

**REPORT OF THE
JOINT SUBCOMMITTEE STUDYING**

**Courtroom Security
in the
Commonwealth**

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



Senate Document No. 5

**COMMONWEALTH OF VIRGINIA
RICHMOND
1988**

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Report of the
Joint Subcommittee Studying
Courtroom Security in the Commonwealth
to
The Governor and the General Assembly of Virginia
Richmond, Virginia
November, 1987

TO: Honorable Gerald L. Baliles, Governor of Virginia,
and
The General Assembly of Virginia

AUTHORITY FOR STUDY

During the 1987 Session of the General Assembly, Senator William F. Parkerson, Jr., was the chief patron of Senate Joint Resolution No. 162 (Appendix A). The resolution created a twelve-member joint subcommittee to study security needs in courtrooms throughout the Commonwealth. The joint subcommittee was requested to complete its work prior to November 15, 1987.

The membership of the joint subcommittee was appointed as follows: The Senate Privileges and Elections Committee appointed Senators William F. Parkerson, Jr., and Howard P. Anderson from the Courts of Justice Committee and Senator Elmo G. Cross, Jr., from the Finance Committee; the Speaker of the House of Delegates appointed C. Hardaway Marks, Theodore V. Morrison, Jr., and James F. Almand from the Courts of Justice Committee, Franklin P. Hall and J. Paul Councill, Jr., from the Appropriations Committee and Sheriff Norman H. Sprinkle of Botetourt as a citizen member; and the Chief Justice of the Virginia Supreme Court appointed Honorable Thomas N. Nance, Chief Judge of the Richmond Circuit Court, Honorable Paul M. Peatross, Jr., of the Charlottesville General District Court and Honorable Michael J. Valentine, Chief Judge of the Fairfax County Juvenile and Domestic Relations District Court. Additionally, J. T. Shropshire, Chairman of the State Compensation Board and Robert N. Baldwin, Executive Secretary of the Virginia Supreme Court served as ex-officio members of the joint subcommittee as required by Senate Joint Resolution No. 167.

Senator Parkerson was elected Chairman of the joint subcommittee and Mr. Councill was elected Vice-Chairman. The joint subcommittee met once in Richmond.

EXECUTIVE SUMMARY

Upon review of the statutory and budgetary restrictions upon the provision of courtroom security personnel in the Commonwealth, the joint subcommittee makes the following recommendations:

1. That restrictions on the number and functions of courtroom security deputies be eliminated to allow flexibility based upon the security needs in each courthouse and in each case; and

2. That the chief judge of each court be given statutory authority to participate in the designation of courtroom security deputies to ensure that adequate consideration is given to the diverse security needs of each court.

BACKGROUND

Under current law, responsibility for courtroom security lies with the various sheriffs departments. Each sheriff is required by statute to designate deputies to ensure that the courts " . . . within his jurisdiction are secure from violence and disruption" (§ 53.1-120, Code of Virginia). A list of the deputies designated is sent to the Department of Criminal Justices Services (DCJS). DCJS ensures that the deputies charged with courtroom security duties receive the necessary training.

Current DCJS regulations require a total of 112 hours in a combined training program for courtroom security and process serving. The courtroom security portion of the curriculum involves discussions of the duties and responsibilities inherent in securing a safe courthouse environment, how to handle security threats and explosives and conduct reasonable searches of persons entering the courthouse, detection techniques, transportation of prisoners, handling of sequestered juries and ancillary procedural and constitutional issues. Additionally, the training requires participation in an exercise involving a hypothetical security problem and need to search.

There is currently no requirement for an in-service refresher course. It is likely that such a requirement will be considered by DCJS within the year.

Beginning in 1977, the Appropriations Act has included a specific limitation on the number of deputies to be used for courtroom security. (Chapter 685, Acts of Assembly, 1977, § 46, Item 149) No funding is authorized for courtroom security deputies in civil cases. In criminal cases, the Act restricted expenditures from the appropriation to authorize not more than one deputy in the general district courts and two if the case is heard in a circuit court, unless the judge specifically orders otherwise in a "special case."

Beginning in 1984, these restrictions were modified. A written order from a judge that "a substantial security risk exists in a particular case" is required to qualify for an exception to the restrictions on the authorized number of deputies. However, in complying with an order for additional deputies, the sheriff may "consider other deputies present in the courtroom as part of his security force." (Chapter 755, Acts of Assembly, 1984, § 1-38, Item 94)

In 1986, § 53.1-120 was amended to make the chief circuit judge and the sheriff jointly responsible for designating the number, type and working schedules of courtroom security deputies. The State Compensation Board was designated as arbitrator if the judge and sheriff could not agree. The authority of the Compensation Board is, however, limited by (i) existing budgeted funds and (ii) existing personnel.

