

**JUDICIAL COUNCIL OF CALIFORNIA  
ADMINISTRATIVE OFFICE OF THE COURTS**

455 Golden Gate Avenue  
San Francisco, California 94102-3660

**Report**

*(Annotated to include Judicial Council actions taken on July 7, 2004)*

TO: Members of the Judicial Council

FROM: Hon. Richard D. Aldrich, Chair  
Working Group on Court Security  
Tina Hansen, Director, Finance Division 415-865-7951  
Mike Roddy, Director, Northern/Central Regional Office  
916-263-1333

DATE: July 1, 2004

SUBJECT: Recommendation on Methodology and Allocation of \$22 Million  
Trial Court Security Reduction and New Security Funding Pending  
in the FY 2004–2005 May Revision (Action Required)

Issue Statement

The Budget Act of 2003 (Ch. 157, Stats. of 2003) included a reduction of \$11 million in trial court security funding in fiscal year (FY) 2003–2004, effective January 2004, and an ongoing reduction of \$22 million beginning July 1, 2004. The pending state budget for FY 2004–2005 contains \$28.779 million in new funding for trial courts for increases in salaries, retirement, and other benefits for the provision of court security services. This report presents recommendations for a methodology to be used for and allocation of the \$22 million security reduction and the pending new security funding. The Judicial Council has authority to approve trial court allocations.

Background

During the 2003 legislative session, the legislature expressed concern with the ongoing growth of court security expenditures and looked for a means for stakeholders to work cooperatively to establish standards for providing court security services. The result was a reduction in the FY 2003–2004 judicial branch budget of \$11 million (increasing to \$22 million per year in FY 2004–2005) to reflect anticipated savings from the development and implementation of uniform standards and guidelines that may be used in the provision of trial court security services. To facilitate the development and implementation of these uniform

standards and guidelines Assembly Bill 1759 (Chapter 159, Statutes of 2003) amended Government Code section 69927 to require the Judicial Council to establish a working group on court security (Working Group), to make recommendations on court security practices to the Judicial Council. The Judicial Council formally approved Rules 6.170 and 6.171 of the California Rules of Court on October 14, 2003. Pursuant to California Rules of Court 6.170 and 6.171, the Working Group comprises:

- Eight Judicial branch representatives;
- Two county representatives;
- Three county sheriff representatives;
- Two law enforcement labor representatives; and
- A non-voting chair who is an appellate court justice.

The working group was directed to develop, for consideration and action by the Judicial Council, the following:

- Recommendations on uniform standards and guidelines that may be used by the Judicial Council and any sheriff or marshal for the implementation of trial court security services;
- Recommendations and policy directions to achieve efficiencies that will reduce court security operating costs and constrain growth;
- Recommendations, as appropriate and in consultation with the Administrative Office of the Courts' (AOC) Office of Court Construction and Management regarding security considerations for court facilities; and
- Recommendations on the subject areas to be addressed in the comprehensive court security plans required under Government Code section 69925.

#### FY 2003–2004 Court Security Budget Reduction

At the August 29, 2003 Judicial Council meeting, the council approved a staff recommendation to delay determination of the allocation methodology for this reduction until later in the fiscal year, pending the development of guidelines and standards by the Working Group which would assist the courts in achieving necessary cost savings. Therefore, the first task of the Working Group was to address the FY 2003–2004 court security reduction of \$11 million and the FY 2004–2005 court security reduction of \$22 million.

At the first meeting on January 16, 2004, the Working Group determined that they should concentrate their efforts on the larger FY 2004–2005 reduction, because no recommended practices could be implemented in time to produce enough savings to generate the \$11 million in savings required in FY 2003–2004. At the direction

of the Working Group, staff brought a recommendation to the council at its February 27, 2004 business meeting to allocate the \$11 million security reduction on a one-time basis. The recommendation was to base the allocation on the lesser of each court's FY 2003–2004 security budget or their FY 1996–1997 security baseline plus all ongoing security augmentations since that time. The council approved this recommendation.

#### FY 2004–2005 Court Security Budget Reduction

In order to begin developing standards, the Working Group required additional information on existing court security costs and practices. The Working Group directed staff to develop and distribute a court security survey. This survey was initially distributed to the 14 largest courts that comprised about 86 percent of statewide court security expenditures. Since this information proved to be extremely useful in analyzing court security practices, the survey was eventually distributed to all 58 trial courts.

The information collected through this survey was analyzed and used to develop a system for allocating court security budget reductions. The working group agreed to utilize a transition period for implementation of the standards for the following reasons: (1) the working group still has additional standards to develop, (2) Courts need some time to develop and implement changes to the way security is provided that will result in reasonable cost constraints, and (3) applying the standards at this time to determine the reductions for the entire year would result in reductions for a few courts that are too large for them to be able to absorb without adequate preparation time.

The working group acknowledged that there is not enough information regarding court operations in some areas to develop a complete set of standards that can be used for determining minimum court security service levels and for future funding purposes. The “Other Costs” funding ratio as presented is being used solely to meet the remainder of the \$22 million funding reduction after the reductions for the other three functional areas have been established. The working group has expressed strong concerns that full implementation of the \$22 million court security reduction in FY 2004–2005, based on these standards will jeopardize existing local court security plans that already reflect reductions. The working group recommends that the Judicial Council direct the AOC, in conjunction with the California State Sheriffs Association (CSSA), the California Association of Counties (CSAC), and other stakeholder groups, to pursue a deficiency request in FY 2004–2005 to offset the \$22 million reduction and facilitate the transition from current court security practices to the standards developed by the working group.

The first \$11 million of the reduction would be allocated on a prorated basis, similar to the allocation methodology used in FY 2003–2004. This would enable

courts to work with the sheriffs to institute some efficiencies and cost constraints to reduce the cost of their security services. The allocation of the remaining \$11 million reduction would be calculated by applying the standards in each of the functional security areas. If a court's actual cost, at median salary, for a functional area is more than the standard for that area, the court would receive a reduction equal to the difference. If a court's actual cost is less than the standard for that function, no reduction would be taken. Each court's total reduction would be calculated by adding any reductions together.

The reason for utilizing a transitional methodology of six months reduction on a prorated basis, and six months using the recommended standards, is to provide relief to some courts that would be adversely affected by applying the standards as they currently are for the complete fiscal year. Even with the transition period, there are still a few courts that will face large reductions. To provide additional relief to these courts, staff recommends that the Judicial Council approve setting aside a total of \$4 million from the carryover of emergency funding from prior years for which courts can apply on a one-time basis. In order to receive any funding, courts would have to demonstrate a severe adverse impact on their court security plan for FY 2004–2005 using the recommended transitional security reduction methodology.

The details of the methodologies for determining and applying funding standards and for the determining the prorated reduction are outlined in Attachment 2. The proposed plan for allocating the FY 2004–2005 court security budget reduction results in the reductions shown in columns C and D of Attachment 1. The net change in allocation is indicated in column G.

#### Court Security Interim Service Delivery Alternatives

In addition to developing court security funding standards to be used for allocating the \$22 million reduction, the Working Group reviewed court security practices that are currently being used by trial courts and developed a set of interim service delivery alternatives in the following general categories: Perimeter Security, Inmate Transportation to Court, Overtime Management, Judicial Activities, Courtroom Security Staff Management, Cost Sharing, and Administration. These alternatives describe security practices that can be used in a variety of functional areas and describe issues that should be considered before their implementation. The alternatives are included in Attachment 3.

