

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

455 Golden Gate Avenue
San Francisco, California 94102-3688

Report Summary

(Annotated to include Judicial Council actions taken on August 25, 2006)

TO: Members of the Judicial Council

FROM: Hon. Richard D. Aldrich, Chair, Working Group on Court Security
Christine M. Hansen, Director, Finance Division, 415-865-7951,
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DATE: August 22, 2006

SUBJECT: New and Revised Trial Court Security Standards (Action Required)

Issue Statement

Assembly Bill 1759 (Stats. 2003, ch. 159) amended Government Code section 69927 to require that the Judicial Council establish a working group on court security to make recommendations on court security practices to the Judicial Council. The working group was charged with the development and implementation of uniform standards and guidelines that may be used in the provision of trial court services. This report recommends several new and revised security funding standards for council consideration.

Recommendation

The Working Group on Court Security and Administrative Office of the Courts staff recommend that the Judicial Council:

1. Approve a standard that caps the costs for professional support staff for security operations at 1.5 percent of a court's security base budget.
2. Approve the following standard for security supplies and equipment:

	Cost	Life/Years	Annual \$
Ammunition (300 rounds/year)	50	1	50
Baton/Nightstick	43	10	4
Bulletproof Vest	589	5	118
Handcuffs	38	10	4
Holster	85	6	14

	Cost	Life/Years	Annual \$
Leather Gear	145	5	29
Chemical Spray and Holder	37	2	19
One Primary Duty Sidearm	678	10	68
Taser Gun	800	5	160
Uniform Allowance	850	1	850
Total Annual Cost per FTE:			\$1,315

3. Adopt the mileage rate authorized by the State Department of Personnel Administration as the vehicle use standard (currently \$0.445 per mile) for court security transportation, exclusive of prisoner or detainee transport to or from court. If this rate changes, the standard would automatically change.
4. Revise the existing supervision/management security funding standard of 1 supervisor/manager per 12 nonsupervisory employees to provide the following adjustments where the ratio is less than 1.0:
 - If a court pays supervision/management costs, the actual ratio should be used;
 - If a court does not pay for supervision/management services, but the ratio is 0.25 to 0.99, the actual ratio should be used; or
 - If the ratio is between 0.01 and 0.24 and the court does not pay supervision/management costs, no funding should be provided.

Recommendations 1 through 4 were approved by the Judicial Council.

Rationale for Recommendation

Please see the attached report for the rationale.

Alternative Actions Considered

Please see the attached report for the alternatives considered.

Comments From Interested Parties

The recommendations were presented to the Trial Court Budget Working Group at its meeting on July 20, 2006. They were unanimously approved for presentation to the Judicial Council.

Implementation Requirements and Costs

If approved by the Judicial Council, these new and revised standards will be used in the current year to determine the security needs for those courts currently paying for these allowable costs and services. As mentioned previously, another Judicial Council report, agenda item 8, discusses the submission of a budget change proposal (BCP) to obtain funding for those situations where a sheriff's

department currently provides these costs and services but is not reimbursed by the court.

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Rationale for Recommendation

Background

Senate Bill 1396 (Stats. 2002, ch. 1010) was enacted in September 2002. It provides a definition of the court security component of court operations and modified rule 810 of the California Rules of Court. It describes the allowable costs for court security that are the responsibility of the courts. The categories of allowable costs defined in the legislation include:

- Equipment, services, and supplies;
- Professional support staff for court security operations;
- Security personnel services; and
- Vehicle use for security needs.

Due to the economic condition of the state at the time it was enacted, the language contained the provision that any new court security costs permitted by the

legislation would not be operative unless the funding was provided by the Legislature.

SB 1396 required the Judicial Council to adopt a rule of court establishing a working group on court security. The Judicial Council approved rule 6.170, effective October 15, 2003, creating the Working Group on Court Security. The working group consists of:

- Eight representatives from the judicial branch selected by the Chief Justice;
- Two representatives of the counties selected by the California State Association of Counties;
- Three representatives of the county sheriffs selected by the California State Sheriffs' Association;
- One representative of labor selected by the California Coalition of Law Enforcement Associations; and
- One representative selected by the Peace Officers Research Association of California.

The Budget Act of 2003 (Stats. 2003, ch. 157) contained a one-time \$11 million reduction in security funding effective January 1, 2004. This reduction in security funding increased to \$22 million ongoing in fiscal year (FY) 2004–2005. At approximately the same time that the 2003 Budget Act was enacted, AB 1759 was passed and expanded the language of SB 1396 with regard to the working group to require that it promulgate recommended uniform standards to be used by the Judicial Council and any sheriff or marshal for the implementation of trial court security services. It provided that “[t]he Judicial Council, after requesting and receiving recommendations from the working group on court security, shall promulgate and implement rules, standards, and policy directions for the trial courts in order to achieve efficiencies that will reduce security operating costs and constrain growth in those costs.”