The purpose of the study was to resolve the apparent conflict between the statutory responsibilities conferred upon the sheriffs and the limitations placed upon their authority to meet these responsibilities contained in the Appropriations Act.

CONSIDERATIONS AND FINDINGS

Senate Joint Resolution No. 162 suggested that the joint subcommittee consider establishing uniform guidelines for the number of deputies providing security. The joint subcommittee heard testimony from John Garrett, Executive Secretary of the State Compensation Board, Sheriff Ottie Moore of Caroline County and John Jones, Executive Director of the Virginia Sheriffs' Association. At the request of the joint subcommittee, the Sheriffs' Association conducted a survey of the sheriffs to determine the number and functions of courtroom security deputies and to gather information of the use of magnetometers throughout the Commonwealth (see Appendix B).

The joint subcommittee noted that in 1986, Delegate C. Richard Cranwell sponsored the bill authorizing the chief circuit judge and the sheriff to designate the number, type and schedules of the security deputies; if they cannot agree, they go to the State Compensation Board for a determination (see House Bill No. 24, 1986). The Sheriffs' Association believes this provision provides the necessary flexibility. In the majority of jurisdictions, the chief circuit judge and the sheriff have been able to reach an agreement and have not had to consult the Compensation Board. However, Mr. Garrett noted that if funding for additional security deputies were to be sought from the Compensation Board, the request would be denied due to the restrictions of the Appropriations Act. It was suggested that the restrictions were inadvertently retained.

All those who testified agreed that the restrictions were unrealistic and unworkable. It was noted that statistics nationally indicate that judges and litigants in civil cases are most at risk of injury. Yet, Virginia law prohibits the use of security deputies in those cases. Neither the sheriffs nor the Compensation Board object to providing more security deputies than specified in the Appropriations Act. The problem is essentially one of funding.

The joint subcommittee attempted to ascertain the reason for the restrictions. Some suggested the restrictions were imposed in response to excessive use of security deputies in some jurisdictions in the late 1970s. There may have been an over-reaction to the security risks, resulting from the shooting death of Judge Cunningham of Louisa while he was on the bench.

After considerable discussion among the members of the joint subcommittee, it was agreed that provision of adequate security in the courtrooms of the Commonwealth requires a good deal of flexibility. The idea of developing standards or guidelines as an alternative to the restrictions of the Appropriations Act was rejected. The security needs of each courthouse and each case must be assessed on an individual basis.

It was further agreed that the necessary flexibility would be better attained if the chief general district court and chief juvenile judges were involved in the designation process. In many localities, the courthouses and courtrooms are separate and security considerations are necessarily different. Although no actual problems were noted, the joint subcommittee agreed the chief judge of each court should be given specific statutory authority to deal with security problems in that court.

The joint subcommittee discussed the use of magnetometers in the courts at some length. The Appropriations Act has prohibited the use of state funds for deputies to operate these devices. (See Chapter 723, Acts of Assembly, 1987, § 1-25, Item 71E.) The survey conducted by the Sheriffs' Association indicates that the majority of jurisdictions do not use either hand-held or permanent metal detectors. Of the thirty-one jurisdictions that utilize these detectors, a majority (67%) indicated that they function properly at least 80% of the time. The metal detectors are usually funded by the locality or through a grant project, or some combination of the two.

CONCLUSION

The joint subcommittee recommends that restrictions on the number and functions of courtroom security deputies be eliminated from the Appropriations Act. This will provide necessary flexibility to the process of evaluating the security needs for each court in the Commonwealth. A budget amendment will be offered at the appropriate time to delete these restrictions from the 1988 Appropriations Act.

The joint subcommittee also recommends that the chief general district court and chief juvenile and domestic relations district court judges be authorized to participate in deliberations with the sheriff to evaluate courtroom security needs in the jurisdiction (see Appendix C). Although no problems with the current evaluation process were brought to light, the joint subcommittee believes this will assure a thorough and fair evaluation.

The joint subcommittee finds no need to make recommendations regarding the use of magnetometers. The results of the survey indicate that the devices are available and work well in some jurisdictions. However, they may not be appropriate for use in all courts. The joint subcommittee finds that the current process for securing magnetometers with local funding or grants, upon determination of need by the sheriff, is satisfactory.

Respectfully submitted,

William F. Parkerson, Jr., Chairman
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APPENDIX A

SENATE JOINT RESOLUTION NO. 162

Requesting a joint subcommittee to study courtroom security.