#### Recommendation

The Working Group on Court Security and AOC staff recommend that the Judicial Council:

1. Approve the allocation of the \$28.779 million in new security funding pending in the state budget as indicated in column F of Attachment 1.
2. Approve the allocation of the \$22 million ongoing security reduction, on a transition basis, applying half of the reduction in a prorated manner, column C of Attachment 1, and utilizing the proposed methodology applying standards to functional security areas, as indicated in column D of Attachment 1, for the second \$11 million.

***Recommendations 1 and 2 were approved by the Judicial Council.***

3. Approve the establishment of a \$4 million fund from the carryover of emergency funding from prior years that can be applied for on a one-time basis by those courts that can demonstrate a severe adverse impact on their court security plan in FY 2004–2005 utilizing the recommended transitional reduction allocation methodology. Courts may receive relief from this fund if their reduction is greater than it would have been if reductions had been allocated on a prorated basis.

***Staff added the last sentence to the above recommendation to provide criteria under which courts can determine whether they are eligible to request funds from the \$4 million fund. The Judicial Council approved the recommendation.***

4. Direct staff to continue working with the sheriffs and other stakeholder groups on the possible submission of a deficiency request for one-time security funding in FY 2004–2005, to partially offset the reduction for that year.
5. Approve a permanent funding standard of 1.9 deputy sheriff positions per entrance screening station. The working group has agreed that this funding standard is appropriate and can be used for determining future court security budget allocations.
6. Approve a permanent funding standard of 1 sergeant position per 12 non-supervisory security positions. The working group has agreed that this funding standard is appropriate and can be used for determining future court security budget allocations.
7. Approve a FY 2004–2005 funding cap of 1.44 positions per judicial position equivalent in the areas of Internal Security, Internal Transportation and Courtroom Security. The working group strongly believes that there is not enough information regarding court operations in these areas to develop standards that can be used for future funding purposes. This funding cap is

- being used solely to meet the remainder of the \$22 million funding reduction after the reductions for the other three functional areas have been established.
8. Direct the Working Group and staff to develop standards for Internal Security, Internal Transportation and Courtroom Security.
  9. Direct the Working Group and staff to conduct further analysis on holding cells, control rooms, and other areas not addressed in the funding standards. At this time, it is recommended that these areas will be funded at projected FY 2004–2005 actual positions and median salary and benefit costs.
  10. Direct staff to present to the council the final standards in all security areas after they have been developed.
  11. Direct staff to obtain security cost information from courts that will be opening new facilities in FY 2004–2005 or 2005–2006 so that a funding request can be submitted to the DOF for the funding to provide security for them.
  12. Direct staff to bring any recommended adjustments to the ongoing allocation of the \$22 million security reduction for FY 2005–2006 to the council after the final standards have been developed.
  13. Adopt the “Guidelines for Alternatives in the Provision of Court Security Services in the Trial Courts” (Attachment 3) and direct staff to distribute them to the trial courts and sheriffs throughout the state with the direction that they be considered by both entities in discussions to meet specific security budget reductions and in an effort to contain future growth in court security costs.

***Recommendations 4-13 were approved by the Judicial Council.***

14. Delegate to the Administrative Director of the Courts the authority to make technical adjustments to the recommended reductions to security funding.

***Staff added the above recommendation at the council meeting. There are still a couple of reserve appeals that are under discussion. Authority was needed to make any technical adjustments necessary once all of the appeals results are known. The Judicial Council approved it.***

### Rationale for Recommendation

Staff recommend allocating the new funding based on what was approved for courts through the normal BCP process in FY 2004–2005. These courts will experience increases in security costs due to salary and benefit increases. In many cases, the funding will also help to offset their portion of the \$22 million reduction.

Because utilizing the standards to allocate the entire \$22 million in the first year would result in very high reductions for a few courts, and because courts need additional time to institute savings, efficiencies and cost constraints, and the Working Group needs to finalize development of standards, the reduction is proposed to be transitioned over FY 2004–2005. Even with the transitional period, a few courts will face large reductions in security. For this reason, it is proposed to provide additional relief through the setting aside of carryover funding from prior year emergency funding that can be applied for on a one-time basis by courts that can demonstrate a severe impact to their FY 2004–2005 court security plan by implementation of the recommended transitional policy.

The recommended methodology utilizes uniform standards, for all but a limited number of areas, among all courts for funding security services. This allows each court and sheriff to determine how they want to provide those services in different functional areas. This provides the sheriff and the court with the flexibility required to establish an appropriate level of court security services. The Working Group has not yet determined how to handle a few of the functional areas. Utilizing actual costs until a decision is made in these areas will hold courts harmless for the costs of these services at this time. Meanwhile, the Working Group needs to complete the standards in all areas that will remain a state obligation. Once the Working Group has completed the standards, they need to come back before the council so that they can be considered. When the new standards are run against the courts' security numbers, they will most likely affect the allocation of the reduction in FY 2005–2006. Staff need to bring the allocation using all of the standards to the council for consideration.

There are a few courts that will be opening new facilities in FY 2004–2005 and 2005–2006. These facilities will need security services. Staff needs to obtain information regarding the cost for providing security at the standards (where available) for these new facilities, and then to pursue additional new funding for these positions through the budget process.

While the AOC and state sheriffs have made attempts with the legislature to reduce the \$22 million security reduction, it appears that this will not be incorporated into the Budget Act. If a deficiency request could be approved to offset at least part of the reduction for FY 2004–2005, it would provide some

relief to the courts, by allowing time to implement some efficiencies while the standards are being finalized.

The guidelines and standards are being recommended to the council because the working group is required under Assembly Bill 1759 to develop and implement guidelines and standards for provision of security services. These guidelines will provide assistance to trial courts and sheriffs, by providing information on alternative methods of providing court security.

#### Alternative Actions Considered

In addition to the recommended alternative, other options were considered. Among them were the following:

- Allocate the FY 2004–2005 court security funding increases based on the requests from the courts that were included in the May Revise and then utilize the same methodology for the \$22 million reduction as was used for the \$11 million reduction in FY 2003–2004. This alternative was not recommended because: (1) it does not include the development of standards and guidelines for security which are required by the Budget Act of 2003, and (2) it does not consider the level and type of security currently provided in each court. The Working Group and AOC staff felt that both of these requirements were essential in the creation of the recommendation.
- Fund a standard number of security positions per judicial position equivalent. This option was not recommended because it was believed that the needs of individual courts for specific types of security services differed based on a variety of factors, such as, size of court, number of facilities, types of cases heard in the specific facilities, and that functional types of security should therefore be addressed separately. For example, at some facilities in smaller courts, proceedings may be held only once or twice a week. Provision of full-time courtroom security or perimeter security may not be necessary or cost efficient in such situations.
- Utilize the standards developed by the Working Group for each functional area. Add the costs for each of the areas together. This would be the cost of security for the court if the proposed funding standards or ratios were used completely. This amount was compared for each court with the lesser of (1) the FY 2004–2005 security baseline funding budget (which includes court employee security and pending new funding) and (2) the FY 2004–2005 security budget (which also includes court employees and pending new funding). If the lesser number from the comparison was greater than the cost based on the standard, the court's FY 2004–2005 security base would be reduced to the amount based on the standard. If the comparison

amount was less than the total cost based on the standard, the court would not receive a reduction.

#### Comments from Interested Parties

While trial court budget reports are not subject to the invitation to public comment requirement, the recommended methodology was presented to the Trial Court Executive Management Budget Working Group for comment on June 9 and to the Trial Court Presiding Judges and Court Executives Advisory Committees on June 17-18. In addition, the court security staffing and cost data collected in the court security surveys was submitted to the courts and sheriffs for verification before preparation of the final report. A few courts commented that their FY 2003–2004 security budget numbers had changed since they submitted their Schedule 1. All courts were then provided an opportunity to verify and or update their budget number.

