

Supreme Court of Vermont
Office of State Court Administrator

THERESE M. CORSONES, ESQ. State Court Administrator

therese.corsones@vermont.gov

Mailing Address:

Office of Court Administrator

109 State Street

Montpelier, VT 05609-0701

Telephone: (802) 828-3278

FAX: (802) 828-3457



GREGG MOUSLEY, Chief, Finance & Administration

gregg.mousley@vermont.gov

MARCIA SCHELS, Chief Technology Innovation Officer

marcia.schels@vermont.gov

LAURIE CANTY, Chief, Trial Court Operations

laurie.canty@vermont.gov

SCOTT GRIFFITH, Chief, Planning and Court Services

scott.griffith@vermont.gov

www.vermontjudiciary.org

TO: Representative Michael McCarthy, Chair, House Committee on Government Operations and Military Affairs

FROM: Teri Corsones

RE: Judiciary's S.17 Report to the Legislature

DATE: February 7, 2024

Overview:

S.17 required the Judiciary to report to the House Committee on Government Operations and Military Affairs and the Senate Committee on Government Operations regarding three topics: the number of sheriff deputies needed for regular courthouse operations; recommendations regarding any needed creation of classified positions for courthouse security; and any corresponding budget request.

The Judiciary submitted the "Judiciary's S.17 Report to the Legislature" on December 1, 2023. Thank you for the opportunity to testify regarding the Report and to answer any questions about it. Following is a summary of the Report and its contents that we hope is helpful.

Background:

The Vermont Supreme Court has the constitutional and statutory responsibility for security in Vermont state courthouses. Vermont sheriffs and sheriff deputies have historically provided courthouse security services to courthouse buildings. Private security and state security personnel have provided supplemental courthouse security in recent years. In 2014 the Legislature directed the Judiciary to review court operations and report on court operations and security costs. The resulting "Overview of Courthouse Security Assessment" noted major security challenges and recommended measures to address the challenges. The Judiciary requested additional security positions as a result.

Although the Legislature has not to date approved requests for additional positions, it did approve a significant increase in the rate of pay for courthouse security sheriff contracts in 2021.

The Judiciary has also thankfully been able to successfully implement many recommended security measures including the digitization of courthouse security camera systems, security screening at each main courthouse entrance, security monitors, duress notification alarms, implementation of a Judicial Emergency Notification System, multi-mode x-ray screening and metal detectors, threat and incident reporting systems, and courthouse security, safety and emergency evacuation trainings.

Information Gathering:

Director of Judiciary Security Rob Schell and I met with court staff and judges at each of the 23 state courthouses to gather input regarding the S.17 topics. A series of stakeholder meetings was then held with representatives of the Vermont Sheriffs' Association, the Vermont Department of State's Attorneys and Sheriffs and the Vermont State Employees Association. An additional meeting was held with other relevant stakeholders throughout Vermont including representatives of the Vermont Defender General's Office, Vermont Buildings & General Services, the Department of Corrections, the Department of Mental Health, the Department for Children and Families, the Office of Child Support, the Vermont Bar Association, and Vermont Legal Aid. Recommendations in the S.17 Report were developed in consultation with the stakeholders.

Factors Informing the Recommendations:

Deputy sheriffs and courthouse security personnel provide three essential duties: as security screeners at courthouse main entrances; as court officers in courtroom hearings; and by providing general patrol and response duties known as roving within and outside courthouse buildings. Deputy sheriffs serve as certified law enforcement officers with full arrest and enforcement authority. State court officers and private security personnel may stop, hold and detain persons at the direction of the judge.

