ADMINISTRATIVE OFFICE
OF THE COURTS
455 Golden Gate Avenue
San Francisco, CA
94102-3688
Tel 415-865-4200
TDD 415-865-4272
Fax 415-865-4205
www.courts.ca.gov

FACT SHEET

April 2011

Court Security

"Courthouses must be a safe harbor to which members of the public come to resolve disputes that often are volatile. Once courthouses themselves are perceived as dangerous, the integrity and efficacy of the entire judicial process is in jeopardy."

Hon. Ronald M. George
Chief Justice of California

Introduction—Securing Our Courts

Per the Superior Court Law Enforcement Act of 2002 (Gov. Code, §§ 69920–69927), the presiding judge of each court contracts with a sheriff or marshal for the necessary level of law enforcement services (subject to the court's available funding). Working with court leaders and the sheriffs and marshals, the Administrative Office of the Courts (AOC) also plays an important role in enhancing security throughout California's court system. Our goal is ensuring that all courts provide a safe and secure environment.

Security Funding

During its 2003 session, the California Legislature expressed concern with the ongoing rise in court security expenditures and looked for a means to cooperatively establish standards for providing court security services. To facilitate the development and implementation of these uniform standards and guidelines, Government Code section 69927 was amended to form two working groups related to court security.

The first, authorized under Government Code section 69927(a)(2) and established under rule 10.170 of the California Rules of Court, is called the Working Group on Court Security. It is composed of 15 members (representatives from the judicial branch, sheriffs, counties, and law enforcement labor organizations) and a nonvoting chair. It is staffed by AOC and charged with recommending uniform standards and guidelines for the implementation of trial court security services.

The second group is authorized under Government Code section 69927(a)(1), established under rule 10.171 of the California Rules of Court, and called the Working Group on Court Security Fiscal Guidelines. The composition of this working group varies depending on the topic under consideration. It is staffed by the AOC and charged with reviewing the template that determines security costs and recommending changes to the limit for allowable costs.

In 2005, the Judicial Council approved the working group's proposed method for distributing court security funds based on court size, workload, and security needs. Each court's security costs must remain within the allocation it was granted for that fiscal year. Many courts cannot be funded at the recommended level due to an ongoing budget deficit. In fiscal year 2009–2010 the shortfall is currently $68 million due to unfunded costs and budget reductions.

Security Costs

Court security costs consist primarily of salary, benefit, retirement, and equipment costs for security personnel. These individuals perform a variety of functions, including weapons screening, bailiff duties, holding cell and inmate transport tasks, control room responsibilities, and supervision.

Staff classifications

Ideally, court security providers (sheriffs and marshals) work with the courts to choose the most cost-efficient, effective staff classifications for each security function. For example, weapons screening at court facility entrances can be done by several classifications of staff, which are listed below with implementation considerations.

Classifications	Considerations
Fully Sworn Peace Officers These are peace officers per Penal Code section 830.1 who are employed by the sheriff or court and may carry firearms. Examples of this classification include sheriff and marshal deputies.	• Use results in highest security staffing costs. It may not be an effective use of the court's limited deputy sheriffs. • The employer (sheriff or court) is responsible for providing training. • If the sheriff is the employer, its staff can supervise and coordinate these positions. • This classification is typically used for weapons screening oversight and criminal case bailiff duties. These officers can be used in any function.