#### Implementation Requirements and Costs

No additional funds will be sought to implement the recommendations. However, the working group is recommending that the Judicial branch pursue a one-time deficiency request in FY 2004–2005 to partially offset the reduction.

Attachments

Attachment 1: Allocation Spreadsheet

## **Methodology for Allocating Court Security Budget Reductions**

### Data Collection

The survey requested the following information for each court facility:

- Number, position (i.e., lieutenant, sergeant, deputy sheriff, technician, court attendant) and classification (i.e., sheriff-sworn, sheriff-unsworn, civilian, private security) of security staff. This information was provided in the following functional security areas: supervision, perimeter security (i.e., entry screening, hallway monitoring, after hours security, unsecured doors), courtroom security (by case type), and holding cells/internal transportation (i.e., lockups, internal transportation, and control room);
- Number of weapons screening stations and holding cells in each facility;
- Total positions and beginning, mid and top step salary and benefit costs for the various classifications of security provided to a specific court;
- Overtime/extra help budget costs;
- Other costs for security outside of salary and benefits; and
- Changes in level of security service due to planned facility openings and closings.

The court security survey distributed to the courts is included in Attachment 4.

### Methodology Utilizing Standards

Pursuant to their charge from the Judicial Council, the Working Group used the information submitted through the court security surveys and the following methodology to develop standards that could be used to fund trial court security costs.

- 1) Developed a FY 2003–2004 security base for each court. This was calculated as the lesser of (1) the FY 2003–2004 security budget from Schedule 1 plus the FY 2003–2004 security budget growth or (2) the FY 1996–1997 baseline security budget plus security budget growth from FY 1997–1998 through FY 2003–2004, or (3) the FY 2002–2003 security expenditures plus the FY 2003–2004 security budget growth. (The salaries and benefits of court employees that provide security were included in each of the calculations above.)

- 2) Developed a FY 2004–2005 security base for each court. This was calculated as the total of the FY 2003-2004 security base and the pending FY 2004-2005 augmentation for security costs. This assumes approval of the May Revise request for FY 2004–2005 security salary and benefit increases and allocating them as requested by the courts.
- 3) Developed the statewide security funding standards and each court’s budget under these funding standards. The following information was submitted by each court:
  - Median salary and benefits for a deputy sheriff;
  - Median salary and benefits for a deputy sergeant
  - Number of entrance screening stations
  - Number of deputy sheriff equivalents non-supervisory positions; and
  - Costs of non-standard areas: unsecured doors, after hours, holding cells, control rooms, training, security equipment and maintenance costs.

Four functional security areas were established for the purposes of this methodology. The functional areas and their standards are:

- a. Entrance Screening – 1.9 median step deputy sheriff full-time equivalents (FTEs) per entrance screening station;
- b. Supervision – 1.0 median step deputy sergeant per 12 non-supervisory FTEs;
- c. Other Costs (which includes internal security, internal transportation, and courtroom security); and
- d. Other Non-Standard/Funding Cap Costs (which includes unsecured doors, after hours, holding cells, control rooms) – actual costs at median step for actual FTEs as reported by the courts.

The methodology utilizes actual mid-step salary and benefit costs for full deputy sheriff positions (also known as 830.1 positions) and sergeants for each court. The standard is applied to each separate security component. If a court is below the cost of applying the standard, no reduction is made for that component. If a court is above the cost applying the standard, a reduction is taken to bring the court to the standard. The reductions for each of the areas are then added together providing the total reduction for each court. The full amount of this reduction is indicated in column A of Attachment 1. The recommended proposal is that half of this amount be allocated in FY 2004–2005. This amount is displayed in column

D. Column F shows the amount of new funding that would be provided to each court from the security funding in the pending state budget. Column G indicates the net change for the court, i.e., the six-month reduction resulting from applying the standards and the six month prorated reduction as described in the next section, if any, plus any pending new funding.

#### Methodology for Prorated Reduction

The transition would involve prorating half (\$11 million) of the reduction over all 58 courts. The prorated amount is determined by selecting the lesser of three numbers for each court: (1) the FY 2002–2003 expenditures plus all ongoing augmentations and funding pending in the FY 2004–2005 state budget, or (2) the FY 1996–1997 security baseline plus all ongoing augmentations since that date and funding pending in the FY 2004–2005 state budget, or (3) the FY 2003–2004 security budget plus the funding pending in the state budget. (Each of these figures would include the salary and benefit costs of court employees providing security.) The selected amounts for all of the courts are then totaled. Each court's percentage of the total would then be determined, and the percentage would be multiplied by \$11,000,000. The full year cost prorating the reduction is displayed in column B. The six-month amount for this reduction, which would be allocated to the courts under the recommendation, is displayed in column C of Attachment 1.

