



# **Judiciary's S.17 Report to the Legislature**

**December 1, 2023**

## Table of Contents

Introduction: S.17 Directive . . . . .	1
Background – Constitutional and Statutory Responsibility . . . . .	2
Brief History of Security . . . . .	2 – 3
NCSC Assessment . . . . .	3 – 4
Overview – Information Gathering . . . . .	4 – 5
Factors Impacting Sheriff Deputies . . . . .	5 – 6
Recommendation – Sheriff Deputies . . . . .	6 – 8
Recommendation – Classified Position . . . . .	8
Recommendation – Budget Request . . . . .	8 – 9
Conclusion . . . . .	9 – 10

## **Judiciary's S.17 Report to the Legislature**

### **Introduction: S.17 Directive**

On May 11, 2023 the Vermont Legislature passed S.17 “an act relating to sheriff reforms” and on May 31, 2023 Governor Scott signed the bill into law. Section 7 of the bill provides that on or before December 1, 2023, the Vermont Judiciary, in consultation with the Department of State’s Attorneys and Sheriffs, the Vermont Sheriffs’ Association, the Vermont State Employees’ Association, and other relevant stakeholders, shall report to the House Committee on Government Operations and Military Affairs and the Senate Committee on Government Operations regarding three topics:

- (1) the “number of sheriff’s deputies needed to be made available to provide law enforcement and security services to county and State courthouses to facilitate regular courthouse operations”;
- (2) recommendations “regarding any needed creation of classified positions responsible for courthouse security services, similar to the classified position of transport deputy”; and
- (3) any “corresponding budget request for these positions.”

After consultation with numerous relevant stakeholders, the Judiciary is pleased to submit this Report to the House Committee on Government Operations and Military Affairs and to the Senate Committee on Government Operations. The Report includes a background section regarding constitutional and statutory authority for security in Vermont state courthouses, a brief history of security in state courthouses, an overview of the consultative process used for the Report, a description of the factors which inform the question of the number and type of security personnel needed to provide law enforcement and security services, and recommendations regarding each of the three requested topics.

## **Background – Constitutional and Statutory Responsibility for Courthouse Security**

The Vermont Supreme Court’s jurisdiction regarding courthouse security has long been enshrined in Vermont law, beginning with provisions in the Vermont Constitution that provide that the Supreme Court “shall have administrative control of all the courts of the state” and “shall make and promulgate rules governing the administration of all courts”. Vermont Constitution Chapter II, Sections 30, 37.

In keeping with that Constitutional authority, in 29 V.S.A. §171, the Vermont Legislature directed that the Supreme Court is responsible for ensuring the security of “those buildings which function exclusively as courthouses”, “the space occupied by the Supreme Court”, and “the space occupied by the court” in those buildings that house a court plus one or more other functions. 29 V.S.A. §171(a)(1-3).

In 4 V.S.A. §30, the Vermont Legislature further directed that [t]he Court Administrator shall provide appropriate security services for each court in the State.” 4 V.S.A. §30(c). State Court Administrative Directive No. PG-8 provides that “[p]ursuant to 13 V.S.A. §4016(d), the Court Administrator shall certify buildings to be designed to secure the enforcement of 13 V.S.A. § 4016, which prohibits firearms and deadly weapons in court.” 13 V.S.A. §4016(d) provides: “No dangerous or deadly weapon shall be allowed in a courthouse that has been certified by the court administrator to be a secured building.”

Lastly, Court Administrative Directive No. PG-8 provides that “any location being used for or during court proceedings” is a secure building. In sum, the Vermont Supreme Court has responsibility for courthouse security based on long-standing constitutional and statutory authority.

### **Brief History of Security in State Courthouses**

Vermont sheriffs and sheriff deputies have historically provided courthouse security services to all Vermont state courthouses. (Any references to “state courthouses” in this Report include state and county courthouse buildings.) Due to unique circumstances in Chittenden County in the 1990’s, state employees

trained specifically for courthouse security began assuming some responsibility for courthouse security in that county. Due to a reduced sheriff workforce in several counties circa 2016, the Court hired a private security firm to provide courthouse security in those counties. Due to further reductions in sheriff workforce levels during the pandemic (circa 2020), additional state employees were hired and trained to provide courthouse security in additional counties.

### **National Center for State Courts Security Assessment**

In 2014 the Vermont Legislature directed the Judiciary to review court operations and report back by January 2015 on court operations and the cost of providing security in state courthouses. The report was to include any recommendations “resulting from the review to restructure such operations to result in financial savings without increasing security risk to the Judiciary.”

