

**REPORT OF THE
VIRGINIA STATE CRIME COMMISSION**

**COURTROOM SECURITY IN
DOMESTIC RELATIONS CASES**

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



HOUSE DOCUMENT NO. 96

**COMMONWEALTH OF VIRGINIA
RICHMOND
2000**



COMMONWEALTH of VIRGINIA

VIRGINIA STATE CRIME COMMISSION

Senator Ken Stolle
Chairman

Rich Savage
Director

January 10, 2000

To: The Honorable James S. Gilmore, III
Members of the Virginia General Assembly

House Joint Resolution 676 agreed to by the 1999 General Assembly, directed the Virginia State Crime Commission to conduct a study on courtroom security in Domestic Relations Cases and to submit its findings and recommendations to the Governor and the Members of the 2000 Session of the General Assembly.

In fulfilling this directive, a study was conducted by the Virginia State Crime Commission in 1999. I have the honor of submitting herewith the study report.

Respectively submitted,

A handwritten signature in black ink, appearing to read "K Stolle".

Kenneth W. Stolle
Chairman

KWS:sr

VIRGINIA STATE CRIME COMMISSION
MEMBERS

Chairman

Senator Kenneth W. Stolle

Vice-Chairman

Delegate Raymond R. Guest, Jr.

From the Senate

Senator Janet D. Howell

Senator Thomas K. Norment, Jr.

From the House

Delegate James F. Almand

Delegate R. Creigh Deeds

Delegate A. Donald McEachin

Delegate Brian J. Moran

Delegate Clifton A. Woodrum

Appointments by the Governor

Sheriff Terry W. Hawkins

The Honorable Robert J. Humphreys

The Honorable William G. Petty

Attorney General's Office

The Honorable Mark L. Earley

Executive Summary



Virginia State Crime Commission

House Joint Resolution 676 Courtroom Security in Domestic Relations Cases

January 2000

In 1999, the Virginia General Assembly passed House Joint Resolution 676 (Appendix A) directing the Virginia State Crime Commission to do a study of courtroom security in Domestic Relations cases. The study evolved due to legislative concerns that Domestic Relations courtrooms could be potentially hostile and dangerous environments due to the family issues and emotions involved in the cases heard by the court.

Findings

The Crime Commission found:

- The Domestic Relations caseload had increased 35% from 1993 to 1998.
- The plurality of Domestic Relations

caseload in 1998 (41%) were civil support cases.

- The majority of the Sheriff's offices in Virginia (52%) have 5 or less deputy sheriff positions assigned for courtroom security.
- The number of deputy sheriff positions statewide increased 53% from FY 1993 to FY 2000; although not all of these positions were for courtroom security, the Sheriff can reassign these personnel at the request of the Judge.
- Based on local Sheriffs' requests for positions and staffing standards, the Compensation Board allocated 106 new courtroom security positions to Sheriff's offices in FY 2000; there are no outstanding requests for security positions in the FY 2000 budget cycle.
- There have been no appeals to the Compensation Board to settle security disputes between Sheriffs and Judges since 1993.

Recommendations

Based on these findings, the Crime Commission recommended:

- The State Compensation Board should report to the Crime Commission in Fall 2000 on the number of deputy sheriffs positions requested statewide for courtroom security in the current budget cycle due February 1, 2000.
- The Executive Secretary of the Supreme Court should determine (1) the degree to which security concerns and violence occurred in Domestic

Relations Court cases during
Calendar Year 1999 and (2) the
extent of Judicial concerns for health
and safety in Juvenile and Domestic
Relations courtrooms. The
Executive Secretary should report
the findings to the Crime
Commission in Fall 2000.

Table of Contents

I.	Introduction	
	Authority for Study	p. 2
	Report Organization	p. 2
II	Study Design	p. 3
III	Background	p. 4
IV	Findings	p. 5
V	Recommendations	p. 8
VI	Acknowledgements	p. 9

Appendices Attached

Authority for Study

The 1999 General Assembly approved House Joint Resolution 676, sponsored by Delegate Morgan Griffith, directing the Crime Commission to study the issue of courtroom security in Domestic Relations cases.

