

Task Force to Ensure the Safety of Judicial Facilities

Meeting Minutes

Monday, September 30, 2024

Members/Designees Present:

Hon. Matthew Fader, Chair
Steve Barlow
Sec. Atif Chaudhry
Hon. Samuel Cogen
Hon. Yolanda Curtin
Sloane Franklin
Hon. Marcus Harris
Timothy Haven
Hon. Geoffrey Hengerer
Maj. Andy Johnson
Hannibal Kemerer
Maj. Rebecca Labs
Hon. John Morrissey
Judy Rupp
Hon. William Valentine
Hon. Greg Wells
Hon. Brett Wilson
Sean Wolcott

Hon. Wanika Fisher
Hon. Athena Malloy Groves
Chief Marcus Jones
Hon. Dawn Luedtke
Hon. George Pfeffer
Raphael Santini
Hon. Shaem Spencer
Elizabeth Theobalds

Others Present:

Olya Jerschowsky
Charles Kassir
Shaoli Katana - Zoom
Monica Kearns
Lily Kleppertknoop - Zoom
Kathleen Maher
Pam Malech - Zoom
Amanda Miller
Kelley O'Connor
Eliana Pangelinan
Suzanne Pelz - Zoom
Jacob Pollicove – Zoom
Gillian Tonkin
Jennifer Young - Zoom

Members/Designees via Zoom:

Hon. Brian Albert
Hon. Audrey Carrión
Brian Diggs

Approval of the Meeting Minutes

A meeting of the Task Force to Ensure the Safety of Judicial Facilities was held on Monday, September 30, 2024, at the Maryland Judicial Center and through Zoom for Government, beginning at 2:35 p.m. Chief Justice Fader welcomed everyone and then asked the members for approval of the minutes from the August 28 meeting. Judge Brett Wilson made a motion to approve with a second from Sloane Franklin. The minutes were approved unanimously.

Costs and Resources Workgroup

Chief Justice Fader opened with an explanation of the differing roles played by Sheriff's Offices in different jurisdictions. He stated that Sheriff's Offices are the primary law enforcement entity in several jurisdictions, while in others the primary general law enforcement responsibility lies with a county or municipal police department. But in every jurisdiction, the Sheriff's Office is responsible for security and other responsibilities connected to the circuit courts. Some of the

common responsibilities shared by sheriff's offices in jurisdictions statewide include serving warrants, posting evictions, and courthouse security.

Councilwoman Dawn Luedtke provided information on the Commission on Accreditation of Law Enforcement Agencies, Inc. (CALEA). She stated that 11 Maryland sheriff's offices are CALEA certified, with the Somerset County Sheriff's Office currently obtaining certification. The Montgomery County Sheriff's Office has held its certified status the longest out of the 11 certified jurisdictions. She noted that 17 sheriff's offices serve as the primary law enforcement entity in their local jurisdiction; eight of those are CALEA certified. She recommended adding CALEA certification as a best practice for sheriff's offices.

Chief Judge Morrissey stated the Cost and Resources Workgroup was charged with developing costs for security needs. The Workgroup utilized a previous survey which assessed all court locations and consisted of over 200 questions and followed up with two additional surveys. Considering the Standards Workgroup's 89 recommendations, the Cost and Resources Workgroup organized the survey results into three categories: personnel, parking, and hardening of courthouse facilities.

The Costs and Resources Workgroup established a formula for estimating the cost of the security items, such as the average cost of a sheriff's deputy and bailiff, including salaries and benefits. For the parking security standard, the Workgroup determined that they would not include retrofitting the existing structure to add underground or attached parking. The cost of parking in some jurisdictions includes building an off-site structure around a parking area. The Workgroup estimated costs with the benefit of Department of General Services and Department of Budget and Management participation.

Personnel. The Costs and Resources Workgroup included the following security needs in the Personnel Category cost, which represents the costs per unit:

Court Security Officers (CSO). In circuit courts, there should be one CSO per courtroom, a second when a defendant is in custody, and one designated as a rover who could cover shifts, be on premise as a second CSO, patrol the area at lunch and close of business, and other duties as needed. Chief Judge Morrissey used the example of assigning 15 CSOs for duty instead of 10 to account for leave and breaks, which is about 1.5 CSOs per court room.