The Supreme Court contracted with the National Center for State Courts (NCSC) to undertake a security assessment of a sample of four Vermont state courthouses. The resulting “Overview of Courthouse Security Assessments” linked in Appendix A concluded that it was not advisable to re-structure court operations so as to result in financial savings. It noted that there were “significant shortfalls in available security officers compared to what the NCSC’s Best Practice guidelines recommend.” It also noted major security challenges faced in most if not all of the four courthouses that the NCSC assessment team assessed. It recommended measures to address the challenges, categorized according to the amount of cost and time to accomplish the measures.

The Judiciary requested additional security positions in conjunction with its submission of the NCSC Assessment in 2015 to the Legislature. Although the Legislature did not approve the request (as well as did not approve subsequent requests in subsequent years for additional security positions) the Legislature did approve a significant increase in the hourly rate of pay for courthouse security sheriff contracts in 2021. The Judiciary is also gratified to report that thanks to much diligence, creativity and collaboration with other security forces numerous measures that were included in the NCSC Assessment have been successfully implemented in Vermont courts. The benchmark improvements in Judicial Branch Security and Safety since 2015 include:

- The digitization of all courthouse security camera systems.
- The installation of security monitors at courthouse screening stations and in clerks' offices throughout the state.
- The installation of building wide duress (panic) notification alarms throughout each court building.
- The implementation of the Judicial Emergency Notification System (JENS) utilizing the state's VTALERT.GOV system.
- The installation of new multi-mode x-ray screening and walk-through metal detector systems in every courthouse where space allows.
- Security screening at the main entrance of every state courthouse.
- The implementation of a statewide threat and incident reporting and incident mitigation system.
- Judicial branch training on employee safety, awareness, and emergency evacuation measures.

### **Overview – Information Gathering to Inform Report**

Following the enactment of S.17, State Court Administrator Teri Corsones and the Judiciary's Security and Safety Manager Rob Schell met with court staff and judges at each of the 23 state courthouses to gather feedback regarding the specific questions in S.17 and regarding courthouse security in general. A copy of the schedule of visits is provided in Appendix B. The questions posed at each of the courthouse visits are in Appendix C. Each visit generated considerable feedback and additional questions.

Following the completion of the courthouse visits, stakeholder meetings were scheduled and held with representatives of the three stakeholders cited by name in S.17: the Vermont Department of State's Attorneys and Sheriffs, the Vermont Sheriffs' Association, and the Vermont State Employees Association. Copies of the agendas for the meetings with those stakeholders are provided in Appendix D.

Following the meetings with the stakeholders cited by name in S. 17, a meeting was scheduled and 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. A copy of the agenda for the meeting, along with a summary of an overview of the S.17 Report Recommendations that was provided to the stakeholders in advance of the meeting, is provided in Appendix E.

### **Factors Impacting Sheriff Deputies / Security Personnel Needed**

Deputy sheriffs and court security officers are responsible for the general security of Vermont 's state courts. They provide three essential duties: as security screeners at courthouse main entrances; as court officers at hearings; and by providing general patrol and response duties known as roving within and outside courthouse buildings. Court security screening officers operate detection equipment at main entrances, screen visitors, and ensure a weapons-free environment within the building. Court officer positions work directly within the courtrooms and are responsible for maintaining order within hearings and for carrying out the directions of the judge. Security rovers provide a general security presence within and outside the building and respond to any incident where additional security is required. Each of the three roles works together to ensure the security of court users.

Currently within Vermont courts, there are varying levels of law enforcement authority. Deputy sheriffs serve as certified law enforcement officers with full arrest and enforcement authority. State court officers and private security personnel do not have this authority, but may stop, hold, and detain persons at the direction of the judge.

There are different divisions in each unit that hold hearings that have historically involved different levels of risk. While the level of security needed at any one time cannot be fully predicted, experience in Vermont shows that hearings involving litigants who are in custody have a higher level of security risk.

Hearings in the different divisions include the Criminal Division, which regularly includes litigants who are in custody; the Family Division, which includes the Juvenile Docket and the Mental Health Docket which hearings can also include litigants who are in custody; the Civil Division, which includes Post-Conviction Relief hearings that can include litigants who are in custody; and the Probate

Division, the Environmental Division and the Judicial Bureau, which hearings rarely include litigants who are in custody.

Transport deputies accompany any litigants in custody who appear in person for court hearings in any division.

A higher level of security risk is also present in general in hearings in the Criminal Division and the Family Division, given the nature of what is at stake in the hearings. A higher level of security risk may also be present in certain hearings in the Civil Division, such as landlord/tenant hearings. Circumstances may warrant a security presence in the courtroom in any division, however, based on the litigants and circumstances involved.

