

Task Force to Ensure the Safety of Judicial Facilities

Meeting Minutes

Monday, October 21, 2024

Members/Designees Present:

Hon. Matthew Fader, Chair
Steve Barlow
Sec. Atif Chaudhry
Hon. Samuel Cogen
Sen. Paul Corderman
Natasha Dartigue, Esq.
Sloane Franklin
Timothy Haven
Maj. Andy Johnson
Chief Marcus Jones
Hon. John Morrissey
Judy Rupp
Hon. Greg Wells
Sean Wolcuff

Members/Designees via Zoom:

Hon. Audrey Carrión
Hon. Yolanda Curtin
Brian Diggs
Hon. Juliet Fisher
Hon. Wanika Fisher
Hon. Athena Malloy Groves
Hon. Marcus Harris

Hon. Geoffrey Hengerer
Hon. Dawn Luedtke
Hon. George Pfeffer
Raphael Santini
Hon. Shaem Spencer
Elizabeth Theobalds
Hon. William Valentine
Hon. Brett Wilson
Hon. Lisa Yates

Others Present:

Melissa Canada
Olya Jerschkowsky
Charles Kassir
Shaoli Katana - Zoom
Monica Kearns
Hannibal Kemerer
Lily Kleppertknoop - Zoom
Pam Malech
Amanda Miller - Zoom
Kelley O'Connor
Eliana Pangelinan
Suzanne Pelz - Zoom
Jacob Pollicove
Gillian Tonkin
Will Vormelker

Approval of the Meeting Minutes

A meeting of the Task Force to Ensure the Safety of Judicial Facilities was held on Monday, October 21, 2024, at the Maryland Judicial Center and through Zoom for Government, beginning at 12:02 p.m. Chief Justice Fader welcomed everyone and then asked the members for approval of the minutes from the September 30 meeting. Chief Judge Morrissey made a motion to approve with a second from Sloane Franklin. The minutes were approved unanimously.

Presentation by the Solutions Workgroup

Chief Judge Wells presented the recommendations of the Solutions Workgroup, which met over the past three weeks. Considering the Standards Workgroup's 89 recommendations and the Cost and Resources Workgroup's cost estimates, the Solutions Workgroup worked to determine a reasonable set of proposals for the General Assembly to consider.

Personnel and Personnel Qualifications.

Appellate Courts. The Appellate Courts have sufficient security personnel and meet security standards. The Workgroup did not have any specific recommendations.

Circuit Courts. Each county has one circuit court location except for Baltimore City which has three. Security is provided by either the County Police Department or the Sheriff's Office. The Workgroup found that local law enforcement provides adequate protection for criminal cases, but some courthouses do not have security present for family and civil cases. The Workgroup determined that jurisdictions should meet the security standards, some immediately and others to be phased in, beginning in fiscal year 2026. The Workgroup recommended that Standard 1.1, one Court Security Officer (CSO) present in each type of judicial proceeding, be implemented immediately. The Workgroup recommended that Standards 1.2, a second CSO be present for each kind of judicial proceeding where there is a party in custody, and 1.3, a roving CSO, be implemented beginning fiscal year 2026.

Training and recruiting personnel could be difficult, and the cost is relatively high. To help cover these costs, the Workgroup recommended that the General Assembly determine the amount each jurisdiction should bear. Further, jurisdictions would apply to receive their share of the state funds to ensure they have buy-in, and the local Sheriff's Office could bear some of the cost. The Workgroup explored alternative funding sources, including raising local or court fees. Chief Justice Fader expressed concern over raising fees and commented that there is an extensive national conversation on this matter. Maryland appropriately does not directly fund court operations through fines and fees, which is a best practice. Chief Judge Wells mentioned grants as an option for alternative funding and noted that the Maryland State Bar Association offered to assist with grant writing.

District Court.

- *Judges.* The District Court is a unified 12-district system. There are multiple locations in several districts secured by bailiffs rather than local police departments. District Court bailiffs are Special Police Officers (SPO) who meet all required security training standards as outlined by the Standards Workgroup.
- *Commissioners.* District Court commissioners are judicial officers that provide 24-hour service by reviewing charging documents and issuing peace and protective orders. These judicial officers work in courthouses in some jurisdictions, and in stand-alone facilities in other locations. The Costs and Resource Workgroup reported that the District Court has an insufficient number of bailiffs to secure commissioners during non-court hours and commissioners at off-site locations. Of note, the Shillman Building renovation in Baltimore City temporarily displaced some commissioners and the St. Mary's County and Cecil County commissioners are located off-site and are at a higher risk for confrontation and violence by the public. The Workgroup recommended a two-step process to address the shortages. The first step includes hiring a minimum of six bailiffs each for St. Mary's and Cecil Counties to work around the clock with one bailiff per shift. The headcount accounts for time off, sick leave, and emergencies. The second step would be to hire additional bailiffs to serve locations currently served by security

personnel who do not meet the training standards established for CSOs in Security Standards 2.1 through 2.3. The Workgroup recommended against providing remote surveillance as an alternative means for securing bailiffs at off-site locations. The Workgroup determined that such surveillance would be ineffective.