Proposed FY 2004-2005 Allocation of Security Reduction and New Funding

Court System	Recommended Funding Model For Reductions (Full Year Costs) A	Prorated Reduction (Full Year Costs) B	FY 2004-2005 Security Reduction Proposal				
			Six Months of Prorated Reduction (B/2) C	Six Months of Recommended Funding Model (A/2) D	Total Reduction (C+D) E	Pending in May Revise F	Net Change (E+F) G
Alameda	-	(1,118,749)	(559,375)	-	(559,375)	1,214,822	655,447
Alpine	-	(619)	(310)	-	(310)	-	(310)
Amador	-	(24,078)	(12,039)	-	(12,039)	62,316	50,277
Butte	-	(59,720)	(29,860)	-	(29,860)	105,913	76,053
Calaveras	-	(15,146)	(7,573)	-	(7,573)	45,685	38,112
Colusa	-	(5,360)	(2,680)	-	(2,680)	-	(2,680)
Contra Costa	(239,264)	(592,661)	(296,331)	(119,632)	(415,963)	347,210	(68,753)
Del Norte	-	(11,696)	(5,848)	-	(5,848)	7,584	1,736
El Dorado	(18,656)	(84,473)	(42,236)	(9,328)	(51,564)	21,946	(29,618)
Fresno	(184,571)	(355,170)	(177,585)	(92,285)	(269,871)	299,726	29,855
Glenn	(16,108)	(5,903)	(2,952)	(8,054)	(11,006)	7,350	(3,656)
Humboldt	-	(46,524)	(23,262)	-	(23,262)	154,765	131,503
Imperial	(27,649)	(40,249)	(20,125)	(13,824)	(33,949)	-	(33,949)
Inyo	-	(9,604)	(4,802)	-	(4,802)	15,681	10,879
Kern	(264,127)	(357,328)	(178,664)	(132,063)	(310,728)	355,001	44,273
Kings	(14,349)	(33,184)	(16,592)	(7,174)	(23,766)	-	(23,766)
Lake	-	(12,816)	(6,408)	-	(6,408)	16,018	9,610
Lassen	(7,772)	(11,958)	(5,979)	(3,886)	(9,865)	11,745	1,880
Los Angeles	(14,121,955)	(7,679,474)	(3,839,737)	(7,060,978)	(10,900,714)	4,506,925	(6,393,789)
Madera	-	(19,548)	(9,774)	-	(9,774)	33,757	23,983
Marin	(87,018)	(144,859)	(72,430)	(43,509)	(115,938)	178,302	62,364
Mariposa	-	(1,745)	(873)	-	(873)	2,755	1,882
Mendocino	-	(44,110)	(22,055)	-	(22,055)	29,967	7,912
Merced	-	(62,062)	(31,031)	-	(31,031)	-	(31,031)
Modoc	-	(680)	(340)	-	(340)	-	(340)
Mono	-	(3,464)	(1,732)	-	(1,732)	-	(1,732)
Monterey	-	(159,340)	(79,670)	-	(79,670)	453,269	373,599
Napa	(158,691)	(70,138)	(35,069)	(79,346)	(114,415)	45,644	(68,771)
Nevada	(87,130)	(22,800)	(11,400)	(43,565)	(54,965)	98,340	43,375
Orange	-	(1,868,518)	(934,259)	-	(934,259)	3,077,786	2,143,527
Placer	-	(103,187)	(51,594)	-	(51,594)	112,955	61,361
Plumas	-	(8,733)	(4,366)	-	(4,366)	-	(4,366)
Riverside	-	(635,238)	(317,619)	-	(317,619)	-	(317,619)
Sacramento	(407,483)	(893,201)	(446,601)	(203,742)	(650,342)	1,133,627	483,285
San Benito	-	(3,646)	(1,823)	-	(1,823)	1,561	(262)
San Bernardino	(2,395,168)	(1,069,235)	(534,618)	(1,197,584)	(1,732,202)	2,522,039	789,837
San Diego	-	(1,575,259)	(787,629)	-	(787,629)	5,328,752	4,541,123
San Francisco	-	(483,370)	(241,685)	-	(241,685)	864,528	622,843
San Joaquin	(290,836)	(270,892)	(135,446)	(145,418)	(280,864)	453,014	172,150
San Luis Obispo	-	(138,435)	(69,218)	-	(69,218)	284,756	215,538
San Mateo	(561,317)	(382,093)	(191,046)	(280,658)	(471,705)	764,128	292,423
Santa Barbara	(430,769)	(243,080)	(121,540)	(215,385)	(336,925)	520,652	183,727
Santa Clara	(980,418)	(1,509,412)	(754,706)	(490,209)	(1,244,915)	2,889,776	1,644,861
Santa Cruz	-	(122,395)	(61,198)	-	(61,198)	35,295	(25,903)
Shasta	(250,073)	(90,276)	(45,138)	(125,036)	(170,175)	-	(170,175)
Sierra	-	(1,401)	(701)	-	(701)	-	(701)
Siskiyou	-	(30,664)	(15,332)	-	(15,332)	66,171	50,839
Solano	-	(231,712)	(115,856)	-	(115,856)	468,096	352,240
Sonoma	(39,681)	(261,687)	(130,843)	(19,841)	(150,684)	120,008	(30,676)
Stanislaus	-	(122,871)	(61,436)	-	(61,436)	30,367	(31,069)
Sutter	-	(35,757)	(17,878)	-	(17,878)	67,159	49,281
Tehama	-	(19,722)	(9,861)	-	(9,861)	34,876	25,015
Trinity	-	(6,965)	(3,483)	-	(3,483)	-	(3,483)
Tulare	(358,131)	(203,839)	(101,920)	(179,065)	(280,985)	-	(280,985)
Tuolumne	-	(17,110)	(8,555)	-	(8,555)	36,916	28,361
Ventura	(865,646)	(540,771)	(270,385)	(432,823)	(703,208)	1,644,078	940,870
Yolo	(193,190)	(110,135)	(55,067)	(96,595)	(151,662)	246,556	94,894
Yuba	-	(26,938)	(13,469)	-	(13,469)	61,591	48,122
	(22,000,000)	(22,000,000)	(11,000,000)	(11,000,000)	(22,000,000)	28,779,408	6,779,408

**JUDICIAL COUNCIL OF CALIFORNIA  
ADMINISTRATIVE OFFICE OF THE COURTS**

455 Golden Gate Avenue  
San Francisco, California 94102-3688

**Report**

**TO:** Members of the Judicial Council

**FROM:** Michael Roddy, Regional Administrative Director, Northern/Central Region  
Sheila Gonzales, Regional Administrative Director, Southern Region  
Christine Patton, Regional Administrative Director, Bay Area/Northern Coastal Region

**DATE:** June 28, 2004

**SUBJECT:** Summary of Trial Court Comments on the Methodology for Allocation of the FY 2004-2005 Unallocated Reductions for Trial Courts  
(Action Required)

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Issue Statement

In June 2004, Trial Court Executive Budget Management Working Group (TCEBMWG) recommended, for Judicial Council consideration, a proposed new methodology for applying FY 2004-2005 reductions to trial court budgets and a change in policy regarding the retention of court reserves. These recommendations were presented to the presiding judges and court executive officers on June 17-18 at the 2004 Spring Issues meeting in Burlingame, CA. At the request of the Executive and Planning Committee and to ensure that the Judicial Council has more complete information and input from the trial courts, staff has been directed to work with the trial courts to compile and summarize their concerns and comments on these significant budget policy recommendations.

Background

During previous budget years in which trial courts have had to absorb unallocated budget reductions, such reductions were allocated on a pro-rata basis based upon the relative size of each courts' annual budget allocation. Trial courts have raised concerns regarding the equity of this process given that courts are funded at varying levels, generally based on their county budget history before the implementation of state funding. Some courts could absorb these reductions with minimal impact on court operations, while other courts had to implement significant budgetary measures including hiring freezes and layoffs.

In FY 2004-2005, the trial courts are again facing unallocated reductions, both one-time as well as ongoing. To move toward a process that implements reductions more equitably and based on quantifiable factors, such as workload, staffing, or judicial needs, AOC staff developed a model for implementing reductions that utilizes an analysis of the relative level of resources provided to each court per weighted filing.

In addition to the reductions based on workload, the TCEBMWG recommended using reserves as an offset to the FY 2004-2005 trial court budget reductions. Some trial courts have been able to accumulate budget reserves and the working group believes that maintaining small reserves can be useful in addressing local cash flow issues and late budgets and other unanticipated expenditures. However, some courts have developed reserves that are substantial relative to their annual court operating costs and it is these reserves that might become a target for reductions from the Legislature and the state Department of Finance. The TCEBMWG recommended a reserve threshold of 10 percent of annual allocations. Using this reserve threshold as a benchmark, in addition to confirmed legally committed reserves and funding set aside for critical projects, AOC staff reviewed court reported reserves and identified a potential of \$20 million in court reserves that could be used to partially offset the statewide unallocated reduction in FY 2004-2005.

This methodology was presented to the presiding judges and court executive officers on June 17-18 at the 2004 Spring Issues meeting in Burlingame, CA. At the meeting and in follow up discussions, and other communications with the trial courts, a large number of courts expressed their opinion, both in opposition to and support of, the proposed budget reduction methodology. The comments received have been categorized according to the following issue areas: equity issues, impact on court operations, and court recommendations for changing the proposed methodology. A table summarizing the comments is attached as Attachment A.

#### Recommendation

Please note and file.