Because security line and supervision staff actually working in court facilities make up the major component of security costs for the courts, standards for these areas were developed first. In July 2004, the working group presented recommendations to the Judicial Council for security funding standards in the areas of entrance screening; supervision; and internal security, internal transportation, and courtroom security. These standards were prepared quickly in order to allocate the \$22 million security reduction. In approving the standards, the council acknowledged that further work needed to be done on these standards as well as to establish standards in the area of holding cells and control rooms and other areas not yet addressed in the funding standards. The working group was directed to come back to the council with additional recommendations.

In April 2005, the Judicial Council approved security funding standards that replaced the July 2004 interim standards in the areas of: entrance screening; courtroom and internal security; holding cells, internal transportation, and control rooms; and supervision. Subsequently, in November 2005, after additional information was received from the courts, the standards were updated and the council approved a modification to the supervision funding standard—which had previously been 1 sergeant per every 12 nonsupervisory position—that took into consideration management-level security for which courts were currently paying (such as lieutenants and captains), in addition to sergeants, and that applies the mid-step costs for each of the classification levels used and the number of positions used and divides the cost by the total number of positions. This formula resulted in a more realistic cost for supervision/management for these courts. The existing funding standards as of the November meeting were:

Entrance Screening

PC 830.1 FTEs ¹ per entrance screening station (Mid-Step)	Average Weighted Filings/Location
1.4	0 – 249,999
1.6	250,000 – 899,000
1.85	900,000 – 2,000,000

Courtroom and Internal Security

Cluster	Judicial Position Equivalents (JPEs) ²	PC 830.1 FTEs per JPE/AJN ³ (Mid-Step)
1	1.1 to 4.0	1.10
2	4.1 to 20.0	1.30
3	20.1 to 59.9	1.35
4	60.0 to 600.0	1.35

¹ FTE means “full-time equivalent.”

² JPE means “judicial position equivalent” and is a measure of judicial workload that includes authorized judicial positions adjusted for vacancies, assistance rendered by the court, and assistance received by the court from assigned judges, temporary judges, commissioners, and referees.

³ AJN means “assessed judicial need” and is a measure of the number of judicial positions required to process a court’s current filing workload. Depending upon the court, this could be higher or lower than the JPE. The methodology used for the courtroom and internal security standard uses the lesser of a court’s JPE or AJN, to ensure that courts with more judicial positions than are needed to manage existing workload do not receive more security funding than required.

Internal Transportation, Holding Cells, and Control Room Standards

Cluster	Judicial Position Equivalents (JPEs)	PC 830.1 FTEs per Adjusted AJN ⁴ (Mid-Step)
1	1.1 to 4.0	0.22
2	4.1 to 20.0	0.29
3	20.1 to 59.9	0.34
4	60.0 to 600.0	0.49

Supervision/Management

1 supervisor/manager per 12 nonsupervisory security positions.

(Please note that the above standards were the security funding standards in effect as of August 25, 2006. The original August 2006 Judicial Council report displayed the standards from the April 2005 meeting.)

The standards listed above were used in determining the level of funding provided for security needs in FY 2005–2006. However, there were many other allowable costs in SB 1396 for which standards were not yet established, including: professional support staff; security services, supplies, and equipment; vehicle use; purchase and maintenance of security screening equipment; and training. These costs had to be incorporated into the funding standards. For the purposes of determining security funding needs for FY 2005–2006, a beginning base budget was established. The existing council-approved standards were then applied for each court and the actual amount of any “other costs,” as these items without standards for which the courts currently paid were called, were added to the security budget based on standards amount. This total was then compared to the actual FY 2005–2006 security request submitted by each court/sheriff’s department. The lesser of the two amounts was then compared to the beginning base budget and the difference became the additional funding needed for FY 2005–2006. One further step was required—the agreements that supported the changes in salaries and benefits in FY 2005–2006 over FY 2004–2005 had to be ratified, and AOC staff notified of this ratification, before any additional funding would be provided to the courts.

At its August 26, 2005, meeting, the Judicial Council directed AOC staff to prepare and submit a BCP to the state Department of Finance (DOF) to, among other things, request funding for the increased security costs that would result due

⁴ Adjusted AJN is based on a court’s JPE plus 50 percent of the difference between each court’s JPE and AJN. For example, if a court has 50 JPEs and an AJN of 60, the court would receive funding for this standard based on an adjusted AJN of 55 judicial positions. This adjustment recognizes that many courts in the state need more judicial positions to process their current workload and that this additional workload has an impact on the number of security staff needed to transport and monitor prisoners in the court.

to full implementation of SB 1396. Staff compiled this information from the SB 1396 surveys submitted by the courts and sheriff's departments in spring 2005. The BCP included funding for the "other cost" items that did not have council-approved standards. After reviewing the BCP, the DOF denied this part of the proposal, indicating that there was no consistency in the costs requested from the courts. To address this situation, the working group created a subcommittee—the Court Security Standard Complement Subcommittee—to discuss standards in these SB 1396 allowable areas, which were to be presented to the working group. Standards were developed and approved by the working group; they are now being recommended to the Judicial Council for approval. Each of the new proposed standards is addressed in the following section of this report.