A higher level of security risk is present in general in hearings in the Criminal Division and Family Division given the nature of what is at stake in the hearings. In-person hearings have the highest potential for security risks, versus remote or "hybrid" hearings. Circumstances may warrant a security presence in the courtroom in any division, however, based on the litigants and circumstances involved. The recommended level of security personnel in the courtroom during court hearings in general includes a court officer serving in all Criminal and Family Division in-person and hybrid hearings and serving in Civil, Probate, Environmental Division and Judicial Bureau in-person and hybrid hearings as needed. The judge ultimately determines whether a court officer is needed in any given court hearing.

Recommendation Regarding Security Positions and Roles:

Based on input from judges, court staff and the relevant court user stakeholders identified above, the Judiciary recommends the following number of positions for the following security roles:

1. Twenty-three (23) armed and uniformed county sheriff-employed sheriff deputies serving as screeners at each of the 23 state courthouses.
2. Thirteen (13) armed and uniformed county sheriff-employed sheriff deputies serving as rovers at specified courthouses, with the understanding that additional security personnel may be assigned to any courthouse on any given day as circumstances warrant
3. Eleven (11) armed and uniformed county sheriff-employed sheriff deputies in various courthouses serving as court officers in courtrooms.
4. Thirty-three (33) Judiciary-employed plain-clothes court officers trained for courtroom security duties serving in all Criminal and Family in-person and hybrid hearings and serving in Civil, Probate, Environmental Division and Judicial Bureau in-person and hybrid hearings as needed.
5. Five (5) Judiciary-employed plain-clothes court officers trained for courtroom security duties available to be assigned state-wide as needed.
6. Three (3) Judiciary-employed managers providing supervision of the 38 Judiciary-employed security positions and also providing the first level of back-filling during absences.

Recommendation Regarding New Classified Positions:

The Judiciary recommends the creation of a new classified position for Judiciary-employed court officers with expanded enforcement authority and advanced training in non-lethal use of force and law enforcement functions. The Judiciary-employed court officers will fulfill strictly security roles in the courtroom but will have the ability to fulfill administrative duties outside of the courtroom if there are no hearings or trials being held in the courthouse(s) to which they're assigned.

Budget Request Related to Recommendation

Below is a chart that illustrates the current number of security personnel positions, the proposed positions and the cost associated with each. The numbers are based on a best estimate of availability, with the understanding that slight modifications will likely be needed following a courthouse-by-courthouse analysis and given circumstances unique to different locales. The total budget request associated with the recommendation described above in the body of the Report is \$2,044,331.

	Current	Proposed	Diff (+/-)	Rate/Hr.	Annual/FTE	Total Cost
Sheriff Deputy	39.98	47.05	7.07	\$ 52.89	\$ 111,069	\$ 5,225,796
Private Guard	10.25	0	-10.25	\$ 40.00	\$ 84,000	\$ -
JUD Officer I	17	17	0		\$ 84,323	\$ 1,433,491
JUD Officer II	0	21	21		\$ 90,848	\$ 1,907,808
Supervisor	2	3	1		\$ 100,000	\$ 300,000
Total	69.23	88.05	18.82			\$ 8,867,095

Current Budget \$ 6,822,764

Net New Cost (+/-) \$ 2,044,331

Conclusion

The Judiciary greatly appreciates the opportunity to report on courthouse security needs in general and the three specific topics that S.17 addressed in particular. The Judiciary would like to also acknowledge and thank all of the stakeholders who provided invaluable input into the formulation of the S.17 Report including in particular court staff, judicial officers, the Vermont Sheriff's Association, the Department of State's Attorneys and Sheriffs, the Vermont State Employees Association and the other relevant stakeholder agencies and organizations identified above.

We are very grateful for your consideration and welcome your questions.

Rep. Matthew Birong, *Vice Chair*
Rep. Mark Higley, *Ranking Member*
Rep. Lucy Boyden, *Clerk*
Rep. Seth Chase
Rep. Lisa Hango
Rep. Philip Jay Hooper
Rep. Robert Hooper
Rep. Michael Morgan
Rep. Michael Mrowicki
Rep. Kate Nugent
Rep. Chea Waters Evans