There are also different types of hearings that have different levels of security risks. In-person hearings have the highest potential for security risks. Since the pandemic and the advent of remote hearings, litigants oftentimes have the option of appearing remotely in many court hearings, which has reduced the occasion of persons posing a security risk to others appearing together in the same courthouse or in the same courtroom. Status conferences and non-evidentiary hearings are oftentimes held remotely or as a “hybrid” hearing where one party or parties may be present in person but the other party or parties may appear remotely. Evidentiary hearings, as well as bench or jury trials, are typically held in-person.

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 court staff, judges and the relevant 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 the following courthouses, with the understanding that additional security personnel may be assigned to any courthouse on any given day as circumstances warrant:
  - a. Mahady Courthouse in Middlebury
  - b. Bennington Criminal and Family Courthouse in Bennington
  - c. Caledonia Criminal and Family Courthouse in St. Johnsbury
  - d. Costello Courthouse in Burlington (two rovers)
  - e. Franklin Criminal and Family Courthouse in St. Albans
  - f. Lamoille County Courthouse in Hyde Park
  - g. Orange County Courthouse in Chelsea
  - h. Orleans Criminal and Family Courthouse in Newport
  - i. McCaffrey Courthouse in Rutland
  - j. Washington Criminal and Family Courthouse in Barre
  - k. Windham Criminal, Family and Probate Courthouse in Brattleboro
  - l. Windsor Criminal and Family Courthouse in White River Junction
  
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 court plain-clothes 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 Position**

A new classified position will be created for Judiciary-employed court officers with expanded enforcement authority and more advanced training in non-lethal use of force and law enforcement functions. A training and certification program will be developed pursuant to appropriate training standards. The Court Administrator will have direct authority over these unarmed positions and may authorize court officers to perform law enforcement functions necessary for the performance of their duties. Language for an authorization statute will be proposed to the Legislature in conjunction with this recommendation.

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
<b>Total</b>	<b>69.23</b>	<b>88.05</b>	<b>18.82</b>			<b>\$ 8,867,095</b>

**Current Budget \$ 6,822,764**

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

**Conclusion**

S.17 requires the Judiciary to report to the Legislature on the number of sheriff deputies needed to be made available to provide law enforcement and security services to county and state courthouses to facilitate regular courthouse operations. Given the current law enforcement workforce landscape, forty -seven county sheriff-employed sheriff deputies are needed to cover screener, rover and other security duties. In addition, thirty-eight Judiciary-employed security personnel and three Judiciary-employed supervisors are needed to cover security duties in the courtroom during hearings and trials.

S.17 also requires the Judiciary to report on any needed creation of classified positions responsible for courthouse security services, similar to the classified position of transport deputy. The Judiciary recommends the creation of a new classified position for the thirty-eight Judiciary-employed security personnel who will be responsible for security in the courtroom during hearings and trials, and who may be assigned administrative duties outside the courtroom when not providing security during hearings and trials.

Lastly, S.17 requires the Judiciary to include in its Report any corresponding budget request. The total budget request for the sheriff deputies and the Judiciary-employed court officers is \$2,044,331.

The Judiciary would like to acknowledge and thank all of the stakeholders who provided invaluable input into the formulation of this Report, including in

particular court staff, judicial officers, the Vermont Sheriffs' Association, the State's Attorneys and Sheriffs' Department, the Vermont State Employees Association and the other relevant stakeholder agencies and organizations listed above. We very much appreciate the spirit of collaboration and cooperation that prevailed during the discussions and look forward to on-going consultation with all stakeholders concerning the important topic of courthouse security in Vermont state courts.

## Appendices to Judiciary's S.17 Report to the Legislature

Appendix A – NCSC “Overview of Courthouse Security Assessments”

Appendix B – Schedule of In-Service Visits to Courthouses

Appendix C – Questions Posed during In-Service Visits

Appendix D – Stakeholder Meetings Agendas

Appendix E – Summary of Overview of S.17 Report

## APPENDIX A

[National Center for State Courts - Overview of Courthouse Security Assessment](#)