Nonsworn Public Officers These are officers employed by the sheriff who may or may not be peace officers, but may carry a firearm while on duty. Examples of this classification include nonsworn public officers as defined in Penal Code section 831.4.	• Use is less expensive than use of Fully Sworn Peace Officers. • As the employer, the sheriff is responsible for providing training. Sheriff's staff can supervise and coordinate these positions. • This classification is typically used to provide holding cell security and weapons screening at court facility entrances. It can also be used for some bailiff duties in noncriminal cases.
Civilian Court Employees These are civilians employed by the court, with little security training, who are not authorized to carry a firearm. Examples of this classification include court attendants as defined in Government Code section 69921.	• Use is less expensive than use of Fully Sworn Peace Officers or Nonsworn Public Officers. • Use may require the sheriff's agreement, if it is the court security provider. It also requires coordination of court staff with sheriff's staff. • As the employer, the court is responsible for providing training. • This classification is typically used in civil courtrooms.
Contract Security Officers These are staff employed by a third-party private security vendor that the court or sheriff has a contract with. They are not authorized to carry a firearm. Examples of this classification include security guards.	• Use is less expensive than use of Fully Sworn Peace Officers or Nonsworn Public Officers. • If the sheriff is the court security provider, use may require its agreement. It also requires coordination of contract security staff with sheriff's staff. • Management and supervision will vary. If the sheriff is the court security provider, it may be unwilling to supervise and manage the service. • This classification is typically used to provide weapons screening at court facility entrances.

Fully sworn peace officers are customarily assigned to critical court security functions (for example, providing security in felony courtrooms or transporting in-custody inmates within the courthouse).

Cost-saving methods

To advance cost savings, some courts use multiple security staff classification levels. For example, civilian court employees such as court attendants are used to provide security in certain noncriminal cases. This allows lower salary and benefit expenses.

- Government Code section 69921 defines a court attendant as "a nonarmed, nonlaw enforcement employee of the superior court who performs those functions specified by the court, except those functions that may only be performed by armed sworn personnel. A court attendant is not a peace officer or a public safety officer." Courts may use court attendants in courtrooms hearing noncriminal and nondelinquency actions, when the presiding judge finds that having the sheriff present is not necessary.
- Courtroom attendant duties include reporting security violations to the appropriate law enforcement agency, taking charge of juries, accepting legal documents, and serving as a liaison between judicial officers, court staff and attorneys, witnesses, and parties. In some courts, the court attendant is the only person charged with maintaining security in the courtroom, while in others, attendants are used to supplement the sheriff's security staff both in the courtroom and at weapons screening stations.

Unanticipated costs

High-profile or multiple-defendant cases often require a higher level of court security services than most trial courts can pay for out of existing funds. Additional security costs arise from transporting defendants, providing security for the jury and media, and managing the public.

- Security for high-profile and high-security cases reduces the amount of funding and staff resources available for a court's ongoing security needs and also reduces funding for other areas of court operations.
- Trial courts may apply for a reimbursement of extraordinary costs associated with homicide trials. This limited funding is intended to address the impact of individual homicide trials that, because of special circumstances, result in costs that exceed the limited funds available in small courts for such programs. Reimbursement can be requested for temporary help, overtime, and one-time costs such as witness fees, court reporter fees, transcript preparation charges, court interpreter costs, and security costs. High-profile nonhomicide cases that result in extraordinary court security costs are, however, not eligible for reimbursement.

Security Needs

Results from surveys and needs assessments show that the use of outdated and inadequate court facilities cause courts and sheriffs alike to implement security procedures that were expensive and failed to meet the courts' security needs.

Examples of costly or unsafe court security procedures resulting from inadequate facilities include:

- *Lack of weapons screening.* Initial assessments indicated that some courts, particularly those located in historic or small buildings, did not have the physical capacity to accommodate the x-ray machine, magnetometer, and staff required to operate a weapons screening station. Other court facilities had multiple entrances, making it difficult to implement weapons screening at a reasonable cost. Measures have been taken toward rectifying this situation.
- *Lack of holding cells.* Many court facilities lack on-site holding cells for in-custody defendants transferred from the jail for court appearances. As a result, some courts must hold such defendants in empty courtrooms, monitored by several security staff. In other courts, the in-custody defendants are brought to the courthouse in small groups and held in the courtroom or hallway, while monitored by deputy sheriffs.
- *Insufficient hallway space and waiting areas.* Many courts also do not have sufficient hallway and waiting areas to allow for reasonable separation between defendants, victims, jurors, and the public. As a result, court security staff is needed to keep order in public areas outside the courtroom.
- *Unsafe circulation areas.* Many court facilities do not have adequate separate circulation areas for inmates, judges, and staff. This can result in security staff using inefficient or unsafe paths to transport in-custody inmates. The internal circulation patterns for a general-purpose court facility in which in-custody cases are heard should include three separate and distinct zones: for public, private, and secured circulation. The public circulation zone provides access from each public point of entry into the building. The private circulation zone provides limited-access corridors between specific functions for court staff, judicial officers, escorted jurors, and security personnel. The secured circulation zone for in-custody defendants should be completely separate from the public and private circulation zones and should provide access between the secured in-custody entrance (sally port), central holding and intake areas, attorney interview rooms, courtroom holding areas, and the courtrooms themselves.