Please note that the proposed new and revised standards pertain to situations in which the courts are currently paying for the services, with the exception of the supervision/management standard. Approval to submit a BCP to request funding for those sheriff's departments that provide these services and or supplies, but do not receive reimbursement by the court, is the object of a separate Judicial Council report, item 8 of this agenda.

Professional support staff

SB 1396 specifies that allowable professional support staff costs include the salary, benefits, and overtime of staff performing functions that, at a minimum, provide payroll, human resources, information systems, accounting, or budgeting services. It also provides that these costs shall not exceed 6 percent of total allowable costs for law enforcement security personnel services for courts whose allowable costs for law enforcement security personnel costs is less than \$10 million and 4 percent for those courts whose costs are more than \$10 million.

In spring 2005, the courts were surveyed to determine whether these types of services were being performed by the sheriff's department and, if they were, whether the court or the sheriff's department was paying for them. After review of the surveys, it was determined that most courts do not pay for professional support staff and, if they do, with few exceptions the amounts being paid were well below these allowable percentage caps. During discussion of this item, the working group was informed that at the time SB 1396 was enacted there was no compelling reason for setting the caps at 6 percent and 4 percent. There was no backup documentation to establish that these were realistic funding levels for these types of support services.

Limiting the professional staff costs to 1.5 percent of total security base budget, as compared to 4 percent or 6 percent, is more consistent with what the courts and sheriff's departments are actually paying. As stated previously, the 4 and 6 percent figures were not based on any sound research at the time they were established.

SB 1396 states that the costs shall not exceed these percentages. SB 1396 allows that the working group “may periodically recommend changes to the limit for allowable costs for professional support staff for court security operations based on surveys of actual expenditures incurred by trial courts and the court law enforcement provider in the provision of law enforcement security services. Limits for allowable costs as stated in this section shall remain in effect until changes are recommended by the working group and adopted by the Judicial Council.” The recommended standard would provide a sound principle on which to allocate funding based on the actual costs of services being provided.

Security services, supplies and equipment

SB 1396 includes the following as allowable costs for equipment, services, and supplies: purchase and maintenance of security screening equipment and the cost of ammunition, batons, bulletproof vests, handcuffs, holsters, leather gear, radios, radio chargers and holders, chemical spray and holders, uniforms, and one primary duty sidearm. The spring 2005 survey indicated that the costs for these supplies and equipment varied dramatically by court. The Court Security Standard Complement Subcommittee was requested to review the costs for the allowable items and determine a standard cost for each one. AOC staff researched the costs of all the items and surveyed courts regarding uniform allowances for security staff where they were paid for by courts. The subcommittee met in late June and determined for each item a standard cost and a service life. The resulting recommendations were presented to the working group in mid-July. In addition to the listed equipment, the working group discussed the use of Taser guns for court security. Many members indicated that, even though there are a number of pending lawsuits regarding the impact of their use, more and more sheriff’s departments are using them in court facilities.

Each of the supplies and equipment contained in the recommended standard (except the Taser gun) are included in SB 1396 as allowable items. The costs and life cycles were discussed at length by the Court Security Standard Complement Subcommittee and the working group. Working group and subcommittee members talked about their experience with these types of equipment and how often they need to be replaced. These individuals have had many years of experience using this equipment and believe that these costs and replacement cycles are reasonable.

Vehicle use

SB 1396 defines vehicle use as the per mile recovery cost for vehicles used in rendering court law enforcement services, exclusive of prisoner or detainee transport to or from court. The standard mileage rate applied is defined as the standard reimbursable mileage rate in effect for judicial officers and employees at the time of contract development. Well under half of the courts provided mileage information on the spring 2005 survey to indicate whether the courts or the

sheriff's departments paid for mileage for allowable security purposes. The survey showed that the per mile amount being paid varied widely, from \$0.27 to \$1.52 per mile. At the time the surveys were completed, the state Board of Control rate for mileage was \$0.34 per mile. The federal reimbursement rate is currently \$0.445 per mile.

