

August 31, 2009

TO:

**Governor Freudenthal  
Chief Justice Voigt, Supreme Court  
Joint Judiciary Interim Committee Members  
Joint Appropriations Interim Committee Members**

**FROM: Wyoming Court Security Commission**

**RE: 2009 Annual Report, Wyoming Court Security Commission, 2009**

### **Overview**

The Wyoming Court Security Act, W.S. §5-11-101 et seq., created a Wyoming Court Security Commission (Commission). The Commission is composed of the following individuals:

- Director of the Office of Homeland Security - Director Joe Moore
- One Justice of the Wyoming Supreme Court - Justice William Hill
- One District Court Judge -- Judge Jeffrey Donnell
- One Circuit Court Judge -- Judge Denise Nau
- One County Commissioner -- Commissioner Bill Brewer
- One County Sheriff -- Sheriff Jack "Skip" Hornecker
- One Representative of the POST Commission -- Chief Lori A. Emmert
- One Representative -- Representative Kermit Brown
- One Senator -- Senator Drew Perkins
- One District or County Attorney - Ms. Jeani Stone

### **Required Activities**

The Commission is required to:

1. Meet at least two times per year
2. Establish court security standards
3. Recommend levels of court security including:
  - a. Requirements for equipment, facilities, and architecture
  - b. Training for Court Security Officers
  - c. Protocol & procedures
4. Requirements for local Court Security Management Committees
5. Visit and inspect court security
6. Recommend funding support to the Legislature
7. Report annually to four entities in all three branches of government annually starting in September 2009

### **Committee Meetings to Date**

The Wyoming Court Security Commission met four (4) times:

- August 19<sup>th</sup>, 2008
- November 6<sup>th</sup>, 2008
- April 13<sup>th</sup>, 2009
- July 14<sup>th</sup>, 2009

Director Moore is the Chairperson through August 31<sup>st</sup>, 2010.

Four Committees were established by the Commission:

- Requirements for equipment, and facilities (Equipment & Facilities Committee) - Members: Sheriff Hornecker and Senator Perkins
- Training for Court Security Officers (Training Committee) - Members: Chief Emmert and Judge Nau

- Protocol & Procedures (Protocol & Procedures Committee) - Members: Judge Donnell, Justice Hill and Ms. Stone
- Requirements for local Court Security Management Committees (Local Management Committee) - Members: Commissioner Brewer and Representative Brown

### **Priorities Established by the Committees**

- **Equipment & Facilities Committee:** Developing a minimum equipment guideline consisting of the basic equipment that any agency could rely on to implement their court security operation. The revenue and manpower resource of each agency, large or small, will be considered before developing "model policy" and baseline for implementing court security.
- **Training Committee:** Implement a training program providing the necessary tools and knowledge to execute and administer an effective security program in any jurisdiction in Wyoming. This training program will provide participants with the necessary training to provide an on-site audit or survey of their court facilities, establish a court security committee, design emergency response plans, plan for high risk and/or high profile trials, conduct security screening of persons and property, respond to security threats, and adequately protect the judiciary and public who use the courthouse facilities on a regular basis
- **Protocol & Procedures Committee:** Developing a basic court security protocol addressing the following issues and concerns: (1) Scope (extent of the physical facility) of the area to be protected (e.g. courtroom only or entire courthouse); (2) Whether only district or circuit courts will be subject to the Commission's suggested standards or whether municipal courts are also covered; (3) Which local agency has primary jurisdiction for court security (e.g. the Sheriff, the police, or the courts themselves); (4) Should the Commission recommend court security officers be POST certified law enforcement officers as a minimum.

**Local Management Committee:** The top priority for the for this Committee is to identify the actual needs of each county with regards to court security, including any past issues with threats. Objectives relating to this priority are the actual threats or realistic potential threats which must be identified before any security measures can be fashioned. Funding alone directed at a non-identified or unsubstantiated issue will not serve the purpose of the mission of court security, and will in fact be counterproductive.

### **Actions to Date**

- i. Court Security Act signed -- March 13<sup>th</sup>, 2008, effective July 1<sup>st</sup>, 2008 (Attachment 1)
- ii. Information and Interrogatory sent to Sheriffs, Judges, and County Commissioners – April 2008 (Attachment 2)
- iii. Wyoming Court Security Commission (WCSC) formed July 1<sup>st</sup>, 2008 (Membership, Attachment 3)
- iv. First meeting of WCSC held in Cheyenne on August 19<sup>th</sup>, 2008 (Attachment 4).
  - Commission Chairperson selected
  - Results of Information and Interrogatory presented (Attachment 5)
  - Four Committees were established by the Commission.
- v. WCSC briefed the Wyoming Joint Interim Judiciary Committee on activities in Cheyenne September 8<sup>th</sup>, 2008. (Attachment 6)
  - Senator Bruce Burns (SD 21) suggested contingency fund for extraordinary expenses.
  - Summary of results of Court Security Commission: Information and Interrogatory (Item ii above) was presented to the Committee

- vi. Second meeting of WCSC held in Cheyenne on November 6<sup>th</sup>, 2008 (Attachment 7).
  - Summary of High Profile Court Cases in Wyoming presented (Attachment 8)
  - Commission sent a letter to the Attorney General to request clarification on the following points (Attachment 9):
    - Legal responsibility for court security,
    - Authority for search, and
    - Laws regarding firearms in government buildings.
  
- vii. Third meeting of WCSC held in Cheyenne on April 13<sup>th</sup>, 2009 (Attachment 10).
  - Equipment & Facilities Committee presented compiled list of minimal equipment for court security (Attachment 11)
    - WCSC sent a survey out to all Sheriff's to determine how many courts had the minimal equipment (Attachment 12)
  - Training Committee presented objectives and syllabus for Court Security Training provided by the Wyoming Law Enforcement Academy (Attachment 13)
  - Protocol and Procedures Committee presented recommendations (Attachment 14)
  - Response to WCSC letter by Attorney General was discussed (Attachment 15)
  - WCSC Chairperson requested to send letter updating local officials on the activities of the Commission and requesting each county establish a Local Court Security Management Committee (Attachment 16)
  
- viii. Fourth meeting of WCSC held in Cheyenne on July 14<sup>th</sup>, 2009. *{Note: The minutes for the July 14<sup>th</sup>, 2009, meeting have not been approved and are not attached. Key items are summarized below.}*
  - The Commission approved the first standard, Wyoming Court Security Standard 2009-1 (Attachment 17).
  - The Commission reviewed the results of the Court Security Equipment Survey Results which was completed in June, 2009, with responses from all 23 county Sheriff's. It was noted by the Commission there were 25 separate faculties reporting (two geographically separated facilities in each of two counties and in one county (Fremont) the court facilities had two separate Local Court Security Management Committees (Attachment 18).
  - The Commission reviewed an opinion from the Office of the Attorney General dated May 26, 2009, in response to an inquiry by the Sweetwater County Commissioners regarding regulation of firearms in the courtroom (Attachment 19).
  - The Commission requested the Chairperson direct a letter to the Attorney General requesting guidance on the implementation of Wyoming Court Security Standard 2009-1.
  - The Commission approved a motion requesting the two legislative representatives (Representative Brown and Senator Perkins, both present at the meeting) to request the Legislative Service Office (LSO) review the two Attorney General Opinions (Attachments 15 & 19) and request the LSO prepare appropriate legislation, addressing the shortfalls identified, for introduction at the next legislative session.
  - The Commission Chairperson presented a draft report (required by statute) for initial review. The format was deemed appropriate and the information in the initial draft was acceptable. The Chairperson will complete the report draft and provide to all Commission members. It is expected the report will be distributed to all required parties during the week of August 17<sup>th</sup>, 2009. An electronic copy of the report should be available on the Supreme Court and Office of Homeland Security websites after September 1<sup>st</sup>, 2009.
  - The Commission discussed the administration of a contingency fund for high profile cases or cases with an extraordinary potential for violence. A suggestion was made to model the program on the administration of the Search and Rescue fund by the Office of Homeland Security (Article 3, Search and Rescue Operations of the Wyoming Homeland Security Act, W.S. § 19-13-301 through § 19-13-303). No motion was made for Commission action.

## **Recommendations**

The Commission will continue its efforts to identify a source of funding to assist local governments with the expenses incurred by a “high profile” case, or a case which exhibits an unusually high potential for violence in the courtroom. This can be very important when a “change of venue” moves a trial to a small community with limited resources and no lead time to prepare a budget for such a trial since the case did not originate in their jurisdiction.

The Legislature may wish to consider providing a new, distinct source of funding to assist local governments with the expenses incurred by a high profile court case. This was the topic of House Bill 0229, Court Security Reimbursement, introduced in the 2009 legislative session.

## **Summary**

Summary - The Wyoming Legislature should be commended for its vision in the creation of this Commission to focus on preventing threats to a vital part of our criminal justice system. Recent tragic incidents, including death to judges, court staff, and citizens validate the necessity to ensure appropriate policies and security countermeasures are established and implemented. Wyoming, again, is taking a proactive approach to ensure the continued safety and well being of our citizens and public elected officials.

## **Attachments**

1. The Wyoming Court Security Act
2. Information and Interrogatory sent to Sheriffs, Judges, and County Commissioners
3. Court Security Commission Members
4. Minutes, Commission meeting August 19<sup>th</sup>, 2008
5. Summary of Information and Interrogatory
6. Report to Joint Judiciary Committee
7. Minutes, Commission meeting held November 6<sup>th</sup>, 2008
8. Summary of High Profile Court Cases in Wyoming
9. Letter to the Attorney General
10. Minutes, Commission meeting April 13<sup>th</sup>, 2009
11. List of Minimal Equipment for Court Security
12. Survey out to all Sheriff's on Equipment Currently Available
13. Objectives and Syllabus for WLEA Court Security Training
14. Protocol and Procedures Committee Recommendations
15. Attorney General Response to Commission Letter
16. Letter Updating Local Officials on Activities of WCSC
17. Wyoming Court Security Standard 2009-1
18. Court Security Equipment Survey Results
19. Attorney General response to Sweetwater County Commission request for an opinion of regulation of firearms

TITLE 5 - COURTS  
CHAPTER 11 - WYOMING COURT SECURITY ACT

5-11-101. Wyoming court security commission created; membership; powers and duties; compensation; report required.

- (a) The Wyoming court security commission is created under the supervision of the Wyoming supreme court. The commission shall be composed of the director of the office of homeland security or his designee and nine (9) additional members who shall be appointed for a term of three (3) years commencing July 1, 2008, who may be reappointed to serve subsequent terms. The nine (9) additional members shall include:
- (i) One (1) justice of the Wyoming supreme court, appointed by the chief justice;
  - (ii) One (1) district court judge, appointed by the board of judicial policy and administration;
  - (iii) One (1) circuit court judge, appointed by the board of judicial policy and administration;
  - (iv) One (1) county commissioner, appointed by the governor;
  - (v) One (1) county sheriff, appointed by the governor;
  - (vi) One (1) representative of the Wyoming peace officer's standards and training commission, appointed by the governor; and
  - (vii) Two (2) legislators, one (1) from each house, appointed by the speaker of the house and president of the senate respectively;
  - (viii) One (1) district attorney or county attorney, appointed by the governor.
- (b) Nonlegislative members of the commission shall receive no compensation, but shall be reimbursed under W.S. 9-3-102 and 9-3-103 for per diem and travel expenses incurred in the performance of their duties on the commission.
- (c) The legislative members shall receive salary and reimbursement for per diem and travel expenses incurred in the performance of their duties on the commission, as provided in W.S. 28-5-101.
- (d) The commission shall meet at least two (2) times per year.