Virginia Code §9-125 establishes the Virginia State Crime Commission and provides that the Commission is to “study, report and make recommendations on all areas of public safety and protection.” Furthermore, pursuant to Virginia Code §9-127, the Commission “shall have the duty and power to make studies and to gather information and data in order to accomplish its purposes.” With respect to the performance of the functions, duties and powers enumerated to the Commission, Virginia Code §9-134 provides that the Commission shall be authorized to maintain offices, hold meetings and functions, conduct private and public hearings, and designate a member of the Commission to preside over such hearings. The Virginia State Crime Commission, in fulfilling its legislative mandate, undertook the study of courtroom security in Domestic Relations cases.

Report Organization

The remaining sections of this report present the results of the Virginia State Crime Commission’s analysis of courtroom security in Domestic Relations cases. Section II presents the Study Design, Section III presents background information and the report’s findings are discussed in Section IV. Finally, the report’s recommendations are in Section V and acknowledgements are contained in Section VI.

Study Design

Crime Commission staff undertook two separate research activities to address the study mandate. First, Crime Commission staff interviewed and met with the Deputy Director and senior staff from the State Compensation Board to ascertain the current methodology for funding courtroom security personnel, the recent budgetary actions directed at Sheriff's offices and their perceptions on the needs voiced by Sheriffs for courtroom security personnel. Second, staff analyzed data pertinent to the workload of the Domestic Relations courts in Virginia, the staffing patterns of Sheriff's offices and the reported budgetary requests for positions to the Compensation Board. From this foundation, findings and recommendations followed.

Statutory Mandates for Courtroom Security

The Code of Virginia in §53.1-120 mandates each Sheriff to designate deputies to ensure that the courthouse and courtrooms within the jurisdiction are secure from violence and disruption. The Code further states that if the Judge and the Sheriff are unable to agree on the number or type of deputies to be assigned, or the schedule of the court, the matter shall be referred to the Compensation Board for resolution. However, the Appropriations Act sets forth the requirements for courtroom security staffing and the availability of funds:

... unless a judge provides the Sheriff with a written order stating that a substantial security risk exists in a particular case, no courtroom security deputies may be ordered in civil cases.

Determination of Need for Staff

To assist in identification of staffing needs and resource deployment, the Compensation Board has developed staffing standards for security positions based on the hours court is in session in each locality (see Exhibit 1). Sheriffs annually present budget requests to the Compensation Board for additional positions when needed. In FY 2000, the Compensation Board will fund a statewide total of 8,131 deputy sheriffs positions; of this, 1,018 (13%) will be designated for courtroom security.¹

Exhibit 1

Compensation Board Staffing Methodology for Deputy Sheriff Courtroom Security Positions

1. The number of deputies fixed for courtroom and courthouse security is based upon no more than two deputies in circuit court, one in general district court, and one in juvenile and domestic relations court for criminal cases at eight hours per day per deputy when court is in session, and 1,750 hours of available time per deputy.
2. When requesting additional positions, the Compensation Board will use the staffing methodology and workload criteria developed by the Virginia Sheriff's Association (VSA) to determine the appropriate level of Compensation Board staff support for each office requesting additional positions.

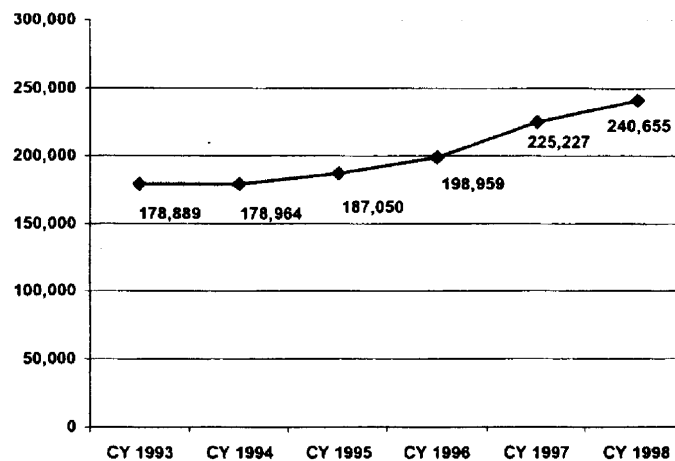
Source: State Compensation Board, 12/22/99.