Regarding additional security in commissioner's offices, Chief Judge Morrissey stated that there should be two security officers on duty during the day and three CSOs to cover an overnight shift. He further stated that eight commissioner's offices are located off-site and do not presently have security. Commissioners work in the evenings and on weekends, when courts are closed, processing charging documents, interim peace and protective order applications, initial appearances by determining the terms and conditions of release, and process public defender eligibility applications.

The District Court already uses two CSOs per courtroom, which is a National Center for State Court (NCSC) best practice. Across the Judiciary, there are 357 bailiff Position

Identification Numbers (PINS), although some are vacant. When there are instances of bailiff shortages, courthouses hire unarmed private security guards to supplement their security needs.

Constables. The District Court needs an additional eight constable positions. Chief Judge Morrissey stated that Baltimore County employs constables to carry out similar responsibilities as the Sheriff's Deputies in the other 23 jurisdictions. He commented that there is a lack of understanding of the constable's role and responsibilities. Since constables are not armed, Chief Judge Morrissey recommended that the Task Force considering recommending that two Constables be on duty at a time when executing evictions.

Video Monitoring. The Workgroup interpreted this standard to mean off-hours courthouse video monitoring. Chief Judge Morrissey inquired whether CSOs could use technology for off-site surveillance. It could be done, but the technology does not yet exist since the systems that could be used do not presently communicate with each other. The alternative would be to have a Sheriff's Deputy or bailiff monitor courthouses during the off-hours. Chief Judge Morrissey stated that there have been three recent off-hours incidents involving a District Court facility: in Essex, someone shot at the building; in Catonsville, someone threw a Molotov cocktail towards the building from the parking lot; and in Towson, someone shot bullets near the commissioner's office.

As Chief Judge Morrissey wrapped up the Personnel section, he answered a few questions regarding security services on evenings and weekends and whether the services will include an eight-hour window. He said the assumption is to have security at the courthouses and off-site commissioner's offices on evenings and weekends. It would be expensive to have someone monitoring courthouses regionally; in the District Court, electronic security systems differ from courthouse to courthouse. The Workgroup considered a regular court day, which is over eight hours, and not the weekend. The assumption is that security could work on weekends. If a bailiff is on duty at a commissioner's office, 24/7 surveillance will not be needed. Chief Judge Morrissey commented that video surveillance is needed when a CSO is not on duty at the commissioner's office. Chief Justice Fader said that some District Court locations are open to the public 24/7.

Chief Judge Morrissey noted that the Appellate Courts are in one building and have sufficient personnel, but have other security costs to consider.

Chief Judge Morrissey noted that the Workgroup estimates these needs for the cost tabulations. The bulk of the personnel costs are made up of circuit court needs. The Workgroup included data from 14 sheriff's offices on the number of PINS needed in each courtroom and hearing room. He is drafting a narrative that he has not yet circulated to the Workgroup for comment. The Costs and Resources Workgroup analysis and data will assist the Solutions Workgroup with determining the necessary security items.

Parking. Chief Judge Morrissey noted that the Workgroup focused on buildings with separate unsecured parking. When the Workgroup determined the cost estimates, they considered items

such as adequate lighting and emergency call boxes. The Workgroup determined that there should be one call box for every four judicial officers. When calculating the card system estimate, the Workgroup determined most locations may need a new card system because adding another card swipe location or upgrading the existing system would not always be feasible. Additionally, parking lots with fencing require keycard systems for access. To estimate the cost of fencing those parking lots that are not secure, the Workgroup estimated that 225 feet of fence per vehicle is needed.

Hardening of Courthouse Facilities. The last category Chief Judge Morrissey discussed is Hardening. The Standards Workgroup recommended that judicial facilities need either bullet-resistant glass or ballistics film at the front entrances, any space occupied by a judicial officer that is open to the public, and the judge's chambers and courtrooms that have outward facing windows. To calculate the estimated cost of hardening the windows, the Workgroup used the dimensions of a standard window, 3 feet by 5 feet, and estimated the square footage of the areas that need ballistic film based on the survey results. When determining the estimated cost of hardening the judge's bench, the Workgroup learned that there are quite a few locations where the judge's benches have already been updated. The other hardening areas from the Security Standards list the Workgroup included in the cost estimates are state vehicles and body-worn cameras for constables.