TITLE 5 - COURTS  
CHAPTER 11 - WYOMING COURT SECURITY ACT

- (e) The commission shall:
- (i) Establish standards to protect life, property and the judicial process in the Wyoming court system. In establishing the standards, the commission shall recommend proper levels of court security to each county with due consideration of each county's size, use of court facilities and security risks. The standards shall include:
    - (A) Requirements concerning equipment, facilities and architecture for court security purposes;
    - (B) Basic training requirements for peace officers authorized to act as court security officers;
    - (C) Basic protocol and procedures for court security; and
    - (D) Requirements for the establishment of local court security management committees.
  - (ii) Visit and inspect any court security program at any appropriate time;
  - (iii) Recommend to the legislature the distribution of funds to counties as may from time to time be appropriated by the legislature for the provision of court security;
  - (iv) Report no later than September 1, 2009, and annually thereafter to the governor, chief justice of the supreme court, joint judiciary interim committee and the joint appropriations interim committee on the status of court security in the state.
  - (f) The supreme court shall provide necessary administrative support for the commission.

Wyoming Court Security Interrogatory

*Please respond to questions which pertain to you, use additional sheets as necessary--  
FAX the completed survey and copies of assessments to 307-635-6017.*

1. Information about you:

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

Your Role in Court Security: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. Information about Court Facilities in your Jurisdiction:

How many state or county court facilities are there in your jurisdiction? \_\_\_\_\_

Do you have a specific line item(s) for court security in your annual budget? \_\_\_\_\_

About how much is spent annually in your jurisdiction for court security?

• Equipment: \$ \_\_\_\_\_

• Maintenance: \$ \_\_\_\_\_

• Personnel: \$ \_\_\_\_\_

• Training: \$ \_\_\_\_\_

3. Current status:

• How would you rate court security in your jurisdiction? \_\_\_\_\_

\_\_\_\_\_

• What do you think is the first priority for court security? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

• Do you have written training standards for officers assigned to court security? \_\_\_\_



Wyoming Court Security Commission

Authority: W.S. 5-11-101  
Number of Board Members: 10  
Board Term Length: 3 years

(a) **Director of the Office of Homeland Security or his designee**

**Director Joe Moore (Chairperson)**  
Wyoming Office of Homeland Security  
Herschler Building, 1<sup>st</sup> Floor East  
122 West 25<sup>th</sup> Street  
Cheyenne, Wyoming 82002  
Phone: 307-777-8511  
FAX: 307-635-6017  
E-mail: [dburto@state.wy.us](mailto:dburto@state.wy.us)

(i) **Justice of the Supreme Court**

**Justice William U. Hill**  
Wyoming Supreme Court  
2301 Capitol Avenue  
Cheyenne, Wyoming 82002  
Phone: 307-777-7571  
E-mail: [wuh@courts.state.wy.us](mailto:wuh@courts.state.wy.us)

(ii) **District Court Judge**

**Judge Jeffrey Donnell**  
2<sup>nd</sup> Judicial District  
P.O. Box 1106  
Laramie, Wyoming 82073-1106  
Phone: 307-745-3337  
E-mail: [jad@courts.state.wy.us](mailto:jad@courts.state.wy.us)

(iii) **Circuit Court Judge**

**Judge Denise Nau**  
Laramie County Circuit Court  
309 West 20<sup>th</sup> Street  
Cheyenne, Wyoming 82001-3691  
Phone: 307-633-4298  
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Wyoming Court Security Commission

(iv) **County Commissioner**

**Commissioner Bill Brewer**  
Park County Commissioners  
1002 Sheridan Avenue  
Cody, Wyoming 82414  
Phone: (307) 587-5741  
E-mail: [bbrewer@parkcounty.us](mailto:bbrewer@parkcounty.us)

(v) **County Sheriff**

**Sheriff Jack “Skip” Hornecker**  
Fremont County Sheriff  
460 Railroad Street  
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Phone: 307-332-5611  
FAX: 307-332-1025  
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(vi) **Representative of the Wyoming Peace Officer’s Standards and Training Commission:**

**Chief Lori A. Emmert**  
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P.O. Box 1030  
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(vii) **Legislator, House of Representatives**

**Representative Kermit Brown**  
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Wyoming Court Security Commission

**Legislator, Senator**

**Drew Perkins**

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(viii) **District or County Attorney**

**Jeani Stone**

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## **WYOMING COURT SECURITY COMMISSION MINUTES**

### **Cheyenne, WY – August 19, 2008**

#### **Call to Order/Roll Call**

The first public meeting of the Wyoming Court Security Commission was held in room B-63 of the Herschler Building, at Cheyenne, Wyoming on August 19, 2008. Director Joe Moore of the Wyoming Office of Homeland Security (WOHS) called the meeting to order at 10:00 am. Roll call was taken by Pam Nelson, WOHS Administrative Assistant.

Commission members present were: Wyoming Office of Homeland Director, Joe Moore, Senator Robert Fecht, Judge Denise Nau, Judge Jeffrey Donnell, Justice William Hill, Commissioner Bill Brewer, Police Chief Lori Emmert, Sheriff Skip Hornecker, and Ms. Jeani Stone, Campbell County Attorney. Representative Kermit Brown was absent.

#### **Introductions**

Introduction of Commission members and guests was led by Director Moore. Also in attendance were Mr. Tony Rose, United States Marshal for Wyoming; Deputy Dave Coulter from Teton County Sheriff's Office; Ms. Holly Hansen, State Court Administrator; Ms. Char Madden from Laramie County Sheriff's Office; Mr. David Harris, Director of Wyoming Law Enforcement Academy; Chief Justice Voigt, Wyoming Supreme Court; Mr. Joe Evans, Wyoming County Commissioners Association and George Parks, Wyoming Association of Municipalities and Mr. John Heller, WOHS.

#### **Selection of Chairperson**

Judge Donnell motioned to nominate Director Moore as Chairman of the Wyoming Court Security Commission and a second was given by Justice Hill. Director Moore agreed to accept the nomination and position as chairman.

#### **Opening Remarks**

Opening remarks by Chief Justice Voigt began with a thank you to the Commission for allowing the Court Security Interrogatory to be sent to judges, sheriffs, and county commissioners. He indicated problems within groups are different. Some problems he listed were: county owned buildings built without security, lack of funding and personnel issues, i.e., such as whether security is provided by county sheriff's officers or state employees. Also many courthouse buildings are 80-100 years old and there are issues with transporting prisoners between detention facilities and courthouses. Chief Justice Voigt stated each county courthouse needs an emergency plan with written policies and procedures.

**WYOMING COURT SECURITY COMMISSION MINUTES**  
**Cheyenne, WY – August 19, 2008**

**Review of Implementing Statute and Actions Taken Prior to First Meeting**

Director Moore reviewed implementing the Court Security Statute and stated the Commission, under this statute, must meet at least twice per year.

According to the Action Plan for this Commission, which was in each Commission member's packet, four tasks need to be addressed by September 2009. These are listed under the standards sections (e) (i) of Wyoming Statute § 5-11-101 and include:

- A. Requirements concerning equipment, facilities and architecture for court security purposes.
- B. Basic training requirements for peace officers authorized to act as court security officers;
- C. Basic protocol and procedures for court security; and
- D. Requirements for the establishment of local court security management committees.

Director Moore commended Deputy Coulter and Mr. Harris on courtroom security training for peace officers conducted in March 2008 at WLEA.

Director Moore asked if the Commission desired to break down these four tasks into individual items to be worked on by separate committees. Judge Donnell recommended doing so. Ms. Jeani Stone indicated first gathering court security information on each county to get an idea of what works best for each county. Judge Donnell indicated the Commission currently has a great amount of information and suggested the Commission divide into groups now to begin working on these tasks. Director Moore gave the final determination to have these tasks divided up. With reference to the four items above, the following were listed as Task A, Task B, etc. These tasks were divided into committees with the following persons working on each committee. The first person listed represents the Chairman:

- Task A – Sheriff Hornecker and Senator Fecht
- Task B – Chief Emmert and Judge Nau
- Task C – Judge Donnell, Justice Hill and Ms. Stone
- Task D – Commissioner Brewer and Representative Brown

A sufficient number of surveys have been received from sheriffs and judges. A follow-up letter was sent out approximately three weeks ago reminding others to return these surveys to WOHS. A disc will be mailed out the last week of August to Commission members for review and comments to be returned directly to Director Moore at Wyoming Office of Homeland Security, .

The Wyoming Joint Interim Judiciary Committee will meet in Cheyenne September 8 and 9. During that timeframe a preliminary report from each committee working on these four tasks will be presented to this committee.

**WYOMING COURT SECURITY COMMISSION MINUTES**  
**Cheyenne, WY – August 19, 2008**

**Summary of Court Assessments to Date**

Marshal Tony Rose presented a summary of court assessments to date. He congratulated all counties involved in the survey. It was his opinion all strengths and weaknesses should be addressed at an executive rather than public meeting due to the sensitive nature of this subject. Marshal Rose said he had received much negative feedback on court security. One item he suggested was having funding in place before changes were made. He said the hardest part of change is implementing the change and judges are the most resistant to change because they want to be accessible to their constituents. Each county courthouse should be equipped with a magnetometer, x-ray machine and itemizer at the approximate cost of \$100,000 per county. Currently off duty guards are hired to supplement sheriff's officers at \$25 an hour during big trials and there is an inability to hire other law enforcement officers for this purpose because they make a higher hourly wage. The average cost of court security per trial is \$35,000.

Judge Donnell asked Marshal Rose if there were common problems when looking at these assessments. Marshal Rose indicated he was uncomfortable speaking about them at a public forum. He indicated two common problems found in assessments; one was about door security and another funding. In the case of door security, he gave the example of the Lincoln County Courthouse with sixteen doors. Judge Donnell also asked how much willingness there was to implement changes and Marshal Rose said the public was the biggest obstacle in making changes and there have been no follow up after assessments were completed

Marshal Services actually went to each county to observe and made security recommendations.

Sheriff Hornecker wanted to know if all counties were assessed. It was his understanding only those counties requesting assessments were done. Marshal Rose replied all requests were observed.

Deputy Coulter represents Court Officers and Deputies Association (CODA) and indicated CODA performs assessments in counties the same as Marshal Services does. The Local Court Security Management Committee is included in the first paragraph of the survey CODA uses and the committee is consists of every stakeholder in the facility. There are follow ups to the completed assessments.

