

Supreme Court of Vermont
Office of State Court Administrator

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TO: Joint Legislative Justice Oversight Committee

FROM: Gregg Mousley, Chief, Finance and Administration

A handwritten signature in blue ink, appearing to read "Gregg Mousley", is written over the "FROM:" line.

DATE: October 17, 2019

RE: State of Judicial Security

Summary

The Judiciary is very concerned with the state of court security. We have several courthouses where the security provided is in transition, understaffed, and/or does not have a workable plan to stabilize security services.

- During the past four budget cycles, the Judiciary has consistently proposed to the Governor's office and to the Legislature that the Judiciary be appropriated additional funds for security
- The Washington County Sheriff is struggling to recruit new deputies, and we have serious staffing shortages that remain unresolved.
- The Orleans County Sheriff has stopped serving the county courthouse and has indicated that he cannot continue serving the state court building at the current pay rate. There is no plan after 11/1/19.
- In Bennington County, we recently reduced public access and security hours to increase the hourly rate paid to the Sheriff.
- The Windsor County Sheriff may give notice, and Windsor is not considered a stable situation.
- Judicial security covers all building tenants, which includes executive branch employees in many courts.

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 Office (“CAO”) to submit a report on the current operation and costs of providing security in Vermont’s courts. The Legislature asked the CAO to consider possible ways to restructure court operations to achieve financial savings without increasing security risks. The CAO contracted with the National Center for State Courts (“NCSC”) to conduct the security study, and NCSC identified significant unmet security needs in four courthouses in the study sample. The CAO communicated in a letter dated January 14, 2015, that these unmet security needs reflected a general pattern across all Vermont courts.

Pursuant to Act 58 (2015), the senior Assistant Judge of each county convened local stakeholder groups identified in the Act and made recommendations to the Court Administrator related to court security and the court security budget. The Court Administrator then submitted a second report to establish appropriate security standards balancing cost-effectiveness with facility-specific risk for all Vermont courthouses. This internal review found, like the NCSC study, that there were no options for cutting costs that wouldn’t also reduce the security in the courts. This report recommended an operating budget increase of \$1.8M to fund additional officers, and a capital budget increase of \$2.1M for security enhancements, including \$1M for the Barre courthouse.

Since that time, the Judiciary has repeatedly prioritized security funding in our budget requests to the Governor and the Legislature:

- In FY17 Budget, the CAO asked for \$936,000 to partially implement the recommendations of these security studies. The CAO received \$75,000 for a 3% increase in the sheriff’s rates.
- In FY18 Budget, the CAO asked for 5 new security positions and an 8% increase in sheriff’s rates. The CAO received a 4% increase and no new positions.
- In FY19 Budget, The CAO again asked for 5 new positions and an 8% increase. The CAO received a 4% increase and no new positions
- In FY20 Budget, the CAO again repeated our request for 5 new security positions and an 8% increase in sheriff’s rates. The CAO received a 5% increase.

Current Status

Just this week, the hours open to the public at the Bennington Civil and Probate divisions located in the county-owned building were reduced due to the security concerns. The Bennington Sheriff would not agree to the rates provided by Legislative funding. One alternative was to reduce the quantity of hours so that the CAO could afford to increase the hourly rate. The public’s accessible hours are being reduced by 1 hr. and 45 min. each day, saving about 400 hours of security screening annually. This option allowed the CAO and Sheriff to negotiate a contract at a rate acceptable to both sides.

In Washington County, the Sheriff has experienced turnover and has struggled to recruit new deputies. The criminal division in Barre has been required to cancel hearings at the last minute recently due to the lack of security staffing. The Lamoille County Sheriff is covering two positions; the Judiciary has hired a temporary employee to cover a position; and we are currently negotiating with a private security firm to

also provide security. It is believed that this new “hybrid” model of shared security resources will occur more often in other courts. The CAO will overspend its security budget for the Barre Courthouse.

In Orleans County, the CAO and the county sheriff have been unable to negotiate an annual contract and are currently operating on a 4-month contract that expires on 11/1/19 while budget cutting options are explored. In addition, the security services in the county building in Orleans have already been shifted to the Lamoille County Sheriff. There is no contract for security at the Orleans state courthouse after November 1. Due to the transitions and coverage needs, the CAO will overspend its security budget in Orleans county.

It should be noted that the executive branch has staff in many courthouses across Vermont. In these situations, the executive branch employees enjoy the safety of the Judiciary’s security. We have experienced situations when executive branch agencies use Judiciary attorney rooms for executive branch activities and that non-employees have been in the building after closing hours, requiring overtime to be incurred by the Judiciary because those non-employees have not vacated the building when it closes at 4:30. The sheriffs have consistently reported to the CAO that funding for courthouse security does not cover their costs. In contrast, the executive branch (through AHS and BGS) pays \$42/hr. for sheriffs. It is the CAO’s desire to pay one unified rate that is significantly closer to that of the executive branch.

The Judiciary hopes to work collaboratively with the Governor, the Sheriffs and the Legislature to address this critical safety concern in Vermont’s courts.