Bailiffs. The Workgroup also recommended that bailiffs be converted from contractual to full-time equivalent positions. This conversion could attract highly qualified former law enforcement individuals. The Workgroup incorporated the District Court Bailiff Conversions cost chart prepared by the Cost and Resources Workgroup into the Report of the Solutions Workgroup. For those bailiffs who were formerly Maryland State Police Officers (MSPO), the Workgroup recommended either they be allowed to return to the state retirement system and continue to accrue pension benefits or allow them to enter some other part of the state retirement system. Other options to resolve the issue of retirement benefits for former MSPOs included a salary offset in lieu of a pension or requesting an exception to the pension system for these former bailiffs.

- *Constables.* The Workgroup considered the recommendations of the Cost and Resources Workgroup regarding constables. Constables are quasi-law enforcement unique to Baltimore County and have a dangerous job that includes engaging with the public. The Workgroup determined that since they are not judicial officers, constables are outside the scope of the legislative mandate. However, the Workgroup recommended that the Chief Judge of the District Court and the Administrative Judge for the District Court in Baltimore County discuss constable liability or funding sources to convert them to bailiffs.

Discussion:

Chief Justice Fader explained that the legislative mandate requires a proposal identifying sufficient security staff and funding to support said staff. It is important to know both the total cost to provide the standard staffing levels in the circuit courts statewide and the delta between current and needed personnel. Chief Justice Fader asked if the Workgroup determined the target percentage of the security costs to ask the State to bear. Chief Judge Wells responded that the Workgroup could not recommend a specific number due to insufficient information.

The Workgroup recognized that a local jurisdiction would have to incur a significant portion of the cost. There would be an annual appropriation that the Administrative Office of the Courts (AOC) would maintain and distribute to the local jurisdictions using a formula consistent with statutes in the Maryland Annotated Code, where the state determines a fixed amount annually. Members of the workgroup discussed factors relevant to how much local jurisdictions would be able to contribute and how to calculate how much to request the General Assembly to supply.

Sean Wolcuff asked if the calculations of current staffing were based on the number of security personnel actually working or on Position Identification Numbers (PINs). Chief Justice Fader agreed that this is an important distinction. The answer is currently unclear.

Councilman Lenny Pfeffer stated that if the General Assembly mandates a local jurisdiction to contribute a portion of the cost to meet the security standards, most likely, rural counties will need help covering their share. A formula like the Disparity Grant would be ideal.

Judge Juliet Fisher asked if the security standards applied to the Orphans' Court judges. She said that in Baltimore County, the Orphans' Court is in the courthouse, and a bailiff is not present during proceedings that could involve serious family issues. Orphans' Court personnel could request the presence of a bailiff and have panic buttons. She further stated that some Orphans' Courts are off-site. Chief Judge Wells responded that the Workgroup considered them judicial officers and covered by the security proposal.

Parking.

The second area the Solutions Workgroup reviewed was secure parking for judges. The gold standard is underground secured parking for judicial personnel; however, the Costs and Resources Workgroup determined that it would be too costly to build a retrofit where it does not exist. The Solutions Workgroup recommended underground secure parking for the construction of future courthouses. Furthermore, the Workgroup recommended enhancements that could be completed later, including adding call boxes to all lots that do not currently have them, doors/gates to lots using timed entry, and license plate readers to existing interior parking areas. Specifically for gates, the ideal recommendation would be a brick or stone enclosure around the judge's parking lot.

Councilwoman Luedtke expressed concerned with the recommendation for license plate readers and said there is a Maryland statute that allows using them if it is to achieve a law enforcement objective. Using them in courthouse garages may require a legislative change. There was a discussion of dropping that proposal.

Appellate Courts. The Workgroup recommended no action regarding parking for the appellate courts. Construction of a new Appellate Courts building is anticipated.

Circuit Courts. The circuit courts have the widest variety of parking needs. Chief Judge Wells discussed the current parking layouts in certain circuit courts where the parking standards would be difficult to meet.

The Workgroup recommended asking the General Assembly to mandate individual local task forces with the membership consisting of the administrative judge, sheriff, local law enforcement, and other courthouse personnel to determine the parking security features and when they should be implemented. Additionally, the Workgroup recommended that the AOC maintain and distribute parking security enhancement funds that each circuit court would apply to receive an equitable percentage, as previously stated in the security personnel recommendations. Lastly, the Workgroup recommended that the AOC hold funds to secure parking for jurisdictions planning to build a new courthouse.

District Courts. The Costs and Resources Workgroup reviewed the parking considerations for all judges, commissioners, and certain senior judges that maintain offices in District Court locations. That Workgroup undertook the same analytical approach and cost assumptions taken with the circuit court and applied them to the District Court. The Solutions Workgroup recommended the appropriation of the requested funds to bring District Court parking up to the established security standards.