The first 40-hour course on court security was conducted at the Wyoming Law Enforcement Academy (WLEA) in March 2008 with 16 law enforcement officers attending. Comments from this course were very positive. As was the case in this situation, Deputy Coulter indicated training can be adjusted as necessary for the groups being trained.

Senator Fecht asked if the Commission could receive a copy of the WLEA training curriculum. Mr. Harris indicated a copy would be provided to the Commission.

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Senator Fecht asked if there was knowledge of other states completing a court security plan. Deputy Coulter indicated Virginia has completed a plan which was spearheaded by Court Security Director, Jimmy Barrett. This plan is also on CD.

Deputy Coulter stated Marshal Services does not have same problems CODA does with assessing courts because all federal courts have uniform standards and county courts are unique to each county and it cannot be worded they will all be the same. Instead it may be worded “this is what you want the county to attain”. Judge Donnell said there needs to be some minimum standards for each county. Committees can work out the details to build to the standard level. Judge Donnell stated the committees are the focal group to keep the public’s consciousness on the issue of court security.

Ms. Stone asked if there were any communities having local court security management committees? Deputy Coulter replied, “Lincoln and Fremont Counties”.

Ms. Stone stated most hostile areas in courthouses are elevators and hallways and Deputy Coulter said courthouse grounds and parking lots are also areas where there is much volatility.

Ms. Stone also asked if there has been much resistance from sheriff’s officers regarding these assessments. Deputy Coulter stated the sheriffs are strongly in support of the assessments because court security falls under the responsibility of the county sheriff.

Sheriff Hornecker asked if CODA has minimum considerations within the assessments and if the format is available on disc. Deputy Coulter replied the Court Security Resource guide has information in it.

Commissioner Brewer stated he receives negative feedback from the County Attorney and Sheriff due to funding. “There’s no way we will ever be able to protect everyone in a courthouse.” Deputy Coulter replied, “it all comes down to funding and justifications.” Director Moore stated the Wyoming Court Security Act allows the Commission to submit recommendations to the Legislature for distribution of funds to counties as appropriated for court security. This is a very important part of the act.

### **Court Security Training**

Director Harris gave a presentation on Court Security training. Court security at WLEA in March filled the current niche of the 16 trained officers. Sheriff Hornecker recommended a special course at WLEA for seasoned officers who are more focused in the area of court security and Director Harris supported this idea because the course curriculum was adjusted for more experienced officers at the time this training was conducted. Mr. Harris would like to have yearly courtroom security training but needs to have the capacity at WLEA.

Director Harris indicated within training issues and needs, it is necessary to look at diversity of courtroom settings, resources available and ways to enhance security. He

**WYOMING COURT SECURITY COMMISSION MINUTES**  
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posed the question as to whether a train-the-trainer course could be taught in each county to make the law enforcement agencies more self-sufficient. Director Harris is willing to assist the Training Committee with needs assessment.

Senator Fecht asked how many cities provide security for municipal courts. Director Harris stated Casper and Cheyenne may be the only two cities providing municipal court security. Sheriff Hornecker stated there is a huge difference in duties performed between officers for court security and bailiff.

Ms. Stone said more small county courts are hit with high profile/volatile cases, therefore more training may be necessary. Judge Donnell stated the concern he sees are in more small day to day domestic cases than in high profile ones, because with high profile cases, there is much more awareness given to them.

Judge Nau asked a question about jurisdictional responsibilities relating to court security. She mentioned in the case of county court, the Sheriff would be responsible for courtroom security, but would the city SWAT team respond to a hostage situation?

According to Senator Fecht, the SWAT team would respond to this situation because although the court is a county facility, it is within the city's jurisdiction. Sheriff Hornecker stated in his county the tactical crisis team would be used. All law enforcement could be involved, depending on the situation.

**Overview of Interrogatory Sent to County Commissioners, Judges and Sheriffs**

Mr. Heller presented an overview of the Interrogatory sent to judges, sheriffs and county commissioners. **Please refer to the attachment 1 (Key Points from the Interrogatory) for more information.**

Each committee working on the standards for the preliminary report to be presented to the Wyoming Interim Judiciary Committee September 8 and 9, will soon receive a formal letter from Director Moore outlining what needs to be in the report.

Judge Nau asked if there would be any objection to visiting other jurisdictions to see how courtroom security was set up. Director Moore said it would be agreeable to do so.

**Guests' Comments**

Mr. Joe Evans from Wyoming County Commissioners Association (WCCA) stated public access in the courthouse is a big issue and physical structures of courthouses vary so much from county to county making it difficult for the commissioners to justify the cost for court security. Sheriff Hornecker wanted to know at what level the commissioners were discussing court security as a priority. Mr. Evans indicated with Commissioner Brewer's help, they will keep the county commissioners apprised on this issue, but it is not a priority with the commissioners. Judge Donnell agreed it was a low priority with commissioners but they do need to buy in on this.

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**Cheyenne, WY – August 19, 2008**

Ms. Stone said commissioners may need to be educated on security issues within their counties. Mr. Evans stated due to the high turnover rate of commissioners (45 new commissioners since the 2004 and 2006 elections), it is important to constantly keep this issue in front of the commissioners.

Mr. George Parks, Executive Director of Association for Municipalities (WAM), thanked the Court Security Commission for the invitation to attend this meeting and said he would like to obtain, for the municipalities, the information presented from this meeting. It was suggested by Director Moore WCCA and WAM may want to include the Court Security Commission on their agendas.

Sgt. Char Madden, representing Laramie County Sheriff's Office, indicated their big concerns were training, manning and funding. She said Laramie County recently received cameras in all courtrooms. Courtroom security consists of a Sergeant, Corporal, two full time deputies working 43 hours each week and four part time deputies working 20-40 hours each week. These deputies come from the detention center. All of these deputies received eight hour in-house court security training which is P.O.S.T. certified.

Courthouse security is from 7:30 am to 5:30 pm. Sheriff Hornecker wanted to know if the detention officers could affect arrest and Sgt. Madden said yes, anywhere in the courthouse or jail. Sheriff Hornecker's opinion was court security for the court should be provided by trained peace officers. Sgt. Madden stated dual certification for Laramie County detention officers and peace officers was not feasible due to funding and manning issues.

Sheriff Hornecker asked how many arrests have occurred in the courtroom. Sgt. Madden was uncertain. She indicated there had been no challenge of authority and Sheriff Hornecker clarified by saying power of arrest had not been breached. Ms. Stone asked if there was a comprehensive security plan in place. Sgt. Madden stated the Risk Management Team meets once a month to discuss things such as policies, fire drills, evacuation plans in the case of disasters and other security concerns. There are written plans and procedures in place.

Ms. Stone asked how prisoners were transported to and from jail. Senator Fecht said while security officers transmit inmates to the courtroom from the catwalk, they are armed, but not while in the jail. Sgt. Madden indicated there is one deputy to three inmates needed when transporting inmates from jail to the courtroom. Also, when transporting inmates to district court, inmates go in leg shackles.

Laramie County Circuit Court has three courtrooms. Two courtrooms are connected with three holding cells; District Court has four courtrooms. Two courtrooms are connected with two cells; Municipal Court has two courtrooms. One courtroom is connected with two holding cells and there is one holding area in the basement of the courthouse.

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**Cheyenne, WY – August 19, 2008**

Ms. Stone asked if there were panic buttons throughout the courthouse. Sgt. Madden replied there were and these alarms go directly to the court security desk, which is manned Monday through Friday from 7:30 am to 5:30 pm.

**Second Meeting Schedule**

The second Court Security Commission meeting is scheduled for November. E-mails will be sent to each Commission member to get their input about a date for the next meeting.

The Commission recessed at Noon for lunch and reconvened at 12:35 p.m.

**Closing Comments by Commission Members**

Sheriff Hornecker will jot down what might be considered for the court security process under the Equipment, Facilities and Architecture Committee.

Judge Donnell has been working on the Court Security Task Force for one and a half years prior to the creation of this Commission.

Justice Hill stated this brain child from this Commission came from the Wyoming Police Chiefs and Sheriffs Association.

Commissioner Brewer said he was glad to have this Commission.

Sheriff Hornecker said he was pleased to be on the Commission and knows there will be some resistance with the work they will be doing.

Ms. Stone indicated county and district attorneys suggested looking at courtroom versus courthouse liability issues.

Chief Emmert reminded the Commission not to omit municipal courts from the need for security. She reported the first training committee meeting was held during the lunch period at this Commission meeting.

Judge Nau stated she was glad to be part of this Commission and though Laramie County has a pretty good court security system, there is always room for improvement.

**Adjournment**

A motion was made by Judge Donnell to adjourn the meeting. Commissioner Brewer gave a second. The motion passed and the meeting adjourned at 12:45 p.m.

## Key Points from the Interrogatory

<b>Interrogatory Response Summary – Counties Represented</b>		
<b>Category</b>	<b>Number of Counties Represented</b>	<b>Percentage of Counties Represented</b>
Judge	19	83%
Sheriff	13	57%
County Commissioner	5	22%

### Issues identified in the Interrogatory:

1. Defining “Court” physically – There is no clear consensus on what a court facility is. Responses ranged from only the “courtroom” to “courtroom and associated offices” to ‘courthouse building.’
2. Limited “budget” information – Many jurisdictions were unable to separate costs associated with current court security operations. Four counties indicated the presence of a specific line item for court security in their annual budgets.
3. Limited information on court security “expenditures” – Excluding “zero” responses, costs reported were:
  - Equipment costs ranged from \$2,000 to \$120,000
  - Maintenance ranged from \$2,800 to \$3,000
  - Personnel costs ranged from \$30,000 to \$750,000
  - Training costs from \$800 to \$25,000
4. Inconsistent perceptions of court security programs – Responses ranged from “None” to “Excellent.”
5. No clear priorities – Responses generally related to budget, equipment, personnel and training.
6. Most courts lack written training standards – Four counties reported have written training standards for officers assigned to court security.
7. Most counties lack written procedures – Six counties reported written procedures for court security.
8. Most counties do not have a local court security committee (formal or informal) – Three counties reported a functioning court security committee. Several others reported efforts to establish a committee.
9. No clear agreement on minimum standards – Most respondents focused on equipment or personnel.

10. Many ideas on how to improve court security – Too many responses to cover entirely here:
- Once standards and/or qualifications are decided, let each jurisdiction be allowed to independently work within its own system and tailor its program to fit its own needs. The Sheriff shall retain sole responsibility for assigning and supervising deputies assigned to court security. Pretty much the same as all WY courts, need manpower, procedures & money. Need a starting point and a plan to follow.
  - We have excellent security but only have courtroom security during criminal in custody matters and when requested. What about other times (i.e. domestic violence, etc.)?
  - Coordination of dual jurisdiction aspects of the problem: (1) Circuit Court (Wyoming Supreme Court) and district court training/procedures – may overlap county training & procedures; (2) Individual county “hardware” aspects – existing buildings and facilities, county agency considerations in same building; county assessed valuation, budget, capital indebtedness, planning priorities. Many counties have no money and lower perceived threat – other counties have much money and high threat risk. Some county officials don’t understand or appreciate providing county facility/equipment share and don’t see any revenue stream is received to cover it.
  - At present there is no security plan. Anything would be an improvement.
  - Security has a price. The state should pay for any change it recommends or mandates.
11. Most counties indicated they would appreciate a visit from a member of the Court Security Commission to discuss the work of the Commission.