¹ It should be noted that the statewide position counts for deputy Sheriffs do not include locally funded deputy Sheriff positions that are available to help with courtroom security; these figures were not available.

Growth in Domestic Relations Caseload

Crime Commission staff examined Domestic Relations caseload data to determine if there had been a change in the number and nature of the workload in the courts. As Table 1 illustrates, Domestic Relations caseload has increased 35% since 1993. In 1993 there were 178,889 Domestic Relations cases commenced; however, by 1998, the number had grown to 240,655.

Table 1
Domestic Relations Caseload 1993-1998



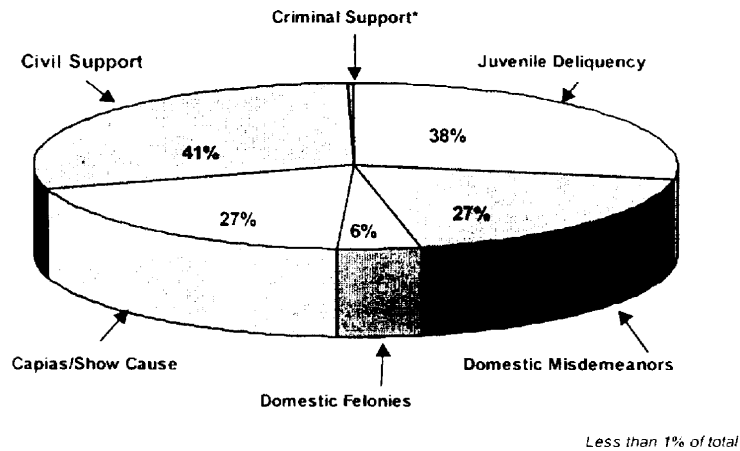
Source: Virginia State Crime Commission analysis of Virginia Supreme Court State of the Judiciary Reports 1993-1998.

Further examination of the Domestic Relations caseload found that the plurality of cases (41%) were for civil support. The second largest category of cases was juvenile delinquency.

Staffing in Sheriffs' Offices

The State, through the Compensation Board, will support 8,131 deputy sheriffs positions during FY 2000. Of this total, 1,018 (13%) will be for courtroom security for three types of courts: Circuit Court, General District Court and Juvenile and Domestic Relations District Court. As the map in Exhibit 2 shows, the majority of the Sheriffs' offices have 5 or fewer deputy sheriffs supported by the Compensation Board for courtroom security.

Table 2
Domestic Relations Caseload Classification



Source: Virginia State Crime Commission analysis of Virginia Supreme Court State of the Judiciary Reports 1993-1998.

The FY 2000 staffing levels in Sheriffs' offices represent a 53% increase from the FY 1993 level of 5,318.² Included in the FY 2000 staffing levels are 106 new deputy sheriff positions for 43 local offices to use for courtroom security (Appendix B). The positions were based on local requests and the staffing standards.