With updated facilities that address these issues, many courts would be able to redeploy existing security staff more efficiently and at a lower cost.

Weapons screening

Courts that lack entrance screening run a greater risk that weapons and other contraband material can be brought into the courthouse. The possible presence of unknown weapons results in greater difficulty in providing effective security inside the courthouse. Court facilities statewide vary widely in the availability of entrance screening stations.

In 2005, the AOC surveyed each trial court with regard to their need for additional entrance screening stations. Based on the survey's results, a proposal was submitted to the Governor and Legislature requesting funding for 97 new screening stations (equipment and staffing) as well as replacement of equipment on a five-year cycle.

Beginning with the Budget Act of 2006 (Stats. 2006, ch. 47), funds were allocated in the Governor's budget to address the lack of security equipment in some courts. The AOC's Office of Emergency Response and Security (OERS) manages these funds, making significant improvements, including provision of x-ray machines and magnetometers to courts that previously had no screening equipment. It also implemented a replacement program for outdated and broken screening equipment.

Site assessments

At the courts' request, OERS staff conducts site assessments to evaluate physical security, security procedures, and security staffing within the court facilities. OERS security survey reports recommend improvements and, if appropriate, offer to assist with necessary security equipment using Trial Court Improvement Fund grants. Some projects for which OERS has arranged assistance include:

- Installation of weapons screening equipment for courts that had critical needs not addressed in the Budget Act of 2006;
- Minor construction projects to improve sally ports, install bullet-resistant glass in clerks' counter areas, and secure parking areas; and
- Technical projects such as wireless duress alarm systems, closed-circuit television (CCTV) cameras, and access systems.

Standards/guidance

In 2006 and 2007, OERS staff to the Working Group on Court Security developed a court security plan template and some comprehensive "court security best practices." In 2008, the working group proposed a rule of court to establish the subject areas a

court security plan should address, the process for plan submission and review, and efficient practices for providing court security services. The Judicial Council approved rule 10.172, which became effective on January 1, 2009. An optional online planning tool was created by OERS to assist courts in creating comprehensive plans.

OERS staff and the Working Group on Court Security also proposed a rule of court regarding standing court security committees, which was approved as rule 10.173 and made effective on January 1, 2009. They continue collaboration on recommendations for uniform standards and guidelines that may be used for the implementation of trial court security services, recommendations to achieve efficiencies that will reduce court security operating costs and constrain growth, and recommendations regarding security considerations for court facilities.

Planning for the Future

OERS is working on security-related issues with several groups in addition to the Working Group on Court Security:

- The Court Emergency Response and Security Task Force, which evaluates court security issues and develops recommendations for the Judicial Council to manage, maintain, and improve security in the courts through statewide systems and progressive initiatives to increase efficiency.
- The Appellate Court Security Committee, an informal committee comprised of justices from the Courts of Appeal with representatives from the California Highway Patrol, which works to identify necessary security improvements for the appellate courts and establishes milestones for achieving those improvements.
- The Court Security Education Committee, one of several committees staffed by the AOC Education Division/Center for Judicial Education and Research, which helps to develop curriculum to improve the knowledge of presiding judges, judicial officers, court executive officers, and managers about safety and security in and outside the courtroom.

As the AOC is committed to ensuring the safety of all employees, court personnel, and the public, OERS will continue to develop a comprehensive emergency planning and security program that seeks to provide the highest level of protection for the individuals, facilities, and property of the AOC and all California courts.

Contact:
AOC Office of Emergency Response and Security, 415-865-8991 or oers@jud.ca.gov