Related issues indentified during process of the Interrogatory:

- a. Armed officers in the courtroom – Only 17 counties consistently allowed armed officers in the courtroom to provide court security.
- b. Wyoming law does not clearly identify a specific authority for court security at the local level. The Sheriff is usually most involved because of responsibilities for securing prisoners and general law enforcement.
- c. The Wyoming Law Enforcement Academy has conducted training on court security for peace officers.
- d. The U.S. Marshal’s Service has conducted Court Security Assessments for courts in Wyoming.
- e. The National Center for State Courts has conducted training for court personnel in Wyoming on court security.

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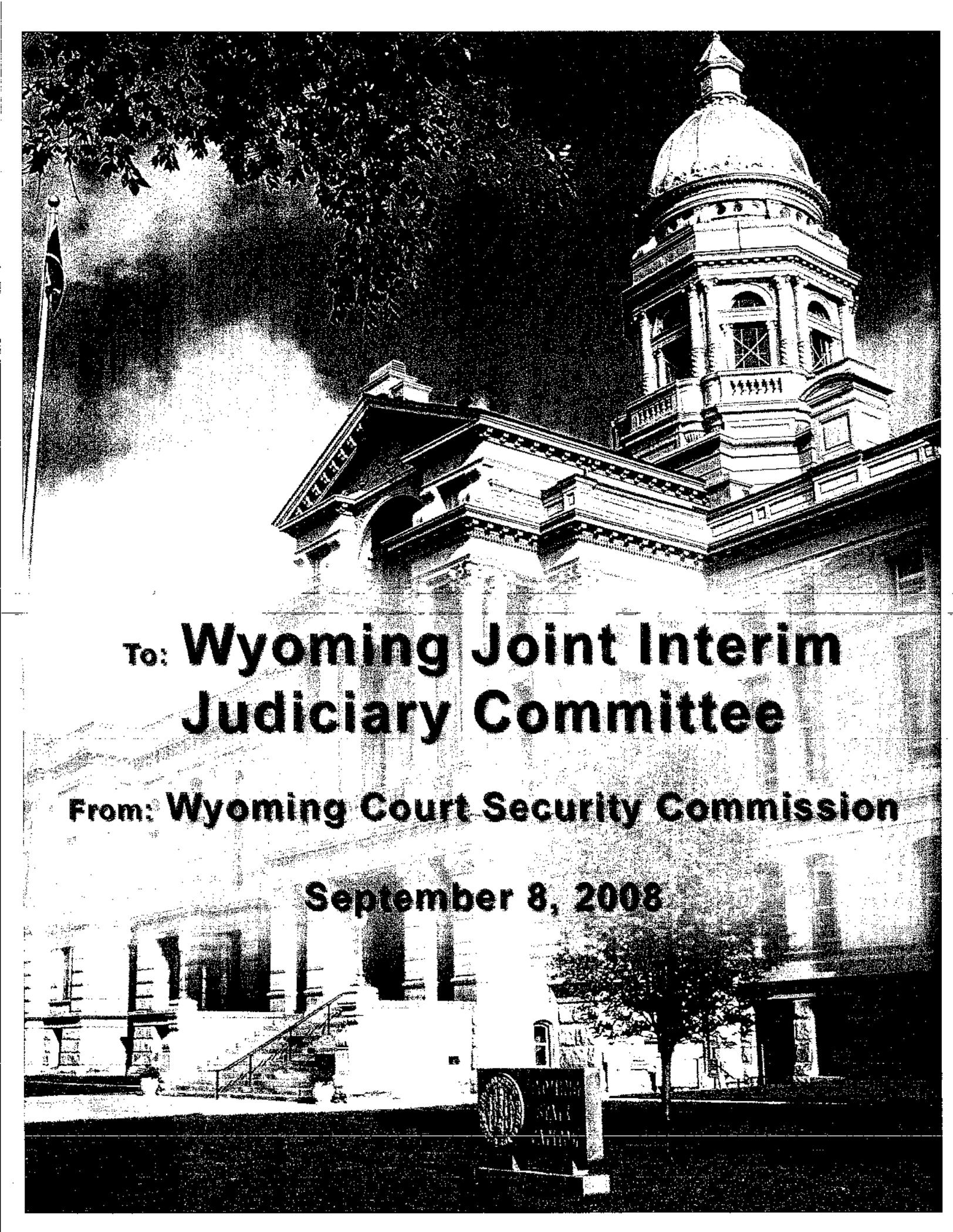
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**To: Wyoming Joint Interim  
Judiciary Committee**

**From: Wyoming Court Security Commission**

**September 8, 2008**

**TO: Wyoming Joint Interim Judiciary Committee**

**FROM: Wyoming Court Security Commission**

**RE: Update**

**September 8, 2008**

**Overview**

The Wyoming Court Security Act, W.S. §5-11-101 et seq., created a Wyoming Court Security Commission (Commission). The Commission is composed of the following individuals:

- Director of the Office of Homeland Security – Director Joe Moore
- One Justice of the Wyoming Supreme Court – Justice William Hill
- One District Court Judge – Judge Jeffrey Donnell
- One Circuit Court Judge – Judge Denise Nau
- One County Commissioner – Commissioner Bill Brewer
- One County Sheriff – Sheriff Jack “Skip” Hornecker
- One Representative of the POST Commission – Chief Lori A. Emmert
- One Representative – Representative Kermit Brown
- One Senator – Senator Robert Fecht
- One District or County Attorney – Ms. Jeani Stone

The Commission is required to meet at least two times per year and is required to:

- Establish court security standards
- Recommend levels of court security including:
  - Requirements for equipment, facilities, and architecture
  - Training for Court Security Officers
  - Protocol & procedures
  - Requirements for local Court Security Management Committees
- Visit and inspect court security
- Recommend funding support to the Legislature
- Report annually to four entities in all three branches of government annually starting in September 2009.

The Commission does not have rulemaking authority. Administrative support and budgeting authority rests with the Supreme Court. The Wyoming Court Security Act is effective July 1, 2008.

**Actions to Date**

The first public meeting of the Wyoming Court Security Commission was held in room B-63 of the Herschler Building, at Cheyenne, Wyoming on August 19, 2008. Director Moore was selected by the Commission as the Chairperson.

Four Committees were established by the Commission:

- Requirements for equipment, and facilities (Equipment & Facilities Committee) – Members: Sheriff Hornecker and Senator Fecht
- Training for Court Security Officers (Training Committee) – Members: Chief Emmert and Judge Nau
- Protocol & Procedures (Protocol & Procedures Committee) – Members: Judge Donnell, Justice Hill and Ms. Stone
- Requirements for local Court Security Management Committees (Local Management Committee) – Members: Commissioner Brewer and Representative Brown

The next Court Security Commission meeting is tentatively scheduled for November.

### **Priorities Established by the Committees**

- **Equipment & Facilities Committee:** Developing a minimum equipment guideline consisting of the basic equipment that any agency could rely on to implement their court security operation. The revenue and manpower resource of each agency, large or small, will be considered before developing "model policy" and baseline for implementing court security.
- **Training Committee:** Implement a training program providing the necessary tools and knowledge to execute and administer an effective security program in any jurisdiction in Wyoming. This training program will provide participants with the necessary training to provide an on-site audit or survey of their court facilities, establish a court security committee, design emergency response plans, plan for high risk and/or high profile trials, conduct security screening of persons and property, respond to security threats, and adequately protect the judiciary and public who use the courthouse facilities on a regular basis
- **Protocol & Procedures Committee:** Developing a basic court security protocol addressing the following issues and concerns: (1) Scope (extent of the physical facility) of the area to be protected (e.g. courtroom only or entire courthouse); (2) Whether only district or circuit courts will be subject to the Commission's standards or whether municipal courts are also covered; (3) Which local agency has primary jurisdiction for court security (e.g. the Sheriff, the police, or the courts themselves); (4) Should the Commission require court security officers be POST certified law enforcement officers as a minimum.
- **Local Management Committee:** The top priority for the for this Committee is to identify the actual needs of each county with regards to court security, including any past issues with threats. Objectives relating to this priority are the actual threats or realistic potential threats which must be identified before any security measures can be fashioned. Funding alone directed at a non-identified or unsubstantiated issue will not serve the purpose of the mission of court security, and will in fact be counterproductive.

### **Summary**

Summary – The Wyoming Legislature should be commended for its vision in the creation of this Commission to focus on preventing threats to a vital part of our criminal justice system. Recent tragic incidents, including death to judges, court staff, and citizens validate the necessity to ensure appropriate policies and security countermeasures are established and implemented. Wyoming, again, is taking a proactive approach to ensure the continued safety and well being of our citizens and public elected officials.

TITLE 5 - COURTS  
CHAPTER 11 - WYOMING COURT SECURITY ACT

5-11-101. Wyoming court security commission created; membership; powers and duties; compensation; report required.

- (a) The Wyoming court security commission is created under the supervision of the Wyoming supreme court. The commission shall be composed of the director of the office of homeland security or his designee and nine (9) additional members who shall be appointed for a term of three (3) years commencing July 1, 2008, who may be reappointed to serve subsequent terms. The nine (9) additional members shall include:
- (i) One (1) justice of the Wyoming supreme court, appointed by the chief justice;
  - (ii) One (1) district court judge, appointed by the board of judicial policy and administration;
  - (iii) One (1) circuit court judge, appointed by the board of judicial policy and administration;
  - (iv) One (1) county commissioner, appointed by the governor;
  - (v) One (1) county sheriff, appointed by the governor;
  - ~~(vi) One (1) representative of the Wyoming peace officer's standards and training commission, appointed by the governor; and~~
  - (vii) Two (2) legislators, one (1) from each house, appointed by the speaker of the house and president of the senate respectively;
  - (viii) One (1) district attorney or county attorney, appointed by the governor.
- (b) Nonlegislative members of the commission shall receive no compensation, but shall be reimbursed under W.S. 9-3-102 and 9-3-103 for per diem and travel expenses incurred in the performance of their duties on the commission.
- (c) The legislative members shall receive salary and reimbursement for per diem and travel expenses incurred in the performance of their duties on the commission, as provided in W.S. 28-5-101.
- (d) The commission shall meet at least two (2) times per year.

TITLE 5 - COURTS  
CHAPTER 11 - WYOMING COURT SECURITY ACT

- (e) The commission shall:
- (i) Establish standards to protect life, property and the judicial process in the Wyoming court system. In establishing the standards, the commission shall recommend proper levels of court security to each county with due consideration of each county's size, use of court facilities and security risks. The standards shall include:
    - (A) Requirements concerning equipment, facilities and architecture for court security purposes;
    - (B) Basic training requirements for peace officers authorized to act as court security officers;
    - (C) Basic protocol and procedures for court security; and
    - (D) Requirements for the establishment of local court security management committees.
  - (ii) Visit and inspect any court security program at any appropriate time;
  - (iii) Recommend to the legislature the distribution of funds to counties as may from time to time be appropriated by the legislature for the provision of court security;
  - (iv) Report no later than September 1, 2009, and annually thereafter to the governor, chief justice of the supreme court, joint judiciary interim committee and the joint appropriations interim committee on the status of court security in the state.
  - (f) The supreme court shall provide necessary administrative support for the commission.