Based on the Workgroup's findings, the total estimated personnel cost for both the Circuit and District Courts is \$94.3 million; this is an overestimation. Chief Judge Morrissey noted that the Workgroup is awaiting personnel data from 10 locations that will be subtracted from the current and optimal PINs cost.

Chief Judge Morrissey used an unnamed circuit court location as an example of how the Workgroup's estimations worked for individual courts. For the selected court, providing the needed items under the security standards in all three categories would cost an estimated \$2.7 million. He noted that the personnel costs are annual, and the parking and hardening costs are one-time expenditures. He stated that the Workgroup could not provide the cost of the recommendation for a separate courthouse personnel entrance from the public due to the work that would need to occur to open additional entrances. They determined that a better approach would be to have two lines, one for staff and another for the public, where possible, and that the CSO rovers could assist with monitoring the personnel line. He also discussed the need to add partitions in some locations, saying that the public can walk behind the customer counter at some court locations and not realize that they are in personnel-only areas.

Discussion on Costs and Resource Workgroup Recommendations

In response to a question on whether all commissioner's offices are located in a courthouse instead of off-site, Chief Judge Morrissey said it depends on the location. Regarding the separate entrances for court staff and the public, a Task Force member asked whether attorneys could use the staff line to enter the courthouse. Chief Judge Morrissey responded that the Solutions Workgroup would make that determination and that he would add to his narrative that consideration be given to attorneys when entering through security.

A Task Force member also asked if call boxes have shown any efficacy for deterring or solving crimes. Chief Judge Morrissey responded that a call box is a dedicated line that goes directly to the courthouse security or other emergency personnel line, as opposed to using a cell phone and having to determine the appropriate number to call if something were to happen. Furthermore, Judge Wilson commented that a call box is the fastest way to contact security.

There was a question on how the Task Force would incorporate the suggestion concerning CALEA certification. Chief Justice Fader responded that he understood the suggestion as one that could be incorporated into standards for qualification. Councilwoman Luedtke commented that certification is agency-level and not individual-level, so setting an organizational standard certification is important.

Chief Judge Morrissey moved on to discuss a sample District Court location's cumulative estimated cost, stating that the District Court had been a centrally managed state system for more than 50 years. Since 2021, the District Court has been hardening its facilities. The location used for the example needs secured parking.

Each security cost category was identified, with personnel having the highest cumulative cost. Appellate Court security needs and costs are the lowest, and circuit court costs are the highest. Chief Judge Morrissey thanked the members of the Costs and Resources Workgroup and especially thanked Gillian Tonkin and Kate Maher, who worked long hours and processed a massive set of data.

Chief Justice Fader clarified that the provided cost of personnel will decrease when the Workgroup receives the remaining survey data, because the number of filled PINs will be subtracted from the total number of PINs needed, which is the basis for the current estimates.

Chief Judge Morrissey was asked how many circuit courts are up to standards. He responded that there is a mix of some that are close and some are at or around the mid-line. The majority of cost drivers are personnel and bullet-resistant glass. Older courthouses were not designed with the type of security features now needed.

Chief Justice Fader thanked Chief Judge Morrissey and the Workgroup members. He said that the first meeting of the Solutions Workgroup was scheduled, and it will discuss not only costs, but also where funds would come from. He further stated that the Task Force would likely need to consider two separate buckets - personnel and parking/hardening. Personnel costs would be annual and recurring, while the others would be one-time expenditures. A task force member suggested that as the Solutions Workgroup determines its recommendations, it should keep in mind that one-size-fits-all solutions do not work for all courthouses statewide. It's important that the Task Force keeps in mind the financial burden to fulfill requirements.

Discussion of Next Steps

Chief Justice Fader said the next step is to have two meetings; the first would be an elaborate discussion on possible solutions, and the next meeting would be for further discussion and to vote on the recommendations. He said the October meeting was already scheduled and asked the

Task Force members to monitor their emails for the request to schedule the November meeting. He also stated that another workgroup would address the review of judicial facilities.

Adjournment

The meeting adjourned at 3:48 p.m.