The California Department of Personnel Administration (DPA), in its 2006–2008 Memorandum of Understanding, states “[E]mployees authorized to use a privately owned vehicle on State business will be entitled to claim mileage reimbursement at the federal standard mileage rate. The federal standard mileage rate is currently 44.5 cents per mile.” The state Board of Control is expected to adopt this rate at its meeting in August. The Working Group on Court Security believes that a standard mileage rate should be used, that it should be based on the authorized DPA state rate of \$0.445 per mile, and that it should increase if the authorized state mileage rate increases.

Using a standard mileage rate provides more consistency and treats all courts in a uniform manner. Furthermore, SB 1396 clearly states that a standard rate is to be used.

Supervision/management

The existing Supervision/Management standard is 1 supervisor/manager for every 12 nonsupervisor/manager positions. The working group is recommending slight modifications that would affect those courts with a supervisor/management to line staff ratio of between 0.01 to 0.99. A few scenarios will explain the modifications:

- Under the existing standard, as used in FY 2005–2006, if a court's supervision/management to line staff ratio was less than 0.25 and it paid for supervision services, the court received no funding. Under the recommended standard, the court's ratio would be increased to 0.25 and it would receive funding in the amount of one-quarter of the mid-step salary and benefits for the classification of supervision/management that is provided.
- If a court's supervision/management to line staff ratio under the existing standard was between 0.25 and 0.99 and the court paid for supervision/management, the court's ratio was raised to 1.0 and the court received funding for a full mid-step supervision/management position, regardless of the actual amount it paid for this service.
- However, if the ratio was between 0.25 and 0.99 and the court did not pay for supervision/management, it would receive no funding. Under the revised supervision/management standard, in both this and the second scenario above,

a court's actual ratio would be used and multiplied by the mid-step salary and benefits for the supervisor/manager.

The recommended standard would have no impact on courts with supervision/management ratios of over 1.0.

The working group determined that for those courts with a supervision/management ratio of greater than 0.25, some level of supervision should be funded. However, because security funding is limited to the increase based on the application of the year-to-year percentage increase in the State Appropriations Limit (SAL), it would be inappropriate to fund courts at more than the actual ratio used, as this would result in less funding being available to meet other actual security needs.

Alternative Actions Considered

Professional support staff

The working group considered three alternative standards for funding of these support services: (1) using the current request level for each court, (2) using an average court cluster for professional support based on FTEs, and (3) using a median court cluster for professional support based on FTEs. These alternatives were not recommended. Each of them would treat courts inconsistently. The average and median alternatives would be more complicated to administer than a flat 1.5 percent of total security base budget. Another alternative considered was funding *all* courts at 1.5 percent of their total security base budget, as opposed to only those currently paying these costs. Because ongoing court security funding is limited to the amount generated through the SAL year-to-year percentage change, there is not sufficient funding available to provide every court with this funding. Additional funds would need to be requested through a BCP. (Please see item 8 of this council agenda.)

Security services, supplies, and equipment

The working group considered not including Taser guns in the standard but determined that, because they are being used more and more frequently and any lawsuits regarding their use will most likely take years to conclude, it made sense to include them as an additional nonfatal option for dealing with security incidents. The working group also considered using a standard based on actual filled positions providing security services, rather than FTEs, but determined that providing the funding based on FTEs made more sense so courts were not paying the full cost for equipment for security staff that may only work in the courts on a part-time basis or that rotate in and out of court security service.

Vehicle use

The working group considered a standard that would fund courts at their existing rates, up to the maximum of \$0.445 per mile. However, because the purpose of the standards is to establish uniform guidelines, it was determined that having a single mileage rate is more appropriate.

Supervision/management

The working group also considered not changing the existing standard or establishing separate standards for each level of supervision/management. The latter alternative would involve determining a ratio of sergeants to line staff, lieutenants to sergeants, and captains to lieutenants. It was determined that establishing these standards would remove some of the flexibility that courts and sheriff's departments currently have to provide security staff as they determine to be most appropriate. The group also believes that the 1 to 12 supervision/management to nonsupervisory/management ratio was discussed at length on previous occasions and should remain in place at this time.

Comments From Interested Parties

The recommendations were presented to the Trial Court Budget Working Group at its meeting on July 20, 2006. They were unanimously approved for presentation to the Judicial Council.

Implementation Requirements and Costs

If approved by the Judicial Council, these new and revised standards will be used in the current year to determine the security needs for those courts currently paying for these allowable costs and services. As mentioned previously, another Judicial Council report, agenda item 8, discusses the submission of a BCP to obtain funding for those situations where a sheriff's department provides these costs and services but is not reimbursed by the court.

Recommendation

The Working Group on Court Security and Administrative Office of the Courts staff recommend that the Judicial Council:

1. Approve a standard that caps the costs for professional support staff for security operations at 1.5 percent of a court's security base budget.
2. Approve the following standard for security supplies and equipment:

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Recommendations 1 through 4 were approved by the Judicial Council.