**WYOMING COURT SECURITY COMMISSION MINUTES**  
**Cheyenne, WY – November 6, 2008**

**Call to Order**

Director Joe Moore of Wyoming Office of Homeland Security (WOHS) called the Wyoming Court Security Commission meeting to order at 1:30 p.m., November 6, 2008 in the second floor conference room of the Supreme Courthouse in Cheyenne, Wyoming.

**Roll Call/Introductions**

Director Moore called roll and commission members in attendance were: Wyoming Office of Homeland Security Director, Joe Moore, Senator Robert Fecht, Judge Denise Nau, Justice William Hill, Park County Commissioner Bill Brewer, Ms. Jeani Stone, Campbell County Attorney and Judge Jeffrey Donnell, Representative Kermit Brown, Sheriff Skip Hornecker and Police Chief Lori Emmert participating by conference call. Others attending this meeting were Holly Hansen, John Heller, Captain William Long, Joe Evans, Char Madden, Scott Young and Bill McCarthy.

Ms. Hansen introduced Kevin White, Security Officer for the Supreme Court.

**Approval of Minutes**

A motion was made by Senator Robert Fecht and a second made by Judge Denise Nau to approve minutes from the first Wyoming Court Commission meeting on August 19, 2008. The motion passed.

**Sub-Committee Reports**

- A. **Equipment & Facilities** – Sheriff Skip Hornecker stated a survey was sent to each of the 23 county sheriffs for information about equipment to be utilized for court security. Very few counties responded. Sheriff Hornecker indicated the focus has been on equipment and it should be a simple process for the committee to put equipment together to file as a final package before the next commission meeting. More members will be solicited for this committee before work on facilities begins.
  
- B. **Training** – Judge Denise Nau indicated Chief Lori Emmert was to work with Mr. David Harris from Wyoming Law Enforcement Academy on the course outline for courtroom security. Chief Emmert said they did their research based on what the Academy taught and the last course was taught in March 2008. Chief Emmert stated the basic objective was to see whether court security training at the Wyoming Law Enforcement Academy meets basic training needs.

**WYOMING COURT SECURITY COMMISSION MINUTES**  
**Cheyenne, WY – November 6, 2008**

- C. **Protocol and Procedures** - Judge Jeffrey Donnell would address overall court security policy and practice with the following list of recommendations and many of the details of these recommendations will be considered by other subcommittees:
1. Scope of security to be provided.
  2. Which courts will be afforded security?
  3. Which agency(ies) should be responsible for local court security and should there be some form of statewide oversight?
  4. What authority should court security officers have?
  5. Preparation of manuals in every county. Who is responsible? Should we address manmade threats or natural disasters?
  6. Establishment of local court security committees.
- D. **Local Management** – The letter written November 4, 2008 to Director Moore by Commissioner Bill Brewer concerning local court security committees was read out loud to the Wyoming Court Security Commission by Commissioner Brewer. As cited in this letter, only three counties have local court security committees. Presently Park County has five people on the committee and there is a question about possibly having seven on the committee. Ms. Jeani Stone asked who the five members were and Commissioner Brewer replied County Attorney, County Sheriff, County Court Judge, Circuit Court Judge and himself as County Commissioner. Commissioner Brewer asked Representative Brown for further comments and Representative Brown indicated he felt every county needs at least an informal committee. Senator Fecht asked what three counties have court security committees and Sheriff Hornecker replied there were two committees in Fremont County, one in Lincoln County and was uncertain about the third county. Director Moore stated he thought a person from the public arena should be on the committee. Sheriff Hornecker voiced his concern about not having someone from the public on the committee due to sensitive information being discussed. Ms. Stone suggested a list of questions be derived to use in establishing these committees. Director Moore concurred and stated there needed to be consistency for all counties. Commissioner Brewer posed the question to the Commission whether he and Representative Brown should call on all the counties about this task. Director Moore then asked for a response to this question from Mr. Joe Evans.

**WYOMING COURT SECURITY COMMISSION MINUTES**  
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Mr. Evans stated it would be best if a letter with this information could be sent from the commission to all county commissioners prior to the Wyoming County Commissioners Association (WCCA) meeting December 10, 2008. This topic will be added for discussion on the WCCA meeting agenda.

Director Moore sent a letter to Wyoming Court Security Commission members September 19, 2008 with a status update on the Wyoming Association of County Officials (WACO) conference he attended September 16, 2008 in Casper, Wyoming. At this meeting he introduced the Wyoming Court Security Act and Commission to include the commission's first meeting and presentation to the Wyoming Joint Judiciary Interim Committee by Judge Jeffrey Donnell and himself. Presentations to county commissioners, Wyoming sheriffs and county attorneys at this meeting were well received.

**Funding Issues**

A. Contingency fund for "high profile cases"

Judge Donnell stated Senator Burns asked whether there is a contingency fund for "high profile" cases. The first issue surrounding this topic is who would be responsible for handling this fund. Representative Brown said it was a serious matter and the commission may want to persuade Governor Freudenthal to include the contingency fund and travel funds in the supplemental budget. Senator Fecht asked Representative Brown how the funding should be addressed and Representative Brown suggested sending it to the Appropriations Committee first, however Appropriations Committee assignments would not be assigned until after the November 20 caucus. It was agreed by Representative Brown and Judge Donnell to send a plan for the proposed contingency fund to Senator Burns. A motion to send a letter concerning the contingency fund to Senator Burns and contacting Governor Freudenthal by Director Moore was made by Ms. Stone. Judge Hill gave a second to the motion and the motion passed.

B. "Pass through" to counties for administrative and travel costs

Mr. Evans indicated counties could manage their own travel costs for commission meetings.

**Legal Issues**

A. Legal basis for screening people and their belongings

This subject was proposed for this meeting's agenda by Sheriff Hornecker.

**WYOMING COURT SECURITY COMMISSION MINUTES**  
**Cheyenne, WY – November 6, 2008**

He asked if during courtroom screening, contraband is found on a person, can legal action be taken for what is found. Due to differences of opinion on this topic from commission members at this meeting, Judge Donnell asked whether the commission could get an Attorney General's opinion about this. A motion was made by Judge William Hill for Director Moore to write a letter to the Attorney General for an opinion as to whether during courtroom screening, if contraband was found on a person, could legal action be taken. Senator Fecht gave a second. The motion passed. Judge Nau stated due to issues with this subject, there now is screening on second and third floors of the Laramie County Courthouse and no cell phones are allowed in any of the courtrooms.

Commissioner Brewer asked the question whether this would apply to courthouse security or security in the courtroom. Judge Donnell clarified by saying "let's operate on the assumption of courthouse security". Representative Brown asked about the issue of guns in the courthouse and Judge Hill stated "no gun" policy extends from the Capitol Building to other public buildings. Representative Brown further requested including a query to the Attorney General about the legal basis for rules prohibiting guns in courthouses and the rule prohibiting guns in the state capitol. Director Moore stated when he traveled to Weston County this week and visited the Weston County Courthouse, cameras were used for security. He also visited Crook and Niobrara County Courthouses.

**Comments and Questions from the Public**

Captain Bill Long from Laramie County Sheriff's Department will attend court security training in Georgia the first week of December 2008 and has concerns about training from the Wyoming Law Enforcement Academy (WLEA) for court security. He feels WLEA court security is too basic and there are issues of stepping outside the scope of authority. Captain Long stated relative to funding, it is important to have equipment ready to take care of security incidents and not wait for an incident to occur. He would like to know what the amount is for court security and where the money comes from to pay for this. From discussion among commission members, there was not a definite source for his answer. Captain Long supported securing courtrooms but said there may be other concerns which are unknown with respect to security for courthouses. Director Moore thanked Captain Long for his comments and sensitivity to the court security system and encouraged him to attend further meetings.

It was suggested by Chief Emmert to include Captain Long on the Training sub-committee and look at a tiered program for court security training after Captain Long has attended the training in Georgia. Director Moore asked Captain Long if he would be on the Training sub-committee and give a presentation on the training he received in

**WYOMING COURT SECURITY COMMISSION MINUTES**  
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Georgia at the next commission meeting. Captain Long agreed to be on the sub-committee and will give a presentation at the next commission meeting.

Judge Nau commented to keep in mind gang involvement increases the need for court security.

Sheriff Hornecker commented he was not aware of any state funding for court security. Judge Donnell stated money was sent to counties for each county to decide on how to pay for their own court security.

Judge Hill stated the commission may utilize the Supreme Court Building for future meetings and positive comments were made by commission members on the recent renovation of the Supreme Court Building. Director Moore thanked Ms. Hansen for arranging this meeting and use of the facility.

**Schedule of Next Meeting**

Date, time and place for the next commission meeting will be sent to all members from Director Moore at a future date. Director Moore thanked everyone at this meeting for their attendance.

**Adjournment**

The motion to adjourn this meeting was made by Commissioner Brewer and Senator Fecht gave a second. The motion passed and the meeting adjourned at 2:31 p.m.

# MEMORANDUM

**TO:** Director Moore

**FROM:** Kelly Ruiz

**DATE:** September 9<sup>th</sup>, 2008

**SUBJECT:** High Profile Court Cases in Wyoming

**PURPOSE:** Identify High Profile Cases in the state for Joint Judiciary Committee

**DETAILS:** Below are the high profile cases identified in Wyoming. Some of these cases were not extremely high profile at the time. However, with today's ever growing technological innovations, would be cases drawing national media attention.

**Matthew Wayne Shepard - (December 1, 1976 – October 12, 1998)** was a gay American student at the University of Wyoming who was fatally attacked near Laramie on the night of October 6 – October 7, 1998. Shepard died from severe head injuries at Poudre Valley Hospital in Fort Collins, Colorado, on October 12, 1998. His murder brought national as well as international attention to the issue of hate crime legislation at the state and federal levels.

Russell Arthur Henderson pleaded guilty to felony murder and kidnapping, allowing him to avoid the death penalty. Aaron James McKinney was convicted of felony murder and kidnapping. Henderson is currently serving two consecutive life sentences and McKinney is serving the same but without the possibility of parole.

**Dr. Story - 1986 -**, a family physician in the town of Lovell, Wyoming for 25 years, was accused of raping and molesting women and children who were patients, his arrest and trial tore the town apart.

**Richard Jahnke - 1982**, After suffering years of paternal abuse, 16-year-old Richard Jahnke, aided by his sister, Deborah, shot his father to death at their Cheyenne, Wyoming home. This case received national attention as a segment on 60 Minutes and as a TV movie, Right To Kill?

