

Task Force to Ensure the Safety of Judicial Facilities

Meeting Minutes

Monday, November 4, 2024

Members/Designees Present:

Hon. Matthew Fader, Chair
Brian Albert
Hon. Audrey Carrión
Sloane Franklin
Maj. Andy Johnson
Judy Rupp
Raphael Santini
Elizabeth Theobalds
Hon. William Valentine
Hon. Greg Wells
Hon. Brett R. Wilson
Sean Wolcuff

Members/Designees via Zoom:

Sec. Atif Chaudhry
Hon. Samuel Cogen
Hon. Yolanda Curtin
Natasha Dartigue, Esq.
Brian Diggs
Hon. Wanika Fisher
Maurice Frazier
Kelsey Goering
Hon. Athena Malloy Groves
Hon. Marcus Harris
Timothy Haven
Hon. Geoffrey Hengerer
Hon. Dawn Luedtke
Hon. John Morrissey
Hon. George Pfeffer
Hon. Shaem Spencer
Hon. Lisa Yates

Others Present:

Nicholas Blendy - Zoom
Melissa Canada
Olya Jerschkowsky
Charles Kassir
Shaoli Katana – Zoom
Kate Maher
Pam Malech
Anthony Monaco
Amanda Miller - Zoom
Kelley O'Connor
Suzanne Pelz - Zoom
Jacob Pollicove - Zoom
Gillian Tonkin
Will Vormelker
Jamie Walter
Jennifer Young, Esq. - Zoom

A meeting of the Task Force to Ensure the Safety of Judicial Facilities was held on Monday, November 4, 2024, at the Maryland Judicial Center and through Zoom for Government, beginning at 12:03 p.m.

1. Approval of the Meeting Minutes

Chief Justice Fader welcomed attendees and asked the members for approval of the minutes from the October 21 meeting. Sloane Franklin made a motion to approve with a second from Judge Brett R. Wilson. After hearing no objections, the meeting minutes were unanimously approved.

2. Presentation by the Solutions Workgroup (portions will be closed to the public)

The Solutions Workgroup previously made recommendations to the Task Force (TF) regarding security personnel, infrastructure improvements, and secure parking for judges. Chief Judge Wells continued the discussion and shifted focus to implementation of those recommendations and a funding model.

a. Security Personnel

Chief Judge Wells shared that the workgroup had extensive discussions regarding the number of Court Security Officers (CSO) the task force should be advocating for in each court. The Best Practices Workgroup developed a standard multiplier of 1.5 based on federal and state research, to ensure staffing needs can be met when accounting for sick leave, vacations, etc. The workgroup's recommendation is to have a CSO in every courtroom where a proceeding is taking place, plus a second whenever the proceeding involves an individual in custody or for high profile cases or other circumstances in which it may be necessary. The workgroup also discussed utilizing a CSO as a rover around the courthouse.

It was noted that obtaining sufficient CSO's to meet the standard in the short term may be difficult, and the General Assembly (GA) may be more receptive to smaller multipliers of 1.1 or 1.25. Courtrooms are not always open or in session for a full day and the TF's recommendation should be realistic. However, the workgroup also discovered that many jurisdictions are operating without any CSO's during certain proceedings. The conclusion was that the standard level multiplier to remain at 1.5.

As a first year goal, the workgroup recommends that jurisdictions individually assess their immediate courtroom needs and prioritize assignments, and that the staffing standards should be mandated for courtrooms hearing criminal, family, and juvenile matters. Law enforcement partners explained that a mandate would guarantee the funding is directed where it is intended. The earliest reasonable time for a mandate was determined by the workgroup to be in FY2027, with an extension of the mandate to all courtrooms in FY2029. The GA may need time to assess the TF recommendations and agencies will need to recruit and train additional CSO's.

Workgroup members felt that the state should not be responsible for the entirety of funding or for funding for an indefinite amount of time. To support local jurisdictions, the workgroup recommends that the state cover a percentage of the cost involved in meeting the standard over a 5-year period if certain conditions are met. Five years would be a reasonable bridge for counties to develop a permanent funding model. The proposal discussed was that the State would bear 80% of personnel costs above 50% of each jurisdiction's mandated CSO staffing level in year one, decreasing to 20% in year five, after which state assistance would end.

b. Parking & Hardening

Chief Judge Wells stated it is important to communicate with the GA that the TF is not solely focused on security personnel. Once a jurisdiction is assessed, recommendations for physical improvements to each courthouse should be made. Recognizing these items has the potential for long term savings as new courthouses can be designed with these challenges in mind. In addition, enhanced security measures could reduce personnel needs.

c. Funding Models

The workgroup recommends that the funding model for security personnel be different from the model for physical improvements. The personnel costs should be funded by special appropriation for a transition period. The funding for physical improvements would be provided by the state through annual contributions to a non-lapsing fund over a five year period. A similar model is reflected in that of the Maryland Center for School Safety fund (MCSSF).