**Attachment A – Summary of Comments on the Methodology for Allocation of the FY 2004-2005 Unallocated Reductions for Trial Courts**

	<b>Responses from courts opposed to proposed methodology</b>	<b>Responses from courts in agreement with proposed methodology</b>
<b>Equity Issues</b>		
<i>Proposed reserve policy is a reversal from previous AOC policy direction.</i>	<ul style="list-style-type: none"> <li>• The proposed reserve policy would require the application of a new policy to past management strategies and decisions.</li> <li>• The policy penalizes courts that followed previous AOC instructions to accumulate reserves in anticipation of late budgets and unanticipated costs. In addition, courts were instructed not to commit one-time funds to ongoing costs. As a consequence, trial courts accumulated reserves at the expense of necessary court operation expenditures.</li> <li>• If the reserves were reduced, some courts would not be able to fund postponed projects.</li> </ul>	<ul style="list-style-type: none"> <li>• The proposed reserve level still allows local discretion on how to implement the guidelines while maintaining their statutory responsibilities for their own court budget.</li> <li>• Trial courts have been encouraged in the past to attempt to maintain a 5% reserve to address cash flow issues resulting from delayed payments to the trial courts. Many trial courts have maintained modest reserves to address the cash flow issues. This led the working group to recognize the need to maintain a reasonable reserve, resulting in a 10% reserve policy that is more than sufficient to address the cash flow needs of the trial courts.</li> </ul>
<i>Proposed reserve policy disproportionately impacts small courts.</i>	<ul style="list-style-type: none"> <li>• 15 out of the 21 courts impacted by the reserve reduction were from the AOC Northern/Central region, which comprises mainly smaller rural courts.</li> <li>• 13 of the impacted courts were two-judge courts. These courts are historically much more conservative in spending practices and were now being penalized for their fiscal</li> </ul>	<ul style="list-style-type: none"> <li>• To take fund balances over a 10% reserve to help address a statewide one-time budget cut, in lieu of forcing trial courts with insufficient base operating budgets to layoff staff, seems to be the most fiscally responsible way to address the situation.</li> <li>• Sound fiscal management is not a function of court size or region and larger courts are</li> </ul>

	management practices.	<p>not necessarily less fiscally conservative than small courts.</p> <ul style="list-style-type: none"> <li>• Lack of reserves was not a measure of poor fiscal management, but indicative of the impact of issues such as higher local labor cost increases, complex workloads and multiple locations.</li> <li>• Many of the small courts face very small ongoing budget cuts, while many of the mid to large courts face significant ongoing budget cuts.</li> </ul>
<i>Proposed policy has a disproportionate impact on courts with low labor costs</i>	<ul style="list-style-type: none"> <li>• With respect to the methodology for the unallocated budget reductions, courts felt that the use of the salary inflator/deflator to bring courts below the statewide average up to the statewide average, penalized courts that have been conservative with salary negotiations/increases</li> </ul>	<ul style="list-style-type: none"> <li>• The courts in the higher costs of labor areas have been penalized under the current system.</li> <li>• Salary inflator/deflator accounts for courts with higher labor costs.</li> <li>• The methodology may not have been perfect, but it did normalize data based on national labor data, creating an objective point of comparison.</li> </ul>
<i>Inequity created by lack of consistency in reporting court reserves.</i>	<ul style="list-style-type: none"> <li>• Inaccurate or misleading reporting of funding reserves allows some courts to avoid being impacted by the budget reductions. Specifically, some courts may appear to have small reserves by regularly budgeting all reserves and not spending the funds.</li> <li>• Courts emphasized that court budgets have generally not been audited to determine if the distribution and reporting of reserves is</li> </ul>	<ul style="list-style-type: none"> <li>• Timing may be an issue in regard to cash flow and the balance of a reserve. The beginning or end of a fiscal year should be used to determine the amount in reserve in order to account for major un-billed expenditures such as security or other accruals.</li> </ul>

	consistently and fairly applied and that implementing the reserve policy change without such an audit process and without examining year end budgets and expenditures misrepresents the reserves level within the judicial branch	
<i>Process did not provide for sufficient opportunity for input.</i>	<ul style="list-style-type: none"> <li>• The reserve policy recommendation of the Trial Court Executive Budget Management Working Group was developed without sufficient input from impacted courts. The membership of the working group included one impacted court that was not present when the recommendation was adopted.</li> <li>• Courts expressed concern that impacted courts were not able to comment on the policy before the working group made the recommendation. In addition, no alternative proposals were considered or solicited</li> </ul>	<ul style="list-style-type: none"> <li>• The composition of courts represented on the working group was very good and there were also a significant number of courts represented.</li> </ul>
<i>Methodology does not address differences in case complexity.</i>	<ul style="list-style-type: none"> <li>• The methodology for allocating the unallocated budget reductions did not properly account for differences in case complexity. For example, while the methodology recognized workload differences between felony and civil cases, it did not recognize that some courts have more complex felony cases than others (i.e. homicides vs. misdemeanors).</li> </ul>	

<b>Court Operations Issues</b>	<b>Response from courts opposed to proposed methodology</b>	<b>Response from courts in agreement with proposed methodology</b>
<i>Impact on small court operations.</i>	<ul style="list-style-type: none"> <li>• Small courts save funds for issues that may not be of concern to courts with larger budgets; such as the impact of a large balance payout for one employee of a small staff, or need to purchase equipment that may be a small expenditure in a larger courts budget, but is a significant portion of a smaller court’s budget (i.e. entrance screening magnetometer)</li> <li>• Small courts also save funds for unanticipated case expenditures, such as a high profile trial that may happen irregularly in a small court that might be routine in a larger court.</li> <li>• Due to a lack of base budget funding for court staff, small courts have also used reserves to fund “unfunded positions”. While this is not an ideal practice, courts have found it necessary in order to maintain a minimal level of public service. Reducing a court’s reserves may result in elimination of these positions and jeopardize current levels of access and service.</li> </ul>	<ul style="list-style-type: none"> <li>• The large courts face the same issues as small courts with regard to employee payouts at retirement, purchase of security equipment, salary step increases, increased county chargebacks, etc., but at a magnified level.</li> <li>• All courts, regardless of size, must make difficult financial decisions to ensure that they manage within the baseline budget through the curtailment of various non-mandated programs that significantly impact the pro per population.</li> <li>• Planned purchases can be made within the parameters of a 10 percent reserve.</li> </ul>
<i>Proposed policy is a disincentive to responsible fiscal behavior.</i>	<ul style="list-style-type: none"> <li>• The proposed policy creates incentives to change management behavior. Rather than saving for new programs and/or unanticipated expenditures, courts would</li> </ul>	<ul style="list-style-type: none"> <li>• Fiscal responsibility is a statutory responsibility that applies to all courts. The issue of “spending down” budgets should be discussed as part of the Judicial Council</li> </ul>

	<p>feel compelled to spend to the limits of the budget.</p> <ul style="list-style-type: none"> <li>• An alternative to reducing reserves would be to direct the AOC provided more assistance to small courts in planning for projects that would allow the courts to effectively spend reserves.</li> </ul>	<p>formal reserve policy.</p> <ul style="list-style-type: none"> <li>• The proposed protection of a 10% reserve creates an incentive for trial courts to implement cost savings measures to build to that level of reserves.</li> <li>• Due to the need to address \$22 million in security cuts this coming fiscal year, it wasn't appropriate to include the cost of security in the base budget when calculating the reserve amount. In future years, however, it might be appropriate to include Security costs in the base for purposes of calculating the 10% reserve amount.</li> </ul>
<p><i>Reserves are used to pay certain costs that will eventually be reimbursed through a grant program (i.e. AB 1058 programs, drug court, etc.).</i></p>	<ul style="list-style-type: none"> <li>• Without sufficient reserves, delays in receiving reimbursements would require the court to use their operating budgets, which would not be sufficient to absorb costs until reimbursements are made.</li> </ul>	<ul style="list-style-type: none"> <li>• Agree that reserves are important for cash flow purposes, but 10 percent of the court's budget should be sufficient for this purpose.</li> <li>• AOC has been working to streamline reimbursement process to ensure more timely payments.</li> </ul>
<p><i>Reserves fund special needs.</i></p>	<ul style="list-style-type: none"> <li>• Courts have used reserves to fund activities and cost increases not funded in the base budget. The budget process used by the state in which courts are allowed to request funding increases only in specific areas.</li> <li>• Small courts indicated that since these areas are often not a priority for the court, accumulated reserves must be used to fund</li> </ul>	