**From Time Magazine** “It was the first homicide in six months for Cheyenne, Wyo., and one that area residents will long remember. When Richard C. Jahnke, 38, an IRS senior agent, stepped out of his blue Volkswagen to open the garage door of his \$125,000 red brick home on Cowpoke Road one evening last month, he walked into an ambush of shotgun slugs. He died instantly, and the attacker swiftly fled with an accomplice through a bedroom window. But when, within twelve hours, police arrested the two alleged murderers, the reaction was shock

more than relief. Charged with the crime were Jahnke's children, Richard, 16, and Deborah, 17.”

**Mark Hopkinson – 1979** was indicted for, among other crimes, the murders of the Vehars and Jeff Green, and brought to trial on September 3, 1979. The appellant elected to produce no evidence on his own behalf and rested at the close of the State's evidence after moving for a judgment of acquittal, which was overruled. After the jury returned their finding of guilt on all six charges, they were asked to deliberate as to whether the death penalty should be imposed on the four murder convictions. The jury returned a recommendation of life imprisonment for the three Vehar counts but death for the murder of Green. Bound by that recommendation, the district court sentenced Mark Hopkinson to two terms of seven and one-half to ten years imprisonment to be served consecutively for the conspiracy convictions, three consecutive terms of life imprisonment for the Vehar killings and to death for the Green death.

**Ed Cantrell (December 21, 1927–June 11, 2004)** was the public safety director of Rock Springs, Wyoming who was acquitted of killing one of his officers in 1978.

Cantrell admonished Rosa for appearing on the witness stand in an unkempt manner. Cantrell said that Rosa later threatened him at the Sweetwater County Courthouse. Cantrell asked Rosa to meet him at the Holiday Inn on the afternoon of July 14, 1978, and, at one point, Rosa angrily said, "Where's your gun, old man?" Rosa had incurred a forty-dollar discrepancy on a drug-buying transaction and was also involved with a Rock Springs radio dispatcher, two situations that could have led to the married officer's dismissal from the force.

That evening Cantrell was called at his home by Sergeant Callas, who wanted to discuss Rosa's \$40 discrepancy with his boss at the station. The two men later drove to the Silver Dollar Bar with police officer Matt Bider to talk to Rosa. Rosa came out of the bar to see the three men, apparently very angry. He got into the car and sat in the back next to Bider and behind Callas, who was sitting in the driver's seat. Cantrell was sitting in the front passenger's seat.

Callas asked for Rosa's social security number. As he was writing it down, Cantrell claimed that he looked round and saw Rosa go for a gun. At that point he shot him. Cantrell then called in the FBI, the state criminal investigation department and the highway patrol to investigate, and booked himself into jail, expecting a routine hearing. Instead, he was sent to the Evanston State Mental Hospital, where he was confined to a small cell for ten days. He was then released on \$250,000 bond and told to get out of town, but not the state.

Cantrell engaged Gerry Spence to defend him. At first Spence refused to take the case, but changed his mind after hearing Cantrell's version of what happened. Acquitted by a jury after less than two hours of deliberation, Cantrell found that the general public had not accepted the verdict. His safety director's job had been abolished and he eventually found work as a range detective in South Dakota.

**Ron Kennedy and Jerry Jenkins – 1973**, On September 24, 1973, 11-year-old Amy Burrige and her 18-year-old sister, Becky Thomson, were raped and thrown from the Fremont Canyon Bridge near Casper. Amy died; Becky survived. Two local men, Ron Kennedy and Jerry Jenkins, were swiftly arrested.

The men were both known as troublemakers, and Becky picked them out of a lineup. Jenkins caved almost immediately, claiming that Kennedy made him do it. Kennedy said that the whole thing was a mistake, and if investigators would just let him out of jail, he'd help them find the scum who threw the girls off the bridge. The men were brought to trial and sentenced to death, the first such sentence passed in Wyoming in nine years.

**Fugate and Starkweather - January 21, 1958**, Starkweather went to visit Caril Fugate at her dilapidated house. Finding her not home, he argued with and shot to death Caril Ann's mother and stepfather. After Caril arrived at home, he fatally clubbed, strangled, and stabbed her two-year-old sister, Betty Jean. He hid the bodies at various places behind the house. The two stayed in the house for six more days, turning people away with a note taped to the door, written by Caril, that read: "Stay a Way Every Body is sick with the Flue. [*sic*]" Caril Ann's grandmother became suspicious and called the police. When they arrived on January 27, Charles and Caril had already gone.

Charles and Caril drove to the Bennet, Nebraska farm home of August Meyer, 70, a Starkweather family friend, whom Charles shot in the head. Shortly thereafter, Starkweather and Fugate got stuck in the mud and abandoned their car. When Robert Jensen and Carol King, two local teenagers, stopped to give them a ride, Charles forced them to drive back to an abandoned storm cellar, where both were shot and killed. Starkweather admitted shooting Jensen but later claimed Fugate shot King. Starkweather and Fugate took Jensen's car.

The two drove back to Lincoln to the wealthier section of town, where they entered the home of C. Lauer and Clara Ward, a wealthy local industrialist and his wife. Both Clara Ward and Lillian Fencl, the Wards' maid, were fatally stabbed. It was at this point that the state of Nebraska went into a frenzied uproar with all law enforcement agencies in the region thrown into a house by house search for the killers. The governor of Nebraska called out the national guard and the Lincoln chief of police called for a block by block search of the city. Specious sightings of the two fugitives poured in with concomitant charges of incompetence lodged in against the authorities for their inability to capture the pair. Starkweather admitted throwing a knife at Mrs. Ward but denied inflicting the multiple stab wounds that were found in her body. He also denied he fatally stabbed Fencl, whose body also showed multiple stab wounds. When Ward came home that evening Starkweather shot him. Starkweather and Fugate filled Lauer's black Packard with loot from the house and drove it into Wyoming.

Needing a new car due to the high profile of Lauer's Packard, they found traveling salesman Merle Collison sleeping in his Buick along the highway near Douglas, Wyoming. Waking Collison up, Charles shot him, although Starkweather later claimed Fugate finished Collison off after his (Starkweather's) gun jammed. Starkweather claimed Fugate was the "most trigger happy person" he had ever seen. The salesman's car had a push-pedal emergency brake, which was something new to Starkweather. While trying to

drive away the car stalled. He tried to start the car and a passing motorist stopped to help. Starkweather threatened him with the rifle and a scuffle ensued. A deputy sheriff happened upon the scene at this moment. Fugate ran to him, yelling something to the effect of, "It's Starkweather! He's going to kill me!" Starkweather tried to evade the police, exceeding speeds of 100 miles per hour. A bullet shattered the windshield and flying glass cut Starkweather. Starkweather stopped abruptly. Sheriff Earl Heflin said, "He thought he was bleeding to death. That's why he stopped. That's the kind of yellow sonofabitch he is." Both Starkweather and Fugate were jailed in Douglas.



THE STATE OF WYOMING

DAVE FREUDENTHAL  
Governor

## Office of Homeland Security

Joe Moore  
Director

Telephone (307) 777-Home (4663)  
Fax (307) 635-6017  
Herschler Bldg., First Floor East, 122 W. 25th St., Cheyenne, Wyoming 82002

November 13, 2008

The Honorable Bruce Salzburg  
Attorney General  
123 Capitol Building  
Cheyenne, WY 82002

**RE: Request for review and legal opinion on items raised by the Wyoming Court Security Commission**

Dear General Salzburg:

The Wyoming Court Security Commission (Commission) was established by the Wyoming Legislature in 2008 to "Establish standards to protect life, property and the judicial process in the Wyoming court system." (W.S. § 5-11-101)

During a Commission meeting earlier this month, several questions were raised by Commission members regarding how some court security issues are addressed in the Wyoming statutes. The Commission asked me, as the chairperson, to forward these items on their behalf to you for your review, legal guidance, and legal opinion.

The specific issues are:

- What agency is responsible for district and circuit court security?
- What is the statutory authority to screen/search individuals entering a courtroom?
  - Does this authority extend to any or all of the building in which the courtroom is located (courthouse)?
  - Is there a legal status requirement (i.e. commissioned peace officer) for anyone conducting the screening/search?
  - Does this authority extend beyond "weapons" (i.e. cell phones)?
  - Does this authority include the right to bar certain dress (i.e. gang colors)?
  - If in the process of screening/search for court security other illegal items are discovered (i.e. illicit drugs) would this screening/search constitute a lawful search for purposes of charging an individual or for presenting as evidence at a criminal trial?

Larry Majerus  
Deputy Director

Angela VanHouten  
Bioterrorism Program Manager  
(307) 777-5778

Kelly Ruiz  
Public Information Officer  
(307) 777-4909

- What are the current Wyoming laws regarding possession of a firearm in a state or local government building?

We appreciate your expeditious assistance with this matter.

Sincerely,

A handwritten signature in black ink that reads "Joe Moore". The signature is written in a cursive style with a long horizontal flourish at the end.

Joe Moore

Director

JM:db

**WYOMING COURT SECURITY COMMISSION MINUTES**  
**Cheyenne, WY – April 13, 2009**

**Call to Order**

Chairman Moore of the Wyoming Court Security Commission called the commission meeting to order at 1:02 p.m, April 13, 2009 in the second floor conference room of the Supreme Courthouse in Cheyenne, Wyoming.

**Roll Call/Introductions**

Roll was taken with the following commission members in attendance: Wyoming Office of Homeland Security Director, Joe Moore, Justice William Hill, Judge Denise Nau, Sheriff Skip Hornecker, Chief Lori Emmert, Representative Kermit Brown and Campbell County Attorney, Jeanie Stone. Guests included Danny Glick, Laramie County Sheriff; Joe Evans, Executive Director for Wyoming County Commissioners Association; Kevin White, Supreme Court Security Officer; Mari Ramsey, Representative from the Attorney General's Office; Joann Odendahl, Deputy State Court Administrator, and John Heller, Wyoming Office of Homeland Security.

**Approval of Minutes**

Motion was made by Sheriff Hornecker and a second was given by Judge Nau to approve minutes from the November 6, 2008 Wyoming Court Security Commission meeting. The motion carried.

**Sub-Committee Reports**

**A. Equipment, Facilities and Architecture**

Sheriff Hornecker referenced the February 13, 2009 letter he wrote to Chairman Moore outlining a compiled list of equipment to be considered as minimal to establish a court security process. The compilation was suggested and submitted by court security units throughout the state. One of the concerns addressed was the need to include an x-ray machine on the list. However, at the time the list was compiled, Sheriff Hornecker intentionally omitted it from the list, but indicated the x-ray machine may be included under optional equipment. Captain Bill Long was in disagreement with leaving the x-ray machine off the equipment list. Chairman Moore indicated he would like to get acceptance by the commission on the equipment/facilities list before a matrix is created to use in determining what equipment is needed in each of the counties and the cost of this equipment so it may be presented to the legislature. A motion was made by Chief Emmert to accept the equipment list prepared by Sheriff Hornecker. Judge Nau gave a second and the motion carried. John Heller will prepare a matrix, adding the x-ray machine.