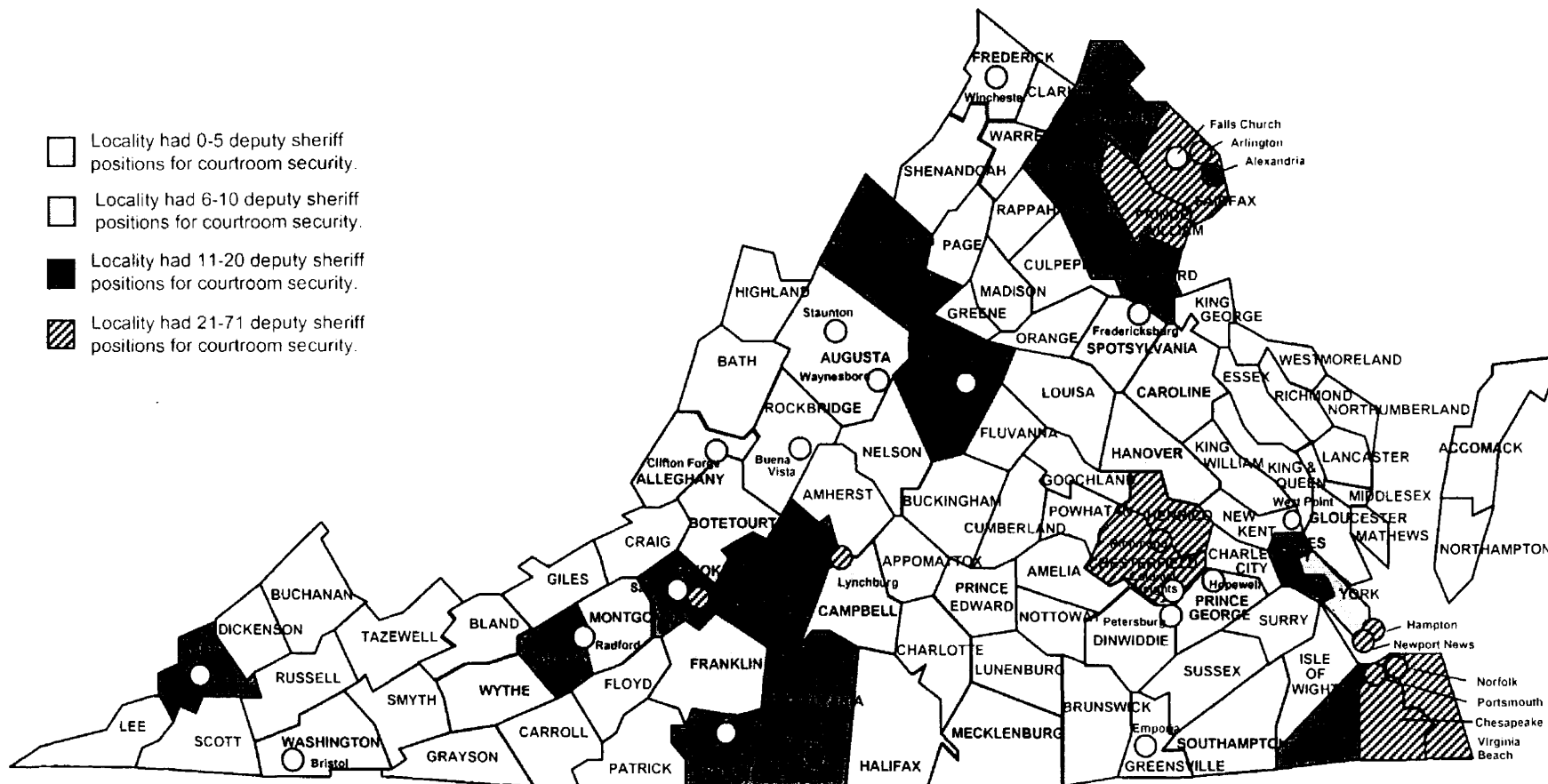
Identified Needs

The Compensation Board will begin the budget review for local request in February 2000 when each local Sheriff will submit his or her budgetary needs. The Compensation Board should know by Fall 2000 the specific courtroom security positions needed in the next budgetary cycle. Currently, there are no pending requests for additional courtroom security positions before the Compensation Board. In addition, Compensation Board staff could not recall any instances where the Board has had to settle a dispute between a Judge and the Sheriff over security staffing.

While the Domestic Relations caseload in Virginia has increased since 1993, the number of total deputy sheriff positions statewide has increased at a faster pace. Although all of the increased positions were not specifically assigned for courtroom security, they may be re-deployed and used by the Sheriff when requested by the Judge.