<p><i>Courts have been saving funds in reserve to pay one-time costs for projects, such as the statewide technology (CCMS and the transition to the technology center) that are not scheduled to begin for several years and accounting projects (such as CARS) currently being implemented, where state funds are very uncertain.</i></p>	<p>local budget priorities.</p> <ul style="list-style-type: none"> <li>• Without accumulating a reserve over several years, a smaller court might not be able to pay those one-time costs out of their operating budgets.</li> <li>• Reducing reserves will also limit the ability of small courts to accumulate funds over several years in order to finance local projects with significant one-time costs that cannot be absorbed in the base budget at one time (i.e. self help centers, court vehicles, etc.)</li> </ul>	<ul style="list-style-type: none"> <li>• In order for all courts to better prepare for major transitions, a statewide fund would be a more appropriate mechanism to address these issues, without putting the trial court reserves at risk.</li> </ul>
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<b>Trial court recommendations to change the proposed policy</b>	<b>Response from courts opposed to proposed methodology</b>	<b>Response from courts in agreement with proposed methodology</b>
<i>Reject recommended reserve policy.</i>	<ul style="list-style-type: none"> <li>• Impose the entire allocation reduction using the current resource equity model based on weighted caseloads with no sweeping of reserves.</li> <li>• Determine the portion of funding reserves that trial courts could make available on a temporary basis to support courts that would be required to significantly reduce service levels.</li> </ul>	<ul style="list-style-type: none"> <li>• Allowing some courts to have reserves exceeding 10% and while other courts do not is problematic. It is only a matter of time before all reserves will be at risk.</li> <li>• During this time of reduced revenues to the courts, it is imperative that we not send the message that the courts have accumulated excessive reserves.</li> </ul>
<i>Establish reserve reduction as a credit or loan.</i>	<ul style="list-style-type: none"> <li>• Amend the proposed methodology be to allow courts that received a reserve reduction to receive full credit for the amount of the transfer, in the form of some type of credit against future reductions. As an alternative, courts also requested future restoration of any reductions.</li> </ul>	<ul style="list-style-type: none"> <li>• The Working Group recommended that trial courts receive 50% credit toward their one-time budget reductions for FY 2004-05. These courts will be required to return half of the amount originally targeted, while the remaining courts (with less than a 10% reserve) will be required to return the full amount.</li> <li>• Reserve reductions as a credit or loan would bind future Judicial Council policy decisions.</li> <li>• In lieu of receiving future year credits, the AOC needs to complete the Resource Equity Model (REM) and apply it to begin equalizing trial court base budgets. This approach, once fully vetted by the trial</li> </ul>

		courts, will balance the inequities that have existed among the trial courts since the transition to state funding.
<i>Establish reserve levels based on court size.</i>	<ul style="list-style-type: none"> <li>• Due to the vast difference between small and large court budgets, 10 percent of a small court budget would be so small that a minor operational change could eliminate the entire funding reserve. Courts recommended establishing different reserve levels based on the base allocation. For example, a mid-size court could maintain a reserve level of 15 percent, while a smaller court could maintain a reserve of 20 percent</li> </ul>	<ul style="list-style-type: none"> <li>• Other courts disagreed indicating that the existing Judicial Branch reserve should be sufficient for this purpose and that once baseline budgets have been adjusted to reflect workload, this should no longer be an issue.</li> <li>• Allowing some courts have to have reserves exceeding 10% is problematic and perpetuates historical inequities. It is only a matter of time before all reserves will be at risk.</li> </ul>
<i>Develop process to fund small court large or unanticipated costs.</i>	<ul style="list-style-type: none"> <li>• If there is to be a limit on reserves, courts expressed a need for some program/process to quickly and easily assist courts with large purchase needs or unanticipated costs.</li> </ul>	<ul style="list-style-type: none"> <li>• Other courts disagreed indicating that the existing Judicial Branch statewide reserve should be sufficient for this purpose and that once baseline budgets have been adjusted to reflect workload, this should no longer be an issue.</li> </ul>
<i>Use more accurate data.</i>	<ul style="list-style-type: none"> <li>• Several courts raised concerns about using filing data to determine court workload. This data was submitted by the trial courts for the annual court statistics report. Some courts did not consider the filing data to be accurate or if it was accurate, a reliable measure of a courts workload. Some courts asked to verify the filing data used to calculate the unallocated reduction or to</li> </ul>	<ul style="list-style-type: none"> <li>• Other courts agreed that the data could be more accurate, but noted that it is incumbent upon each trial court to self-audit data submitted to the AOC. If in doubt about the methodology to use, the court should contact the AOC staff to obtain clarification. The Judicial Branch Statistical Information Standards (JBSIS) have been in place for a few years and is intended to standardize the</li> </ul>

	receive more information on how the analysis was performed	data we all submit to the AOC. Since this data is now being used for allocation purposes, trial courts have the responsibility to ensure it is accurate.
<i>Refine Resource Equity Model.</i>	<ul style="list-style-type: none"> <li>• Continue development of REM and develop a strategy for the equitable future trial court funding.</li> </ul>	<ul style="list-style-type: none"> <li>• Courts in support of the proposed methodology agreed that additional work should be done to refine the Resource Equity Model.</li> </ul>
<i>Develop clear reserve policies.</i>	<ul style="list-style-type: none"> <li>• If the proposed 10 percent reserve policy is approved, trial courts need clear guidelines regarding the purpose of reserves and the activities that should be funded from the accumulated reserves (advance grant payments, payroll, future projects, etc.)</li> </ul>	

## **Interim Alternatives in the Provision of Court Security Services in the Trial Courts**

The Working Group on Court Security has developed the following interim guidelines to assist trial courts and sheriffs in considering alternative means of providing effective court security services within the funding constraints in the fiscal year (FY) 2004–2005 Judicial Branch budget. These interim guidelines were developed based on the following principles:

- Court security is an essential component of court services.
- The sheriff and the court should mutually agree on reasonable security levels at each court facility.
- The court should retain control over the court security budget.
- An effective court security system should emphasize officer safety.
- The sheriff should have sufficient discretion and flexibility in providing security services.

The following pages contain acceptable practices currently being used in the provision of security services in California trial courts. Practices are listed according to the following functional areas:

- Perimeter Security
- Inmate Transportation to Court
- Overtime Management
- Judicial Activities
- Courtroom Security Staff Management
- Cost Sharing
- Administration

For each practice listed, the working group has also identified implementation issues that may need to be considered before it can be implemented.

## Perimeter Security

Perimeter security generally includes securing building entrances by screening for weapons and providing security for non-courtroom areas of the facility. Currently, there are over 450 courthouse facilities in California. The number of courthouse facilities in each of the 58 counties ranges from one building in the smallest counties, to approximately 55 locations in Los Angeles County. Each facility may have one or more public entrance that may require weapons screening and monitoring. Based on factors such as the number of people using each entrance and the volume and type of cases being heard in each facility, each entrance may be monitored with an x-ray machine, a magnetometer, and one or more security staff to screen for weapons. Due to differences in the availability of resources, the level of perimeter security provided for each court varies across the state.