Discussion did not progress to Facilities and Architecture portion of the report. Chairman Moore wanted to limit the discussion to equipment and address architecture under the topic of Court Security Standards. Judge Nau stated under architecture, advice needs to be given about separating courthouse/courtroom security, especially for new construction. Sheriff Hornecker will incorporate Judge Nau's statement in his list of recommendations.

## **B. Training**

Chief Emmert provided the objectives and syllabus for the Court Security Training for Wyoming peace officers which was offered at the Wyoming Law Enforcement Academy (WLEA) in Douglas, Wyoming, February 23-27, 2009. This was P.O.S.T. certified training.

Captain Bill Long and Kevin White attended Court Security Training in Glynco, Georgia. Captain Long provided two handouts, one of which outlined courthouse security, courtroom security and inmate security within the confines of the courthouse. He gave an overview of the training received in Georgia and indicated he came away from the training without a good understanding of the specific equipment utilized for court security. The second handout provided 29 areas covered in certification process of those performing court security function. Some of the P.O.S.T. training offered at WLEA is consistent with training in Georgia, but needs to be expanded. Specifically, WLEA lacks sufficient training with regard to high profile cases.

Chief Emmert suggested the Training Committee along with Captain Long, Kevin White and others get together to look at completing a strategic plan for court security training. Chairman Moore recommended this committee move cautiously in the development of this plan. He also stated peace officers need to continue taking ongoing court security training.

## **C. Protocol and Procedures**

Justice Hill spoke about recommendations concerning protocol and procedures for court security. The following is a list of specific issues that were addressed at the sub-committee meeting December 29, 2008 and specific information about each item is enclosed in the memorandum to the Wyoming Court Security Commission, dated January 7, 2009.

1. What is the scope of security that should be provided?
2. Which courts should be afforded security?
3. Which agency(ies) should be responsible for local court security and should there be some form of statewide oversight?
4. What authority should court security officers have?
5. Preparation of manuals and extent of security preparations.
6. What equipment, if any, should be required in all secure areas?

Justice Hill stated in item 1, the sub-committee recommended the scope of security provided should be buildingwide. Recommendation for item 2 was all courts (municipal, state and supreme) be afforded security. Item 3 recommendations included security for the Supreme Court should be provided by Capitol Security Division of the Wyoming Highway Patrol possibly in combination with a bailiff of the Supreme Court; local security for state courts should be provided by sheriff's offices in each county and security for municipal courts should be provided by municipal police departments or depending upon the contract municipalities have

with counties, the county sheriff. During the discussion to arrive at the recommendations for item 3, it was realized there may be additional expenses incurred if there was a combination of peace officers needed to provide security to courthouses, more specifically to Supreme Court or municipal courts. Also this may require statutory amendments to clarify issues concerning peace officer status for this function. Item 4 recommends court security officers be P.O.S.T. certified peace officers. Ms. Stone asked if detention officers would have arrest authority. Sheriff Hornecker responded that detention officers could have limited arrest authority (within the courthouse) if it was listed in their scope of duties. The sub-committee also recommended, in addition to having P.O.S.T. certified training, additional specialized training in court security is necessary. Item 5 recommends preparation of policy and procedures manuals covering security issues, practices and policies be prepared by local governments. Item 6 covers recommendations to determine specific equipment requirements for court security be determined at the local level by local committees with the assistance of competent experts. This item can be correlated with the presentation on equipment as presented by Sheriff Hornecker.

#### D. Local Management

##### Court Security Standards

Court security standards were drafted with the following recommendations:

1. The Sheriff shall have primary responsibility for providing court security for all district and circuit courts in his/her county.
  - A. Nothing in this section shall interfere with the authority of a presiding judge when court is in session.
2. Effective July 1, 2009, all court security officers shall be Peace Officers in the State of Wyoming and shall complete a Court Security Officer course approved by the Wyoming Law Enforcement Academy within one year of initial assignment to duties as a Court Security Officer.
3. All individuals, other than those specifically identified below, shall be prohibited from carrying deadly weapons as defined in W.S. 6-1-104(a)(iv) into any courtroom covered by the Wyoming Court Security Act.
  - A. This prohibition shall not apply to:
    - i. The presiding judge
    - ii. Peace Officers certified in the State of Wyoming
  - B. Nothing in this prohibition shall preclude a judge from carrying a concealed weapon or determining who will carry a concealed weapon in the courtroom.

- i. The presiding judge is strongly encouraged to advise the sheriff of those individuals they authorize to carry a concealed weapon in the courtroom so the court security officers, and any peace officers responding to an incident in the courtroom, are properly informed.
4. The Local Court Security Committee shall be chaired by the Sheriff. *Sheriff Hornecker suggested in this meeting the Local Court Security Committee also could be chaired by a representative from the sheriff's office. Judge Nau agreed with this suggestion and commented the Laramie County Court Security Committee is presently chaired by a Laramie County Commissioner.*
  - A. The local Court Security Committee shall meet at least two (2) times per year.
  - B. Presiding judges of the district and circuit courts in the jurisdiction will be represented on the local Court Security Committee.
  - C. The other members and composition of the local Court Security Committee shall be decided, appointed and approved in writing by the County Commissioners.
  - D. The local Court Security Committee shall determine the physical limits of the "courtroom" for the purposes of court security.
    - i. Courtroom security may be extended to other parts of the facility in which the courtroom is located to provide adequate security.
    - ii. Including court offices, connecting hallways, and other rooms as may be more efficient, effective, or otherwise necessary.
    - iii. Limits may extend to include the entire courthouse and area within the cartilage.

(Discussion about Court Security Standards prior to making recommendations for these standards is attached for further reading.) Representative Brown stated the Court Security Commission needs to drive down to governing bodies closest to the public the necessity for court security standards. Joe Evans wanted to know if Representative Brown was getting opinions from constituents promoting legislation for court security standards and the process to invoke these standards. Mr. Evans agreed with Justice Hill, initially commissioners wanted security within the entire courthouse, but now he hears from commissioners there is differences of opinion on this issue. There is concern courthouse security may interfere with people trying to take care of routine business, such as the example Representative Brown gave of the man and woman going in to get their marriage license. Sheriff Hornecker indicated it is important to separate the court from the courthouse, especially with new construction and yet have it remain accessible to people to conduct their daily business. Reference to this is in the third to last paragraph of the Equipment, Facilities and Architecture sub-committee report included with these minutes. Chairman Moore stated the county commissioners would be responsible for making decisions about their respective courthouses. Chairman Moore requested each

commission member review the draft of the Court Security Standards and make comments about the recommendations, submitting these comments to Mr. Heller for compilation.

### **Presentation by Captain Long**

Captain Bill Long gave a presentation on court security training he and Mr. White received in Glencoe, Georgia. (Please refer to this under the Training portion of these minutes.) Two pages of information on this topic was distributed by Captain Long and Mr. White provided handouts about 10 Essential Elements for Court Security to the commission. Mr. White will conduct an overview of court security for court clerks the week of April 20, 2009 in the Supreme Courthouse.

### **Comments**

Chairman Moore expressed his appreciation to Justice Hill and Ms. Hansen for allowing the commission to meet in the Supreme Court conference room. He thanked Representative Brown for his support and guidance with House Bill 229. Although the bill died in the Senate, Representative Brown stated with more time to refine this bill, he would like to take another run at getting the bill passed. Chairman Moore asked Representative Brown if he would contact the Legislative Management Committee to make a recommendation to the Governor to fill the senator vacancy on the commission, which was vacated by Chief Robert Fecht. Representative Brown stated he would.

Ms. Stone, with the agreement of Justice Hill, recommended the chairman forward a letter to the appropriate county and state officials providing an up to date overview of the commission's background, action taken to date and proposed areas of concern with a focus towards the creation at the local level of a Court Security Management Committee. Chairman Moore agreed to prepare the letter for distribution.

### **Schedule of Next Meeting**

Chairman Moore will notify commission members at a later time, the date and time of the next Court Security Commission meeting. The commission will need to meet prior to September 2009 to review the commission report, which is to be submitted to the legislature in September, as required by state statute. Chairman Moore requests this document also be approved by County Commissioners prior to the commission meeting.

### **Adjournment**

Chairman Moore thanked those present for attending this meeting. The motion to adjourn the meeting was made by Justice Hill and Ms. Stone gave a second. The motion passed and the meeting adjourned at 2:32.

February 13, 2009

Director Joe Moore  
Office of Homeland Security  
Herschler Building, 1st floor East  
122 W.25<sup>th</sup> St.  
Cheyenne Wyo. 82002

Ref: Equipment, Facilities, and Architecture Sub-Committee report

Director Moore,

Please find enclosed a compilation of equipment that should be considered as minimal to establish a court security process. The equipment is a compilation of equipment suggestions submitted by court security units throughout the state. The list includes the common elements derived from each list submitted. Cost of each item is not included due to the extent of suppliers available and local resources.

Minimal equipment necessary to conduct court security

Mandatory:

1. Magnetometer (at each court entrance)
2. Hand held detectors
3. Mandatory search information signage (prior to screening position)
4. Lock box for personal property w/markers
5. Gun locker
6. Portable radios w/earbuds/chargers
7. Handcuffs
8. Cordless phone at security station
9. Search mirrors/pole mirror
10. Rubber gloves
11. Adequate lighting
12. Tables or carts beside magnetometer for property display
13. Hand sanitizer
14. Property trays
15. Clip boards
16. Flashlights
17. Property bags

Optional: (strongly suggested)

1. Long gun/shotgun
2. Tazer
3. First aid kit/Life-Pak defibrillator
4. UA kits
5. Alco-Sensor
6. Field test kits
7. Crowd control barriers

The following is a list of suggested architecture or building elements that should be considered for a successful court security process.

1. CCTV camera system monitored from a designated screening station
2. Duress alarm system throughout the courthouse monitored at both the screening station and emergency dispatch center.
3. Vault alarms (Treasurer's office) monitored at both the screening station and emergency dispatch center.
4. Fire alarm system Monitored at both the screening station and emergency dispatch center.

Note: new courthouse construction should include consideration of isolating the court room areas from the other sections of the court house, and developing a secure entrance and exit for custodial defendants.

There are numerous other concerns that specific and unique courthouses must consider based on age and structural design commonly used for the construction era.

Hopefully this report provides enough information to promote a discussion within the Court Security Commission as to funding concerns, technology available and manpower.

Respectfully submitted,

Jack R. "Skip" Hornecker  
Fremont County Sheriff

April 16, 2009

Sheriff James Pond  
Albany County  
525 Grand Avenue, Suite 101  
Laramie, WY 82070

**RE: Court Security Committee Equipment Survey, Response Requested by May 15, 2009**

Dear Sheriff Pond:

The Wyoming Court Security Commission (Commission) met at the Supreme Court Building in Cheyenne, Wyoming, on April 13, 2009. As required by the Wyoming Court Security Act, W.S. § 5-11-101(e)(i)(A), the Commission is establishing standards for court security equipment.

