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April xx, 2017

Hon. Jeffrey B. Barton
Chair of the Trial Court Presiding Judges Advisory Committee
Presiding Judge of the Superior Court of California,
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P.O. Box 122724
San Diego, California 92112-2724

Mr. Jake Chatters
Chair of the Court Executives Advisory Committee
Court Executive Officer of the Superior Court of California,
County of Placer
P.O. Box 619072
Roseville, California 95661-9072

Re: Information Sharing—Trial Court Security

Dear Presiding Judge Barton and Mr. Chatters:

Late last year, the Court Security Advisory Committee reached out to the trial courts to obtain their perspective on current security priorities. We were specifically interested in security equipment and systems (such as x-ray machines, magnetometers, and video surveillance, access control, and duress alarm systems) that were affected by the underfunding of the Screening Equipment Replacement Program and elimination of funding for the Trial Court Security Grant Program. As previously discussed, we are sharing this information with you for your committees.

Trial courts rely on entrance screening equipment (x-ray machines and magnetometers) to reduce the likelihood of weapons being brought into their courthouses. This equipment has historically been replaced and maintained by the Screening Equipment Replacement Program, which has a budget of \$2.286 million funded annually through the Trial Court Trust Fund. The program budget has not increased since its inception in

2006, while costs for equipment and service have increased, resulting in a shortfall. This necessitated a delay in equipment replacement cycles, and an ongoing shift of the cost for service agreements to the courts starting in fiscal year 2015–2016.

Security systems (such as video surveillance, access control, and duress alarm) are also vital components in safeguarding the public, trial court judicial officers, staff, and property. For nine years, funds were dedicated to the installation and maintenance of trial court security equipment and systems. The Trial Court Security Grant Program was eliminated when its \$1.2 million budget from the State Trial Court Improvement and Modernization Fund was redirected effective FY 2015–2016. Program staff have attempted to regain dedicated funding for trial court security system installation, maintenance, and replacement for the past three fiscal years through the Budget Change Proposal (BCP) process, but their BCP for FY 2015–2016, 2016–2017, and 2017–2018 were not successful. A limited amount of operations and maintenance funding was made available on a one-time basis to address the minimum maintenance and repairs. This is not an efficient or effective long-term solution. Funding to continue this limited service has not been identified for FY 2017–2018. As the systems age, the components become obsolete and cannot be repaired, and costs increase.

These issues prompted us to obtain a trial court viewpoint of security priorities and the status of equipment and systems in their courthouses. In October 2016, we e-mailed exploratory questions to the Court Executive Officers with a cc to Presiding Judges. Some respondents did not answer all of the questions we posed, and some appeared to have incomplete information relating to the programs (such as equipment and systems received, the scope and process for each program, or replacement plans). However, all responses and comments were valuable in showing trending concerns and common themes (such as age of equipment or systems). It seems clear that courts do not have funding to purchase, repair, maintain, and replace security equipment and systems. Some have aging equipment; some have no equipment; all would benefit from assistance.

- 38 out of 50 respondents (76 percent) rated preventing weapons/prohibited items and attacks on people as critical priorities over the next 12 months, and 28 out of 50 (56 percent) rated preventing property damage as high priority.
- While most courts have x-ray machines and magnetometers, which 47 out of 50 respondents (94 percent) rated as accurate, 11 out of 47 (23 percent) rated what they had as insufficient to meet their needs.
- While many courts have video surveillance, 10 out of 50 respondents (20 percent) indicated what they have is insufficient to meet their needs, and 26 out of 48 (54 percent) indicated they need related maintenance agreements. 44 out of 49 respondents

(90 percent) do not have funding to replace video surveillance equipment or systems when needed, and 35 out of 49 (71 percent) do not have funding to purchase maintenance agreements.

- While many courts have access control, 12 out of 49 respondents (24 percent) indicated what they have is insufficient to meet their needs, and 25 out of 48 (52 percent) indicated they need related maintenance agreements. 43 out of 48 respondents (90 percent) do not have funding to replace access control equipment or systems when needed, and 30 out of 48 (62 percent) do not have funding to purchase maintenance agreements.
- While many courts have duress alarms, 2 out of 50 respondents (4 percent) indicated what they have is insufficient to meet their needs, and 29 out of 47 (62 percent) indicated they need related maintenance agreements. 40 out of 49 respondents (82 percent) do not have funding to replace duress alarm equipment or systems when needed, and 26 out of 49 (53 percent) do not have funding to purchase maintenance agreements.

The need for current and well-maintained equipment and systems is undeniable.

- 27 out of 49 respondents (55 percent) indicated that weapons such as guns and knives are confiscated on a daily basis, and 11 out of 49 (22 percent) indicated every 1 to 5 months.
- 8 out of 48 respondents (17 percent) indicated unscreened persons enter screened areas on a daily basis, and 14 out of 48 (29 percent) indicated every 1 to 5 months.
- 2 out of 48 respondents (4 percent) indicated violence or threats against courts users occur on a daily basis, and 29 out of 48 (60 percent) indicated every 1 to 5 months.
- 1 out of 49 respondents (2 percent) indicated violence or threats against court staff occur on a daily basis, and 29 out of 49 (59 percent) indicated every 1 to 5 months.
- 1 out of 49 respondents (2 percent) indicated violence or threats against judicial officers occur daily, and 24 out of 49 (49 percent) indicated every 1 to 5 months.
- 1 out of 48 respondents (2 percent) indicated property crime on or in court property occurs daily and 24 out of 48 (50 percent) indicated every 1 to 5 months.

Without support for the established council programs, needs for new equipment and systems may go unmet, and existing equipment and systems in place in California courthouses may age out, become unsupported by the manufacturers, and ultimately fail completely. Dedicated funding to

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maintain existing programs, is preferable to making purchases and maintenance an additional court cost that may not be viable.

While the information gathered portrays a snapshot in time, it is also indicative of an ongoing need for assistance. It is apparent that without sufficient funding to the programs, court security and access to justice will suffer. A \$3 million funding request was reviewed by the Judicial Branch Budget Committee on March 22, which, if approved, could be included in the Judicial Council's FY 2018–2019 BCP request to the Department of Finance. This may provide an opportunity to begin to address the situation. However, previous attempts to secure funding have been unsuccessful, and the FY 2018–2019 BCP does not address 2017–2018 needs.

Questions about this letter can be addressed to me, Judge Thomas M. Maddock (retired), or to the committee's Lead Staff, Ed Ellestad (415-865-4538 or edward.ellestad@jud.ca.gov).

Sincerely,

Hon. Patricia Bamattre-Manoukian, Acting Chair
Court Security Advisory Committee

TM/EE/LG
By e-mail

cc: Hon. Donald C. Byrd, Chair, Trial Court Facility Modification Advisory Committee
Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Hon. David M. Rubin, Chair, Judicial Branch Budget Committee