² Source: Virginia State Crime Commission Analysis of Compensation Board data, December 1999.

Exhibit 2 Deputy Sheriff Courtroom Security Positions



Source: Compensation Board Office Position Count, 12/1/99.

Recommendations

Pursuant to information collected, the Virginia State Crime Commission approved the following recommendations.

Recommendation 1

The Compensation Board should report to the Virginia State Crime Commission in Fall 2000 on the number of deputy sheriffs positions requested statewide for courtroom security in the current budget cycle due February 1, 2000.

Recommendation 2

The Executive Secretary of the Supreme Court should determine (1) the degree to which security concerns and violence occurred in Domestic Relations court cases during Calendar Year 1999, and (2) the extent of Judicial concerns for health and safety in Juvenile and Domestic Relations courtrooms. The Executive Secretary should report the findings to the Virginia State Crime Commission in Fall 2000.

Acknowledgements

The members and staff of the Virginia State Crime Commission wish to extend their thanks to the following individuals for their cooperation and assistance with this study:

Robin DeSocio, Budget and Finance Manager, Compensation Board

Richard E. Hickman, Jr., Deputy Director, Senate Finance Committee Staff

Donald R. Lucido, Director of Technical Assistance, Supreme Court of Virginia, Office of the Executive Secretary

James W. Matthews, Assistant Executive Secretary, Compensation Board

HOUSE JOINT RESOLUTION NO. 676

Directing the Virginia State Crime Commission to study courtroom security in domestic relations cases.

Agreed to by the House of Delegates, February 7, 1999

Agreed to by the Senate, February 18, 1999

WHEREAS, the incidence of domestic violence is rising in many communities around the Commonwealth; and

WHEREAS, a great percentage of the murders in our cities are the result of domestic altercations; and

WHEREAS, these situations often work their way into the courts, not only as the result of criminal charges but also in cases in the domestic relations courts where parties are divorcing and determining custody, support or visitation of children; and

WHEREAS, rarely are emotions or tempers higher than when parties are arguing about how they are going to live, with whom, and who is going to pay for what; and

WHEREAS, our judges, bailiffs and other court personnel deserve protection during these highly charged situations during which parties can become angry and abusive and, in some cases, very dangerous; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Virginia State Crime Commission be directed to study courtroom security in domestic relations cases.

All agencies of the Commonwealth shall provide assistance to the Commission, upon request.

The Commission shall complete its work in time to submit its findings and recommendations to the Governor and the 2000 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

Court Services Positions
Virginia Sheriff's Offices FY 2000

LOCALITY	No. of Positions Allocated	LOCALITY	No. of Positions Allocated	LOCALITY	No. of Positions Allocated
Accomack	4	James City	2	Southampton	3
Albermarle	2	Mecklenburg	3	Stafford	2
Amelia	1	Montgomery	1	Warren	2
Appomattox	2	New Kent	1	Washington	5
Augusta	1	Northampton	2	Wise	4
Bath	1	Northumberland	2	York	1
Bedford	1	Nottoway	2	Chesapeake	8
Buckingham	2	Orange	1	Clifton Forge	1
Fauquier	4	Page	1	Colonial Heights	1
Franklin	3	Pittsylvania	1	Danville	1
Gloucester	4	Powhatan	1	Fredericksburg	2
Greene	1	Prince Edward	1	Suffolk	1
Greensville	1	Prince George	1	Virginia Beach	17
Hanover	1	Richmond Co.	2		
Henry	3	Rockingham	6	Total	106

Source: Virginia Compensation Board, December 1999.

VIRGINIA STATE CRIME COMMISSION
STAFF

Rich Savage
Director

Sylvia A. Reid
Executive Assistant

Judy R. Philpott
Policy Analyst

Lawrence L. Schack
Legislative Analyst/Methodologist

Herschel V. Keller
Staff Attorney

