefore proposes the following level of coverage:

- **Incremental Improvement Option:** Two screening officers at the door. Additional courtroom and rover coverage where most needed. Command centers for larger courthouses. Provide additional “start of day” and “end of day” coverage where feasible. **Estimated staffing requirement: 99 Full-Time Equivalent positions, or 35 more than current staffing.**

The Judiciary further proposes to “step up” to this coverage level over two years, in order to allow time for the necessary recruiting, and confirmation of key coverage needs:

- FY 2017: Additional 18 FTEs – based on average deputy sheriff hourly rate: \$936,000
- FY 2018: Additional 17 FTEs: \$884,000

As part of this recommendation, the Judiciary strongly urges the Legislature to provide annual funding for reasonable cost increases for the sheriffs’ contracts. Absent such increases, it is unlikely that the sheriffs will be able or willing to recruit additional deputies to meet these expanded coverage needs.

The issue has been discussed many times – and in a variety of forums – as to whether the use of contracts with local sheriffs’ offices as the primary source of security officers – in conjunction with State employees and private contractors in selected locations – is the most efficient model for court security. Frankly, given the current funding and coverage levels, the issue is moot because there are no cheaper opportunities for hourly rates, and the coverage level already departs so dramatically from best practices. So long as the Judiciary is responsible for court security at 25 physical locations, the current model is the baseline, at least as regards costs. As part of any significant investment in court officer coverage, the Judiciary can provide estimates of using other workforce models, but they are likely to be more expensive than the scenario above.

(4) Security infrastructure (capital) improvements:

The local assessment teams identified similar deficiencies as those found by NCSC. Specifically, they found inadequacies across the spectrum of: perimeter screening equipment (X-ray, walk-through and handheld metal detectors), duress alarms, closed circuit television (CCTV) surveillance systems, access control systems, intrusion detection systems, public transaction counters, and door locks.

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Most of the existing X-ray machines and walk-through metal detectors in use in Vermont are federal government surplus equipment, obtained at the end of their federal life expectancy and cyclical replacement. The average age of our equipment is eight to twenty years old. Detection equipment technology is constantly advancing. Our equipment may not detect some current weapons and contraband.

The Judiciary recommends expeditious acquisition of up-to-date equipment. Most cameras currently in court use are analog and black/white, with an average age of 10-20 years old, and in some cases have no or outdated recording capability. The equipment is obsolete and cannot be repaired. It is critical that the Judiciary transition to modern technology standards including digital, internet protocol equipment. The new technology, once in place, is cost effective and can be monitored remotely.

Most current duress alarms are old wired, obsolete doorbell type systems and their reliability is suspect. As pointed out by the NCSC and the local committees, the number of duress alarms needs to be increased, while also replacing existing units with current-technology wireless equipment. All courtrooms, judge's chambers, clerk's offices, case mediation rooms and other strategic areas require alarm capability.

Access control systems allow and record movements in and out of secure areas. The number of card readers currently in use is not adequate to maintain a proactive court security program. This system is critical to protect staff and deter unauthorized entries into secure areas.

A major NCSC recommendation is to establish and maintain secure and separate judicial and prisoner circulation systems. Most courtrooms require the installation of delayed egress devices to provide this segregation, integrated into the access control system.

Another concern is the safety and design of courthouse detention holding facilities, to protect staff and detainees. Public transaction counters are another priority. The Judiciary's statistics show that many disorderly and unpleasant interactions occur at the public counters. Counter design must consider the protection of all staff members.

Facility entrances are particularly vulnerable, and the perimeter screening post is critical as the first line of defense. Consequently, ballistic resistant protection of screening posts and judge's courtroom benches are included in the request.

Other facility initiatives will include attempting to address the need for protected parking for judicial officers.

As noted above, the Judiciary last year estimated total capital needs at \$2.9M of which \$1.0M was associated with the Barre sallyport. And as discussed above, the Legislature provided \$275,000 of funding. In addition, the Judiciary provided \$118,000 of its own one-time funding to address pressing capital needs. Lastly, it should be noted that the Judiciary consolidated its operations and stopped using two locations – Essex County (Island Pond – Probate Division) and Washington County (Montpelier Probate Division Annex). By consolidating its “footprint,” the

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Judiciary avoided the costs needed to bring those locations up to the needed standards, thus saving at least \$17,000 in capital needs.

Despite the progress made over the past year, the Judiciary currently estimates security capital needs at \$3.1M, of which Barre sallyport remains \$1.0M. The total need has increased – despite the improvements that have been – and will be – made, because of revised cost estimates regarding the unit costs of each improvement. As the Judiciary has learned more about security costs over the past year, it appears that last year’s estimates were optimistic.