Chief Judge Wells suggested the TF consider what would happen if a county refuses to meet the standards and what the consequences may be before making a final recommendation to the GA. Mr. Santini stated that noncompliance would be a liability for the county and suggested they would likely be receptive. Councilman Pfeffer added that some counties have an adversarial relationship with law enforcement and funding requests are a point of contention, especially in less wealthy jurisdictions. He suggested a model similar to a disparity grant where the funds are based off of tax and revenue per capita and not a one size fits all approach. Councilwoman Luedke remarked that larger jurisdictions face similar challenges and added that the MCSSF faced challenges during its first year after apportioning a flat amount to each jurisdiction, regardless of size. She explained that a non-lapsing fund also provides flexibility if a jurisdiction's need does not line up with the county's fiscal year.

At 12:28 p.m., Chief Justice Fader made a motion to close the meeting session to discuss public and judiciary security, pursuant to Maryland Code, General Provisions Article, §3-305(b)(10) (ii), on the grounds that public discussion would constitute a risk

to public security, including the development and implementation of emergency plans. The topic is security deficiencies at courthouses statewide and solution development.

The closed session ended at 12:47 p.m.

3. Discussion of Solutions Workgroup Recommendations

The workgroup's recommendation is to propose a 5-year phased funding project with state support of local jurisdictions in order to meet new mandated levels of security staffing. The goal at the end of the project is for local jurisdictions to determine how to sustain the staffing levels on their own.

Task Force members discussed whether the recommendation to use the CSO multiplier of 1.5 was appropriate. The cost when using 1.5 would exceed \$34 million, whereas the multiplier of 1.1 would only cost \$17.3 million. Chief Judge Wells added that the 1.5 standard accounts for realistic scenarios and the workgroup feels the lower multipliers should only be considered if there is push back from the GA. Justice Fader summarized his understanding that a multiplier of 1.5 is what is deemed appropriate to set jurisdictions up to be able to meet the minimum standard in every case, while lower multipliers would make it increasingly difficult to meet that minimum standard. Ultimately, the TF agreed that the recommendation to the GA should be based on the CSO multiplier of 1.5.

Chief Judge Wells noted that the TF should also consider whether the support amount would remain consistent for the entire five years. If counties are mandated to meet immediate needs, it may be appropriate to provide more state support initially and decrease over time. Justice Fader suggested that if the first mandate takes effect in 2027 it would make sense for the state to begin contributing in 2026 leading up to that point. He added that the largest contribution could be made in 2027 and proposed the amount decrease through 2031.

Sheriff Cogan agreed that this timetable would be reasonable and would give law enforcement agencies time to hire and train new personnel. If the mandate occurred any sooner the sheriff's department would have to pull deputies from other units. All agreed that meeting standards for courthouse security should not result in creating security risks anywhere else. Judge Carrión noted that if civil non-family courtrooms will be added at a later time, the state may need to sustain funding for a longer period.

Judge Curtin asked whether funding requests would be made to the county by local courts or by law enforcement agencies. There is concern that the county would not prioritize additional security needs and choose not to fund. Chief Judge Wells stated it would likely need to be a joint request. Councilwoman Leudke added that mandates are

treated differently when appropriating the budget each year, and that decisions to move funds around to accommodate a requirement is not uncommon. Sheriff Cogan echoed her comments and stated that push back typically occurs when there are no resources offered to bridge the gap in funding. That is not the case with this funding model as the state would be helping significantly up front.

b. Parking/Hardening

Chief Judge Wells explained that local jurisdictions will need time to assess their physical security needs as the process often depends on RFP's and other stakeholders. He suggested that the non-lapsing 5-year funding model would provide the time needed before funding becomes available. The funds would be allocated in the Judiciary's budget for specific purposes and would not return to a general fund. The TF agreed to recommend that each jurisdiction form a local committee to determine their physical security needs and identify an appropriate timeline.

4. Discussion of the Next Steps

Justice Fader stated he will draft the legislative report recommendation to the GA and circulate it with other members prior to the deadline of December 31, 2024. Delegate Valentine added that it is helpful when considering proposals that the language is clear with respect to non-lapsing phases and suggested identifying specific percentages with the timeline.

Adjournment

The meeting adjourned at 1:29 p.m.