Agreed to by the Senate, February 4, 1987

Agreed to by the House of Delegates, February 25, 1987

WHEREAS, courtroom security is provided primarily by local sheriff's departments; and
WHEREAS, the number of sheriff's deputies used as courtroom security personnel varies and is determined, generally, by the individual judges; and

WHEREAS, judges should be encouraged to rely upon only as many deputies as are needed, taking into account special circumstances such as highly dangerous criminal defendants, yet recognizing the finite fiscal and personnel resources of the sheriffs' offices; and

WHEREAS, uniform guidelines may be useful in setting the number of deputies providing security within each courtroom; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That a joint subcommittee is established to study courtroom security in the courthouses throughout the Commonwealth. The membership of the joint subcommittee shall be as follows: two members of the Senate Committee for Courts of Justice, and one member of the Senate Committee on Finance, to be appointed by the Senate Committee on Privileges and Elections; three members of the House Committee for Courts of Justice, and two members of the House Committee on Appropriations, to be appointed by the Speaker of the House of Delegates. Additionally, the Chief Justice of the Supreme Court shall appoint three active judges, one from the circuit court, one from the general district court, and one from the juvenile and domestic relations district court, to serve as members of the joint subcommittee. Finally, the Speaker of the House of Delegates shall appoint one current sheriff as a member of the joint subcommittee.

The Chairman of the Compensation Board, and the Executive Secretary of the Supreme Court shall serve as ex-officio members of the joint subcommittee.

The joint subcommittee shall complete its work no later than November 15, 1987.

The indirect costs of this study are estimated to be \$8,255; the direct costs of this study shall not exceed \$6,480.

APPENDIX B

VSSA SURVEY SUMMARY - COURT ROOM SECURITY (105 responses returned)

1. How many deputies do you have assigned exclusively to courtroom security?

Deputies	Response	Deputies	Response	Deputies	Response
0	28	5	5	15	1
1	15	6	2	16	1
2	19	7	1	17	1
3	14	9	1	20	1
4	3	10	1	29	2
		11	1	45	1
		12	1	52	1
		14	1		
				Statewide Total	<u>376</u>

2. Do the deputies that provide courtroom security also perform other functions?

Some 12 Yes 88 No 5

3. Approximately how many man hours per week does your office provide courtroom security in the following courts:

J. & DR. 29.56 GEN. DIST. 44.34 CIRCUIT 93.17

(Note - Court of Appeals - 48)

4. Does your office use hand held metal detectors regularly?

Yes 20 No 85

5. What percentage of time do they work? max.

Only 37 responded to this question. Of the 37, 23 indicated that metal detectors work 80% of the time or more; 27 indicated 50% of the time or more; 9 indicates that detectors do not work properly 50% of the time or less.

6. Does your office use permanent airport type metal detectors?

Yes 11 No 94

7. What percentage of the time do they work properly?

100 % 5 90% 3
 95 - 100% 2 50% 1
 Very good results 1 20 - 30% 1

8. If you use hand held or permanent metal detectors, how were they funded?

Local Funded 33 Grant Funded 15 Unknown 3

9. Does your county or city fund more courtroom security deputies than are funded by the Compensation Board?

Yes 10 No 95

10. Does anyone other than regular full-time deputy sheriffs provide courtroom security in your locality?

Sheriff & Captain fill in 3
 Court Security Officer 3
 Part-time Deputies 9
 Temporary employees, occasionally local police 1
 Off Duty police 1
 Part-time personnel 1

1 D 7/14/87 Devine T 7/15/87 smw

2 SENATE BILL NO. HOUSE BILL NO.

3 A BILL to amend and reenact § 53.1-120 of the Code of
4 Virginia, relating to duties of sheriffs; courtroom
5 security.

6

7 Be it enacted by the General Assembly of Virginia:

8 1. That § 53.1-120 of the Code of Virginia is amended and
9 reenacted as follows:

10 § 53.1-120. Sheriff to provide for courthouse and
11 courtroom security; designation of deputies for such
12 purpose.--A. Each sheriff shall designate deputies who
13 shall ensure that the courthouses and courtrooms within his
14 jurisdiction are secure from violence and disruption. A
15 list of such designations shall be forwarded to the Director
16 of the Department of Criminal Justice Services.

17 B. The chief circuit court judge and the sheriff for
18 each jurisdiction, chief general district court judge or
19 chief juvenile and domestic relations district court judge
20 shall be jointly responsible by agreement with the sheriff
21 of the jurisdiction for the designation of courtroom
22 security deputies for each court . If the chief judge and
23 sheriff are unable to agree on the number, type and working
24 schedules of courtroom security deputies for the court , the
25 matter shall be referred to the Compensation Board for
26 resolution in accordance with existing budgeted funds and

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1 personnel.

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