Table 1 illustrates the Judiciary’s estimates for capital needs by type of improvement, as compared to last year’s estimate.

Table 1 - Capital Infrastructure Needs and Funding

Judiciary - Estimated Security Infrastructure Needs													
Fall 2014 Estimates					Since Fall 2014				Remaining need				
	# of units	# of locations	Prior est cost per unit	original estimate - total cost	Prior to Capital Bill appropriation - Use of one-time funds	FY16 Capital approp \$150K	FY17 \$125K	Avoided Security costs - Washington Probate and Essex Probate consolidation	# of units	# of locations	Current per unit cost estimate	Current estimated need	
X-ray machines	14	14	\$ 35,000	\$ 490,000	\$ 68,119			\$ -	14	14	35,000	490,000	
Walk through metal detectors	15	15	\$ 2,500	\$ 37,500	\$ 6,574	\$ 15,000		\$ -	18	17	3,000	54,000	
Surveillance cameras	363	22	\$ 1,500	\$ 544,500	\$ 40,300		\$ 77,000	\$ 7,000	322	21	1,750	563,500	
Duress alarms	271	25	\$ 200	\$ 54,200	\$ 2,844		\$ 8,250	\$ 550	225	22	275	61,875	
Access control (internal) card readers	123	20	\$ 1,200	\$ 147,600			\$ 14,400	\$ 2,400	119	21	1,200	142,800	
Courtroom ballistic protection	37	22	\$ 2,000	\$ 74,000				\$ 2,500	36	21	2,500	90,000	
Screening post ballistic protection	23	23	\$ 2,000	\$ 46,000		\$ 3,000	\$ 25,350	\$ -	21	22	10,000	210,000	
Intrusion alarms	24	24	\$ 5,000	\$ 120,000				\$ 5,000	24	24	5,000	120,000	
Public transaction counters	5	4	\$ 5,000	\$ 25,000		\$ 7,000		\$ -	19	15	5,000	95,000	
Holding cells	6	4	\$ 50,000	\$ 300,000		\$ 125,000		\$ -	4	2	75,000	300,000	
Subtotal				\$ 1,838,800	\$ 117,837	\$ 150,000	125,000	\$ 17,450	802	179		2,127,175	
Barre building modifications		1	\$ 1,050,000	\$ 1,050,000					1			1,000,000	
Total				\$ 2,888,800					803			3,127,175	

Notes:
Woodstock camera expenditures also include access control.
Purchase of federal surplus x-ray machines (\$34K also included surplus WTMD).

The Judiciary has recently learned that the Governor’s recommendation includes \$315,000 in capital appropriation as part of the Capital Bill budget adjustment process. This amount reflects the difference between the Judiciary’s request last year, and the amount that was funded. Should this amount be included in the enacted capital adjustment plan, the Judiciary intends to accelerate the acquisition of projects currently identified above as “remaining need.” Given that the remaining need is \$2.1M, the additional funds will be a valuable and meaningful step forward to address these critical issues.

With the next biennium, the Judiciary would propose an annual capital appropriation of \$500,000 specific to security projects. Such a recurring appropriation would allow completion of the needed improvements over four years, and then be available for a regular replacement schedule, so that the Judiciary does not find itself in a similar situation in the future, in which a variety of systems and equipment requires replacement simultaneously.

**COURT ADMINISTRATOR'S 2016 Security Report submitted pursuant to Act 58 (2015).
Patricia Gabel, State Court Administrator – January 29, 2016**

The Barre sallyport and other infrastructure issues are also a priority, but require the leadership of BGS as the building owner. The Judiciary encourages BGS to make the Barre building a high priority for resolution of this issue.

These capital infrastructure improvements exist in the context of the existing cohort of buildings, both State- and county-owned, where the Judiciary conducts court operations. The challenges around this cohort of buildings – many of which are historic and not designed for modern court operations – are addressed in a separate report mandated by the Legislature and submitted recently by the State Court Administrator. That report envisions a “courthouse of the future.” Such a courthouse would likely have many of these security infrastructure components incorporated into its design, and would not necessitate the “work-arounds” and modifications that are needed to bring existing courthouses to current security standards.