### Entrance Weapons Screening

Practice	Implementation Issues
Provision of weapons screening at court facility entrances by fully sworn peace officers employed by the sheriff as defined in California Penal Code section 830.1 (i.e., deputies, sergeants).	<ul style="list-style-type: none"> <li>- Higher personnel costs.</li> <li>- May not be an effective use of limited number of deputy sheriffs provided to the court.</li> <li>- Sheriff responsible for providing training.</li> <li>- Positions can be supervised and coordinated by sheriff's staff.</li> <li>- Can be used anywhere.</li> </ul>
Provision of weapons screening at court facility entrances by non-sworn public officers employed by the sheriff as defined in California Penal Code section 831.4 (i.e., technicians, security officers, rangers, etc.). These officers are not peace officers but may possess a firearm and may issue citations for infractions as authorized.	<ul style="list-style-type: none"> <li>- May require creation of new position classification.</li> <li>- Lower cost relative to using fully sworn peace officers for weapons screening.</li> <li>- Sheriff responsible for providing training.</li> <li>- Positions can be supervised and coordinated by sheriff's staff.</li> <li>- Limited ability to use in certain courtrooms.</li> </ul>
Provision of weapons screening at court facility entrances by civilians employed by the court or sheriff (i.e., court attendants).	<ul style="list-style-type: none"> <li>- May require sheriff agreement.</li> <li>- Requires coordination of court staff with sheriff's staff.</li> <li>- Court will need to train civilian employees to provide weapons screening.</li> </ul>
Provision of entrance weapons screening through a contract with a private security vendor.	<ul style="list-style-type: none"> <li>- May require sheriff agreement.</li> <li>- Requires coordination of private security staff with sheriff's staff.</li> <li>- Sheriff may be unwilling to supervise and manage service.</li> <li>- Court may be responsible for managing contract with vendor.</li> <li>- Civilians cannot make arrests at screening stations.</li> </ul>

## Entrance Screening Bypass Policies

The Working Group on Court Security recognizes that requiring weapons screening for all persons entering a court facility provides the highest level of security for judges, staff, and the general public. However, some courts have implemented policies that exempt certain persons (i.e., judges, attorneys, staff, etc.) from having to pass through weapons screening stations. These bypass policies have been implemented to reduce costs and to prevent long wait times at entrance screening stations.

Practice	Implementation Issues
Screening for weapons of all persons entering the court facility.	<ul style="list-style-type: none"> <li>- May require extra security staff and weapons screening stations to avoid long waits during peak hours.</li> <li>- Highest level of perimeter security.</li> </ul>
Bypassing of entrance screening by judges, employees, and other designated individuals.	<ul style="list-style-type: none"> <li>- Sheriff/court may want employees to be screened for weapons.</li> <li>- Need to establish local policy/rule on who is subject to entrance screening.</li> </ul>
Bypassing of entrance screening, and use of separate, locked, entrance for judges, employees, and other designated individuals.	<ul style="list-style-type: none"> <li>- Sheriff/court may want employees to be screened for weapons.</li> <li>- Requires creation of a secured entrance (key, key card, etc.).</li> <li>- Need to establish local policy/rule on who is subject to entrance screening.</li> </ul>

## Inmate Transportation to Court

Transportation of inmates is one of the primary elements of court security. In California, the sheriff transports inmates to court, supervises inmates in court holding cells, and transports inmates to the courtroom. The Working Group recommends trial courts implement practices that improve the efficiency and safety of prisoner movement and minimize transportation costs.

Practice	Implementation Issues
Utilize nonsworn staff (custody assistants, correctional officers, etc.) in lieu of deputy sheriffs in holding cells/lockups.	<ul style="list-style-type: none"> <li>- May require creation and approval of new position classification.</li> <li>- May need labor organization agreement.</li> </ul>
Schedule arraignments earlier in the day.	<ul style="list-style-type: none"> <li>- Requires reorganization of court calendars and sheriff's jail management practices.</li> <li>- Allows the sheriff to deliver inmates to multiple locations in a timely fashion and manage staff efficiently.</li> <li>- Requires coordination with other agencies (i.e., district attorney, public defender, etc.).</li> </ul>
Implement video conferencing for arraignments, conferences, etc., between the court and the jail. Many courts have outlying facilities where inmates are transported at great expense for very brief appearances.	<ul style="list-style-type: none"> <li>- Requires purchase of equipment for court and jail, and ongoing line charges.</li> <li>- Defendant has a right to appear in a courtroom and may insist on coming to court.</li> <li>- Attorneys may want to meet inmates in person and refuse to waive rights.</li> <li>- Requires agreement from other agencies (district</li> </ul>

Practice	Implementation Issues
	attorney, public defender, etc.). - Requires cooperation from judges. - May require additional staff to operate equipment.
Hold arraignments at the jail.	- Jail may not have a facility to hold court sessions. - Attorneys may not be willing to go to the jail to meet with defendants. - Requires support of county and other public agencies.
Utilize non-sworn sheriff's personnel (i.e., technicians) to operate control rooms, where such rooms are employed.	- Lower cost than use of higher level staff. - Limited direct interaction with inmates may allow for use of lower level staff.

## Overtime Management

Overtime pay is a court security expenditure that can be reduced through the implementation of court practices that use court security staff more efficiently. The Working Group on Court Security recommends that courts perform an analysis of court security overtime costs. This will assist the court and sheriff in determining the practices that cause high overtime costs and taking appropriate action to reduce these costs.

Practice	Implementation Issues
Develop and fund a standard relief factor.	- Requires research and data collection to determine appropriate relief factor. - Court and sheriff must mutually agree on relief factor.
Monitor overtime use on a regular basis to determine areas of high use and to develop possible solutions.	- Will require increased coordination between sheriff and court to identify where overtime is being used and why.
Hire retired annuitants or sworn officers on a per diem basis to replace staff who are absent due to vacation or sick leave. Retired annuitants may be a good option, because they may carry a firearm and must be current on POST training, and are paid a lower level of benefits.	- Unions may not support use of retired annuitants, because annuitants do not pay dues. - Possible liability issues if retired staff are involved in any incidents and need to be represented. - May require agreement from labor organizations.
Allow security staff to work a modified schedule (i.e., 10 hours a day, 4 days a week). This practice would work well if a courtroom is dark for a regular day every week.	- May work best in situations where a courtroom operates beyond regular court hours but is dark one day each week. - Requires sheriff approval and modification of personnel policies. - May require agreement from labor organizations.
Require all court proceedings to be completed by a certain time each day. Presiding judge must approve courtroom operation beyond established hours. Reduce courthouse hours of operation.	- Policy decision by the court and does not require sheriff approval. - Requires court management to educate judges on the importance of not operating courtrooms beyond regular hours. - The Presiding Judge or his/her designee should enforce this policy.

<b>Practice</b>	<b>Implementation Issues</b>
Require bailiff reassignment to other duties if a courtroom is dark.	<ul style="list-style-type: none"> <li>- Judges may object to losing control over their bailiffs.</li> <li>- Increases the flexibility of sheriff to reassign security staff in dark courtrooms.</li> </ul>
Release bailiffs after criminal matters have been heard.	<ul style="list-style-type: none"> <li>- May require agreement from judge.</li> <li>- Reduces unnecessary overtime.</li> <li>- Court may have to provide nonsworn staff for other matters.</li> </ul>
Reduction and consolidation of night court.	<ul style="list-style-type: none"> <li>- May reduce access to services.</li> <li>- Reduces court security services required.</li> </ul>
Presiding judge meets with sheriff to develop policies and procedures for monitoring and approving regular overtime and overtime for pre-planned events (i.e. high profile trials)	<ul style="list-style-type: none"> <li>- Provides court with more control of overtime costs and enables sheriff to allocate resources effectively.</li> </ul>
Sheriff imposes daily limits on the number of staff who can take vacation/comp time.	<ul style="list-style-type: none"> <li>- May require union agreement.</li> <li>- Reduces overtime costs.</li> </ul>

## Judicial Activities

Implementing an effective court security system requires active cooperation between the sheriff, judicial officers and court staff. The Working Group on Court Security recommends the implementation of the following practices to increase judicial participation in the reduction of court security costs.