Commissioners. The Workgroup recommended that courts should include commissioners in parking space allocation. Courthouses that do not have sufficient parking should include commissioners in their considerations for priority parking and those with ample parking should give commissioners open spaces. The estimated cost to enhance the 12 off-site commissioner locations requiring special security needs is high. The Workgroup recommended a two-step process to meet the security needs, which includes requesting an appropriation to enhance security as soon as possible and to account for commissioner needs in future courthouse plans.

Judge Carrión asked if there was a plan to relocate the off-site commissioners to courthouses. Chief Judge Morrissey responded in the affirmative, stating that over the years, the District Court's model evolved from the commissioners relocating from the courthouses to the detention centers and back to the courthouses.

Discussion:

The Solutions Workgroup felt it was important for local jurisdictions to decide their needs and implement a plan. Judge Curtin expressed concern about the reliance on the local jurisdictions to determine their needs without having a mandate. She asked if the recommendation would include the legislative security standard requirements that the county must fund. Judge Carrión highlighted the need for a formula to determine each jurisdiction's contribution.

Chief Justice Fader highlighted the differences between continuing personnel costs and one-time costs to physical plants. Regarding personnel issues, jurisdictions already provide funding for the personnel to maintain courthouse security, so a report to the General Assembly should discuss state supplementation to achieve a staffing level that meets the security standards. The proposals for the physical plants would be legislative solutions covered by the state to address parking and protecting state personnel.

Judge Carrión suggested expanding the powers of the Sheriff's Office to provide security for parking lots outside of the courthouse perimeter and outside the current jurisdiction of the Sheriff, such as the area between the building and the parking lot.

Hardening/Physical Plant.

The Solutions Workgroup identified the physical plant security standards for public areas, entrances, courtrooms, chambers, and jury rooms by reviewing the Cost and Resources Workgroup's recommendations.

Appellate Courts. The Workgroup recommended no action regarding improvements to the Courts of Appeal building.

Circuit Court. The Workgroup recommended a two-year plan to phase in upgrades. Funds allocated for future security needs in relation to new courthouse construction should be held in escrow.

District Court. The Workgroup determined that the District Court’s hardening needs primarily includes ballistic glass/film. The Workgroup recommended a full revitalization by 2027, and priority will be based on the severity of the need. The Workgroup did not make a recommendation in relation to constables but determined that funding the cost of hardening should come from other sources.

Summary of Cost Recommendations

Chief Judge Wells summarized the costs of improving security in each category. He noted that the Workgroup could not yet determine the cost of the circuit court personnel needs and said that they were open to discussion or a recommendation from the Task Force. He thanked the members of the Workgroup for preparing the report within the three-week timeframe. Furthermore, he thanked Lily Kleppertknoop and Will Vormelker for working overtime.

Discussion of Solutions Workgroup Recommendations

Chief Justice Fader requested more detail as to the mechanism for funding the hardening efforts. Senator Corderman suggested mirroring the School Safety Center Grant Program, which funds school security improvements, including Safety Resource Officers. Councilwoman Luedtke provided clarification on the School Safety Grant, saying that it is not for capital improvements. When seeking funds from the legislature, she suggested specifying the need for non-lapsing funds.

Chief Justice Fader asked for clarification on treating hardening and parking costs differently with respect to expectations of local contributions. Mr. Franklin commented that parking lots are a challenge because they are managed by the local jurisdictions and would not likely be limited to judicial officers. So, in a county with one judge and one magistrate and 31 parking spaces, local jurisdictions would not be inclined to secure just two parking spaces. If more spaces are secured, it would be appropriate for local jurisdictions to bear an appropriate share.

The Task Force discussed the need for more data about existing resources, the difference between those and calculated needs, and total calculated needs to determine an appropriate request concerning security personnel. Chief Justice Fader asked whether the current calculations are based on the total existing or filled PINs. Ms. Tonkin said the survey conducted by included a broad question requesting the number of security personnel, and stated that the Workgroup would need to re-request the information and ask for specific details. Sheriff Cogen suggested sending another survey to determine the gaps and the vacancy rates and offered to help.

The Solutions Workgroup plans to review the data from the Costs and Resource Workgroup to determine the total number that Task Force will propose to the General Assembly. The Task Force needs to identify what assistance they will request from the state, how it will be allocated, and what is necessary to meet the minimum acceptable standards.

Judge Carrión noted the interplay between personnel and physical plant issues. Hiring personnel to secure areas provides temporary relief where there is no barrier between the public and

personnel offices. Chief Judge Morrissey commented that rovers could be assigned this task. The Cost and Resources workgroup calculated the cost of rovers based on the caveat that generally there are not enough CSOs.

Discussion of the Next Steps

The second phase of the Solutions Workgroup discussion will occur at the next meeting. Chief Justice Fader opened the floor for consideration of anything related to the Workgroup as it continues its efforts. Hearing no response, Chief Justice Fader adjourned the meeting.

Adjournment

The meeting adjourned at 1:29 p.m.