Responses to cost savings ideas:

As noted above, most of the assessment teams felt that more investment, rather than less, was appropriate. Addressing some of the specific ideas offered:

- Reducing the operating hours of courthouses is not a viable solution, given that with caseload growth and case backlogs, more rather than fewer hours are needed. Additionally, the Judicial Branch serves a vulnerable population in need of services and public access. Further, reduced workdays, where security personnel would be reduced from full-time to part-time, would greatly impact the recruitment of the most qualified personnel.
- Rerouting the State portion of notary fees to cover security costs would likely be insufficient to address the existing security issues. It would also reduce State General Funds, exacerbating the State-wide budget gap.
- Using county funds to pay for courthouse security may present statutory problems for both the county and the State. Even if the statutory prohibitions were changed, the Judiciary is very concerned that individual county implementation of security could lead to disparities and potential security gaps.
- Eliminating court security in a courthouse when court is not in session is not an option. The Judiciary's statistics show that most operational incidents do not occur in the courtroom. All staff members, as well as others who utilize the building, deserve adequate and consistent security and protection.
- Billing tenant agencies in multi-tenant courthouses is not a cost savings, merely a cost shifting that for the most part does not affect the General Fund bottom line. (The opportunity to charge costs to federal programs is minimal, and likely is exceeded by the administrative expense of cost allocation.)

Based on these local assessments and last year's NCSC report, the Judiciary recommends the following funding increases for courthouse security based on the specific needs identified in this report:

- **Operating Budget: Increase in court officer coverage of \$1.8M to fund 35 additional officers, implemented over two years;**
 - **These additional officers would significantly increase front-door screening and courtroom security – however, it would continue to fall below NCSC “best practices” coverage, as discussed herein.**
 - **Provide funding for appropriate rate increases for sheriffs’ current security contracts.**
- **Capital Budget: Provide \$2.1M of capital appropriation for security infrastructure improvements, including \$315,000 in FY 2017 Capital budget adjustment and \$500,000 annually beginning in FY 2018/2019 biennial Capital Bill.**
 - **Such improvements include new installation and/or replacement of obsolete: X-ray machines; Walk-through metal detectors; Surveillance cameras; Duress alarms; Access control (internal) card readers; Courtroom ballistic protection; Screening post ballistic protection; Intrusion alarms; Public transaction counters; (selected) holding cells.**
 - **The Judiciary also requests physical security infrastructure improvements at the Barre courthouse, at a preliminary estimated cost of \$1M.**

These improvements – and the associated costs – cannot prevent every potential incident or tragedy, but they will greatly increase the safety and security of all those who use the State’s courthouses.

Attachment A: CSEPC policy as approved Supreme Court

OFFICE OF THE COURT ADMINISTRATOR

SECURITY AND SAFETY PROGRAM

August 7, 2015

Court Security and Emergency Preparedness Committees

The Justices of the Vermont Supreme Court recognize the need for a viable Court Security Program to insure the effective administration of justice. The safety and protection of all judicial officers, staff members and persons entering court facilities are critically important. The establishment of a local Court Security Committee to support the Court Security Program, is a nationally recognized best business practice.^{1 2}

Each Vermont Superior Court Unit will create and maintain a Court Security and Emergency Preparedness Committee (CSEPC). Each CSEPC will be co-chaired by the Unit's presiding judge and Superior Court Clerk. The CSEPC may meet when needed, but must have a minimum of quarterly meetings each year. A CSEPC meeting summary and minutes will be sent to the Office of the Court Administrator (CAO) Security and Safety Program Manager after each meeting. Court security needs, assessments and recommendations should be included. The CSEPC can be utilized to build relationships which allow for the sharing of information and ideas to address security related issues.

Unit CSEPC membership should include all stakeholders. At a minimum this would include the presiding judge (co-chair), clerk of court (co-chair), County Sheriff, Senior Assistant Judge for each County, Court Operations Manager(s), facility management (BGS manager in State facilities and/or Assistant Judge for County facilities), States Attorney, Public Defender and a senior manager from any non-court tenant agency in a court facility. The CAO Security and Safety Program Manager will be available to provide technical support to each CSEPC.

Each CSEPC should appoint a point-of-contact individual for their Unit to help coordinate their security needs, implementation of security procedures, and the coordination of activities. The CSEPC should review and evaluate all security operations and facility safety issues. The review should at a minimum include facility design, security systems, equipment, policy and procedures manuals, training and realistic scenario based training exercises. The CSEPC will utilize an all hazards approach to assess and mitigate risk. The CSEPC must establish a clear command structure for use during emergency situations. One designated official in each court facility should be authorized to declare an emergency and make decisions during an emergency. This is especially critical in facilities with non-court tenants.

¹ U.S. Department of Justice, "1982 Report of the Attorney General's Task Force on Court Security".

² CCJ/COSCA, "Court Security Handbook", Joint Committee on Court Security and Emergency Preparedness.