<b>Practice</b>	<b>Implementation Issues</b>
Provide regular training to judicial officers on how they can maintain a safe and effective courtroom while minimizing court security costs.	<ul style="list-style-type: none"> <li>- Training should be developed in coordination with sheriff's staff.</li> </ul>
Encourage judges to participate on their court's security committee.	<ul style="list-style-type: none"> <li>- May increase interest among judges in developing effective operational practices.</li> </ul>
Require all court proceedings that require a bailiff to be completed by a certain time each day. The presiding judge must approve courtroom operation beyond established hours. Reduce courthouse hours of operation.	<ul style="list-style-type: none"> <li>- Policy decision by the court and does not require sheriff approval.</li> <li>- Requires court management to educate judges on the importance of not operating courtrooms beyond regular hours.</li> <li>- The Presiding Judge or his/her designee should enforce this policy.</li> </ul>
Require bailiff reassignment to other duties if a courtroom is dark. Establish a regular procedure for notifying sheriff supervisors that a bailiff is not needed and can be reassigned.	<ul style="list-style-type: none"> <li>- Judges may object to losing control over their bailiffs.</li> <li>- Increases the flexibility of sheriff to reassign security staff in dark courtrooms.</li> </ul>
Release bailiffs for reassignment after criminal, juvenile delinquency, and family law matters have been heard.	<ul style="list-style-type: none"> <li>- Requires agreement and participation of judges.</li> <li>- May reduce overtime costs.</li> </ul>
Organize court calendars to adjust jury and public arrival times to reduce court crowding, particularly at the courthouse entrances, and the need for additional security.	<ul style="list-style-type: none"> <li>- Requires cooperation of multiple judges with oversight and coordination from court administration.</li> </ul>

## Courtroom Security Staff Management

Existing law requires the county sheriff to attend all superior court sessions held in the county, although the sheriff may only be required to attend a non-criminal, non-delinquency action if the presiding judge determines that the presence of the sheriff is necessary for reasons of public safety. The Working Group on Court Security recommends effective management of courtroom security staff that improves courtroom operations and allows the sheriff to deploy limited resources where they are most needed.

<b>Practice</b>	<b>Implementation Issues</b>
Implement minor facility modifications (i.e., panic buttons, cameras, plexiglass around the jury box) to reduce the need for security staff.	<ul style="list-style-type: none"> <li>- May require approval from the county or building owner.</li> <li>- Additional one-time and ongoing maintenance costs.</li> </ul>
Employ civilian court attendants to provide security in civil courtrooms. The working group recommends the use of deputy sheriffs in criminal, juvenile delinquency, and family law courtrooms.	<ul style="list-style-type: none"> <li>- Sheriff may prefer to establish civilian positions within the Sheriff's department in order to maintain continuity and consistency in use of court attendants.</li> <li>- Court may encounter resistance from judges who do not want to lose their bailiffs and unions who object to job loss and level of security provided.</li> <li>- Court may need to create a new position classification and provide training.</li> <li>- Requires service coordination with sheriff's staff.</li> </ul>
Utilize non-sworn public officers employed by the sheriff to provide security in civil courtrooms. The working group recommends the use of deputy sheriffs in criminal, juvenile delinquency, and family law courtrooms.	<ul style="list-style-type: none"> <li>- May require the creation of a new position classification.</li> <li>- May require consolidating court calendars (i.e., create calendars that hear only civil and small claims).</li> <li>- May require union agreement.</li> </ul>
Allow security staff to take unpaid leave if a courtroom goes dark and they cannot be used in another court assignment.	<ul style="list-style-type: none"> <li>- May require agreement from the union.</li> <li>- Courts have successfully implemented the practice with court employees on a voluntary basis.</li> </ul>
Do not provide permanent full-time security services in every civil courtroom.	<ul style="list-style-type: none"> <li>- May require agreement from the sheriff and judges.</li> </ul>

## Cost Sharing

In some counties, the court absorbs all security costs related to all activities that take place in the courthouse. The Working Group on Court Security recommends implementing policies to assign costs to the appropriate entity within the courthouse, in order to create a more equitable distribution of court security costs.

Practice	Implementation Issues
Prorate perimeter security costs based on each building occupant's respective square footage or number of staff.	<ul style="list-style-type: none"> <li>- County may not be willing to share cost because they would not otherwise provide entrance screening in the absence of the court. However, the court might require fewer entrance screening staff if county employees and clients were not in the building.</li> <li>- Court may have a better case for sharing perimeter security costs as facilities begin to transfer to the state.</li> </ul>
Require reimbursement from outside agencies for use of courtrooms outside of regular court operating hours.	<ul style="list-style-type: none"> <li>- May require county agreement.</li> </ul>

## Administration

Establishing clear administrative practices related to the provision and management of court security services is an important component in an effective working relationship between the court and the sheriff. When the court and the sheriff can mutually agree upon the level and cost of services to be provided and can agree on a procedure for resolving disputes, it creates an environment which is more conducive to the adoption of better operational practices.

Practice	Implementation Issues
Develop a written contract or memorandum of understanding (MOU) between the court and the sheriff that clearly states the cost and scope of services to be provided. A clearly written contract will prevent many disputes over billing and cost increases that may otherwise arise.	<ul style="list-style-type: none"> <li>- Court/sheriff may not have the expertise to develop a comprehensive MOU.</li> <li>- Courts may need samples of other court/sheriff MOUs.</li> <li>- May require development of a standard MOU template.</li> <li>- Disputes over billing and cost increases may arise if terms of contract are not in writing.</li> </ul>
Adopt a fixed price contract. The sheriff continues to submit invoices and maintain accurate billing documentation. The court is responsible for reviewing invoices for accuracy. Savings can be retained by the sheriff or applied to future one-time costs.	<ul style="list-style-type: none"> <li>- Court does not need to provide significant administrative resources to contract oversight and can more accurately budget for security expenditures.</li> <li>- Sheriff has a fiscal incentive to manage security staff to keep costs within agreed upon limits.</li> <li>- May result in significant over/under payment for services that could negatively impact the court and the sheriff.</li> </ul>
Pay for services based on actual costs (i.e., hourly cost, etc.) and the sheriff is required to submit detail to support invoices. Court is responsible for reviewing invoices for accuracy.	<ul style="list-style-type: none"> <li>- Court needs to verify invoices and ensure that reported services were delivered.</li> <li>- Requires staff in the sheriff and court administration to produce and review invoices.</li> </ul>

<b>Practice</b>	<b>Implementation Issues</b>
Establish a joint court security committee consisting of the Presiding Judge, the Court Executive Officer, and the Sheriff to regularly review court security operations.	<ul style="list-style-type: none"> <li>- Creates a mechanism for regular communication between the court and the sheriff.</li> <li>- Enables court and sheriff to address problems before they become too disruptive.</li> </ul>
Develop a court security plan that outlines the responsibilities of the sheriff, court, and other entities on a daily basis and in the event of emergencies.	<ul style="list-style-type: none"> <li>- Formalizes the responsibilities of the sheriff and the court.</li> <li>- Acts as a reference document that preserves and transfers institutional knowledge.</li> </ul>
Establish procedures for the provision of regular management reports between the court and the sheriff on planned absences of judicial officers and bailiffs.	<ul style="list-style-type: none"> <li>- Enables the court and sheriff to effectively manage court security resources.</li> </ul>