## APPENDIX B

### **In-Service Schedule – S.17 Courthouse Security Report**

**Thursday, June 1 (pm) – Rutland Civil/Probate (1 – 2 pm)**

**Friday, June 2 (am) – Addison (9 – 10 am)**

**Tuesday, June 6 (am) – Rutland Criminal/Family (9:45 – 10:45 am)**

**Friday, June 9 (am) – Orange (11am – 12 noon)**

**Tuesday, June 13 (am) – Caledonia/Essex (Essex 9 – 10 am; Caledonia 11 am – 12 pm)**

**Friday, June 16 (am) Bennington Criminal/Family (9 – 10 am)**

**Wednesday, June 21 (am) – Orleans (11:00 am – 12 noon)**

**Monday, June 26 (am) Franklin Criminal/Family and Civil/Probate and Grand Isle**

**Tuesday, July 11 (pm) – Chittenden and Env'l- (Civil/Probate 1:30 – 2:30; Crim/Fam 3 – 4 pm)**

**Friday, July 14 (am) – Windsor (8-9 am Crim/Fam and JB; 9 – 10 am Civil/Probate all at WRJ)**

**Wednesday, July 26 (am) – Washington (Civil/Prob 9 – 10 am; Crim/Fam 10:30 – 11:30 am)**

**Friday, August 4 (am) Windham Criminal/Family and Civil/Probate (9 – 10 am in Brattleboro)**

**Friday, August 4 (pm) Bennington Civil/Probate (2 – 3 pm)**

**Thursday, August 10 (pm) – Lamoille (1 -2 pm)**

## APPENDIX C

### Questions for Court Staff – In-Service Visits re Courthouse Security

1. Brief Overview of S. 17.
2. Who provides courthouse security at the courthouse? (sheriff deputies, private security, state employees – how many of each)
3. What functions does each serve? (screener, courtroom, rover)
  - 3a. How many sheriff deputies typically work at the courthouse?
  - 3b. How many FT sheriff deputies are currently under contract for the courthouse?
4. When is there typically security personnel in a courtroom? (which division, which hearing type, typical weekly or monthly schedule for the hearing types)
5. Are any of the security personnel armed?
6. Do any of the security personnel do non-security work while at the courthouse?
7. What security personnel are involved with jury trials (civil versus criminal – how many, what functions)
8. What is working well with respect to security personnel?
9. Is anything not working well with respect to security personnel?
10. How do you contact security personnel at the courthouse if you need them?
11. Do you recommend any changes in the number or type or function of security personnel currently at the courthouse?

## APPENDIX D

### S.17 Report Stakeholders' Meeting

Agenda – 9-26-23

1. Welcome and Introductions
2. In-Service Visits
3. Outline of S.17 Report
4. Courthouse Security Personnel
5. Proposals

### Judiciary's S.17 Report to the Legislature

Stakeholders' Meeting Agenda

October 24, 2023 - 3:00 – 4:30 pm

1. Review of S.17 Report Outline
2. Review of Issues, Key Considerations and a Proposed Solution
3. Review of Proposed State-Paid Court Security Program
4. Review of Appendices
5. Meeting with Other Relevant Stakeholders
6. Next Meeting

Judiciary's S.17 Report to the Legislature

Stakeholders' Meeting Agenda

November 21, 2023 – 10:00 – 11:00 am

1. Overview - Other Relevant Stakeholders Meeting
2. Review of Draft Report
3. Review of Draft Appendices
4. Wrap-Up
5. Happy Thanksgiving!

## APPENDIX E

### S.17 Report Stakeholders' Meeting

#### Agenda – 11-15-23

1. Welcome and Introductions
2. In-Service Visits
3. Outline of S.17 Report
4. Courthouse Security Personnel
5. Report Recommendation

### **S.17 Recommendation Summary**

#### **Security Roles**

1. Armed sheriff deputies serving as screeners at each of the 23 state courthouses.
2. Armed sheriff deputies serving as rovers at specified courthouses listed below.
3. Judiciary-employed court security officers trained for courtroom security duties serving in all criminal and family hearings and serving in civil and probate hearings as needed.
4. Judiciary-employed court security officers trained for courtroom security duties available to be assigned state-wide as needed.

### **New Classified Position**

A new classified position will be created for the Judiciary-employed court security officers. Such officers will be unarmed but trained in de-escalation and non-lethal security methods. They 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 to which they're assigned.

### **Courthouses to which at last one rover will be assigned:**

- a. Frank Mahady Courthouse in Middlebury
- b. Bennington Criminal and Family Courthouse
- c. Caledonia Criminal and Family Courthouse in St. Johnsbury
- d. Costello Courthouse in Burlington
- e. Franklin Criminal and Family Courthouse in St. Albans
- f. Lamoille County Courthouse in Hyde Park
- g. Orange County Courthouse in Chelsea
- h. Orleans Criminal and Family Courthouse in Newport
- i. Francis McCaffrey Courthouse in Rutland
- j. Washington Criminal and Family Courthouse in Barre
- k. Windham Criminal, Family and Probate Courthouse in Brattleboro
- l. Windsor Criminal and Family Courthouse in White River Junction