The Commission accepted the lists of equipment, both "Minimum" and "Optional" submitted by the chairman of the Equipment and Facilities Committee (Sheriff Hornecker). The Commission is asking for your assistance to determine the current status of your equipment list by asking each Sheriff to complete the attached "Court Security Equipment Survey" for each facility in your county containing a district or circuit court (you may also complete the survey for municipal courts if you wish).

Please note the opportunity for providing your comments on the list. You may also attach any additional comments you feel appropriate. We are asking for all replies by May 15, 2009, so we can include this information in the annual report required by W.S. § 5-11-101(e)(iv).

Additionally, if your county has a Local Court Security Management Committee, please provide the name of the chairperson and their contact information with your response. If you have any questions, please contact me (307-777-8511) or John Heller (307-777-4912 [jhelle@state.wy.us](mailto:jhelle@state.wy.us)).

Sincerely,

Joe Moore  
Director

JM:pn  
Enclosure

### Court Security Equipment Survey

Facility Name: \_\_\_\_\_

Facility Address: \_\_\_\_\_

Name / Agency Completing Form: \_\_\_\_\_

Date: \_\_\_\_\_ Number of Comment Pages Attached: \_\_\_\_\_

<b>Minimum Equipment</b>				
Item	Description	Available Yes / No	In Use Yes / No	Comments Attached
1	Magnetometer (at each court entrance)			
2	Hand held detectors			
3	Mandatory search information signage (prior to screening position)			
4	Lock box for personal property w/markers			
5	Gun locker			
6	Portable radios w/earbuds/chargers			
7	Handcuffs			
8	Cordless phone at security station			
9	Search mirrors/pole mirror			
10	Rubber gloves			
11	Adequate lighting			
12	Tables or carts beside magnetometer for property display			
13	Hand sanitizer			
14	Property trays			
15	Clip boards			
16	Flashlights			
17	Property bags			

<b>Optional Equipment</b>				
Item	Description	Available Yes / No	In Use Yes / No	Comments Attached
A	Long gun/shotgun			
B	Tazer			
C	First aid kit/Life-Pak defibrillator			
D	UA kits (urinalysis)			
E	Alco-Sensor (blood alcohol)			
F	Field test kits (drug)			
G	Crowd control barriers			
H	X-Ray machine			

# **COURT SECURITY FOR LAW ENFORCEMENT**

**FEBRUARY 23-27, 2009 WLEA**

## **COURSE OBJECTIVES**

This forty-hour course is designed to provide the participants with the knowledge and tools necessary to implement and administer an effective security program in their respective court jurisdictions throughout the State of Wyoming.

Upon completion of the course, officers will be able to complete an on-site audit or survey of their court facilities, establish a court security committee, design an emergency response plan, plan for high risk and/or high profile trials, conduct security screening of persons and property, respond to security threats, and adequately protect the judiciary and public who use the county's courthouse on a daily basis.

Mon. 08:00-08:30 INTRODUCTION.

08:30-08:50 WHY COURT SECURITY? VIDEO OF COURT INCIDENTS

08:50-09:00 BREAK

09:00-09:50 WY COURTS AND STATUTES. SUPREME COURT

09:50-10:00 BREAK

10:00-10:50 COURT SECURITY BASICS. SCREENING, SEARCHES,  
COURTROOM PROCEDURES, RESPONSIBILITIES.

10:50-11:00 BREAK

11:00-12:00 CONTINUE COURT SECURITY BASICS.

12:00-13:00 LUNCH

13:00-13:50 IN CUSTODY DEFENDANT PROCEDURES, RESTRAINTS,  
CONTROL, USE OF FORCE.

13:50-14:00 BREAK

14:00-14:50 CONTINUE IN CUSTODY DEFENDANTS.

14:50-15:00 BREAK

15:00-15:50 INCIDENT RESPONSE, WEAPONS CONTROL.

15:50-16:00 BREAK

16:00-17:00 CONTINUE INCIDENT RESPONSE.

Tues. 08:00-08:50 EXPLOSIVES DETECTION AND RESPONSE.

08:50-09:00 BREAK

09:00-09:50 CONTRABAND AND WEAPONS DETECTION AND RESPONSE.

09:50-10:00 BREAK

10:00-10:50 CONTINUE DETECTION AND RESPONSE.

10:50-11:00 BREAK

11:00-12:00 NON-VERBAL CLUES DURING SCREENING OPERATIONS.

12:00-13:00 LUNCH

13:00-13:50 SCREENING TOOLS, X-RAY SCANNER, WALK-THROUGH METAL DETECTOR. TECHNIQUES AND DEMONSTRATIONS.

13:50-14:00 BREAK

14:00-14:50 CONTINUE SCREENING TOOLS.

14:50-15:00 BREAK

15:00-15:50 CONTINUE SCREENING TOOLS.

15:50-16:00 BREAK

16:00-17:00 REQUIRED SIGNAGE, PEDESTRIAN CONTROL

Wed. 08:00-08:50 STAFFING GUIDELINES

08:50-09:00 BREAK

09:00-09:50 PANIC ALARMS AND SYSTEMS.

09:50-10:00 BREAK

10:00-10:50 JUDICIAL SECURITY PROCEDURES.

10:50-11:00 BREAK

11:00-12:00 BUILDING AND PERIMETER SECURITY.

12:00-13:00 LUNCH

13:00-13:50 JURY HANDLING PROCEDURES.

13:50-14:00 BREAK

14:00-14:50 SEQUESTRATION, DELIBERATING JURIES.

14:50-15:00 BREAK

15:00-15:50 FULLY SEQUESTERED JURIES.

15:50-16:00 BREAK

16:00-17:00 CONTINUE FULLY SEQUESTERED JURIES.

Thur. 08:00-08:50 HIGH THREAT HIGH PROFILE TRIALS.

08:50-09:00 BREAK

09:00-09:50 CONTINUE HIGH THREAT TRIALS.

09:50-10:00 BREAK

10:00-10:50 THE EMERGENCY RESPONSE PLAN.

10:50-11:00 BREAK

11:00-12:00 POLICIES AND PROCEDURES MANUAL

12:00-13:00 LUNCH

13:00-13:50 THE ON-SITE COURT FACILITY SURVEY.

13:50-14:00 BREAK

14:00-14:50 CONTINUE ON-SITE SURVEY.

14:50-15:00 BREAK

15:00-15:50 RISK ASSESSMENT

15:50-16:00 BREAK

16:00-17:00 CONTINUE RISK ASSESSMENT

Fri. 08:00-08:50 TRIAL PLANNING (PARTICIPANTS DESIGN PLAN FOR A  
HIGH RISK TRIAL)

08:50-09:00 BREAK

09:00-09:50 CONTINUE PLANNING TRIAL

09:50-10:00 BREAK

10:00-12:00 LIVE IMPLEMENTATION OF PARTICIPANT'S PLANS IN A  
SIMULATED COURTROOM ENVIRONMENT.

12:00-13:00 LUNCH

13:00-15:00 CONTINUE SIMULATIONS.

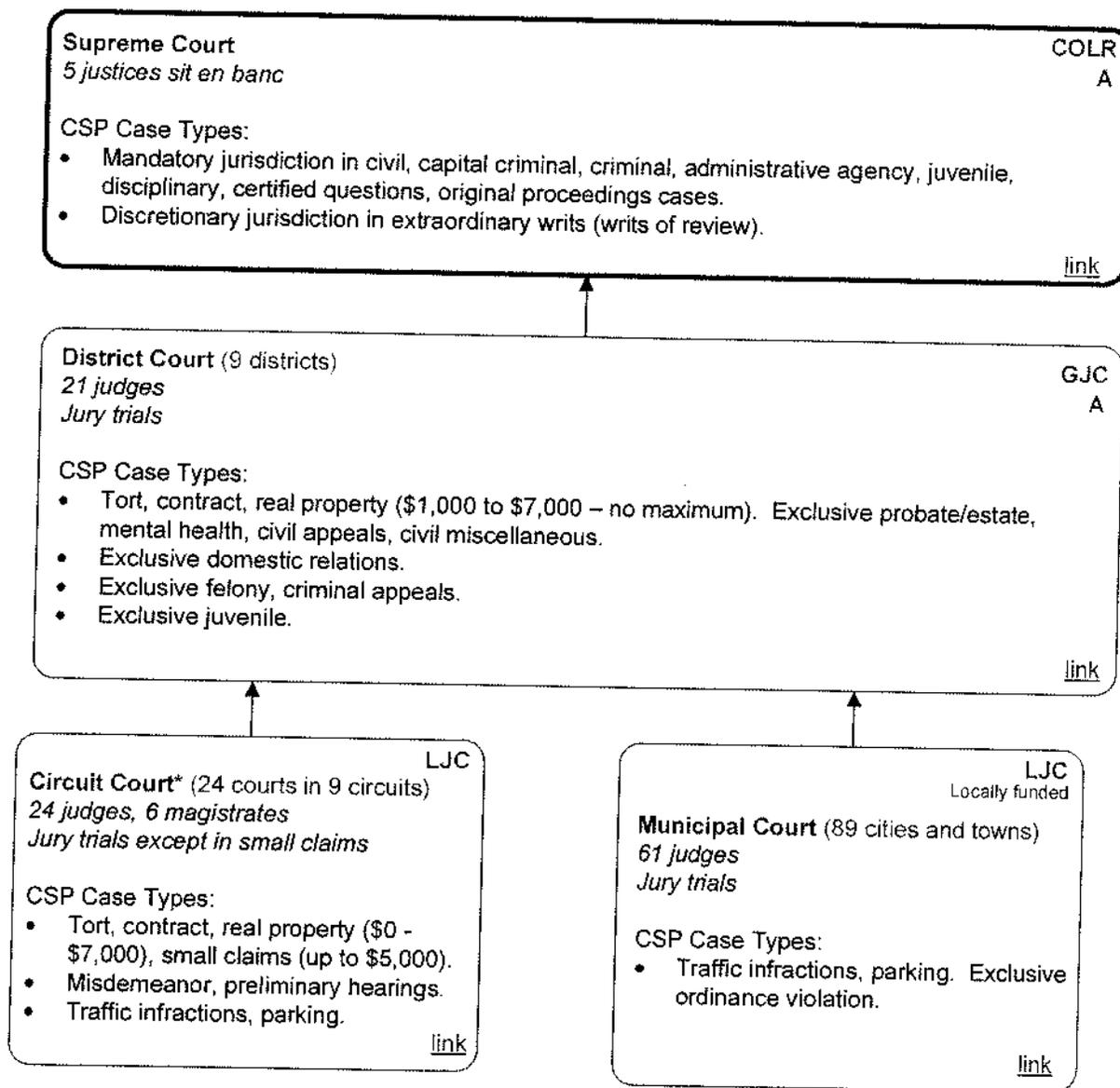
15:00-15:50 CRITIQUE LIVE EXERCISE.

15:50-16:00 BREAK

16:00-17:00 QUESTION AND ANSWER PERIOD. SUPPORT  
INFORMATION,  
CODA AND NSA, U.S. MARSHALS

# Wyoming

(Court structure as of Calendar Year 2007)



\*In January 2003, Justice of the Peace courts were combined with County courts, and County Court was renamed Circuit Court.

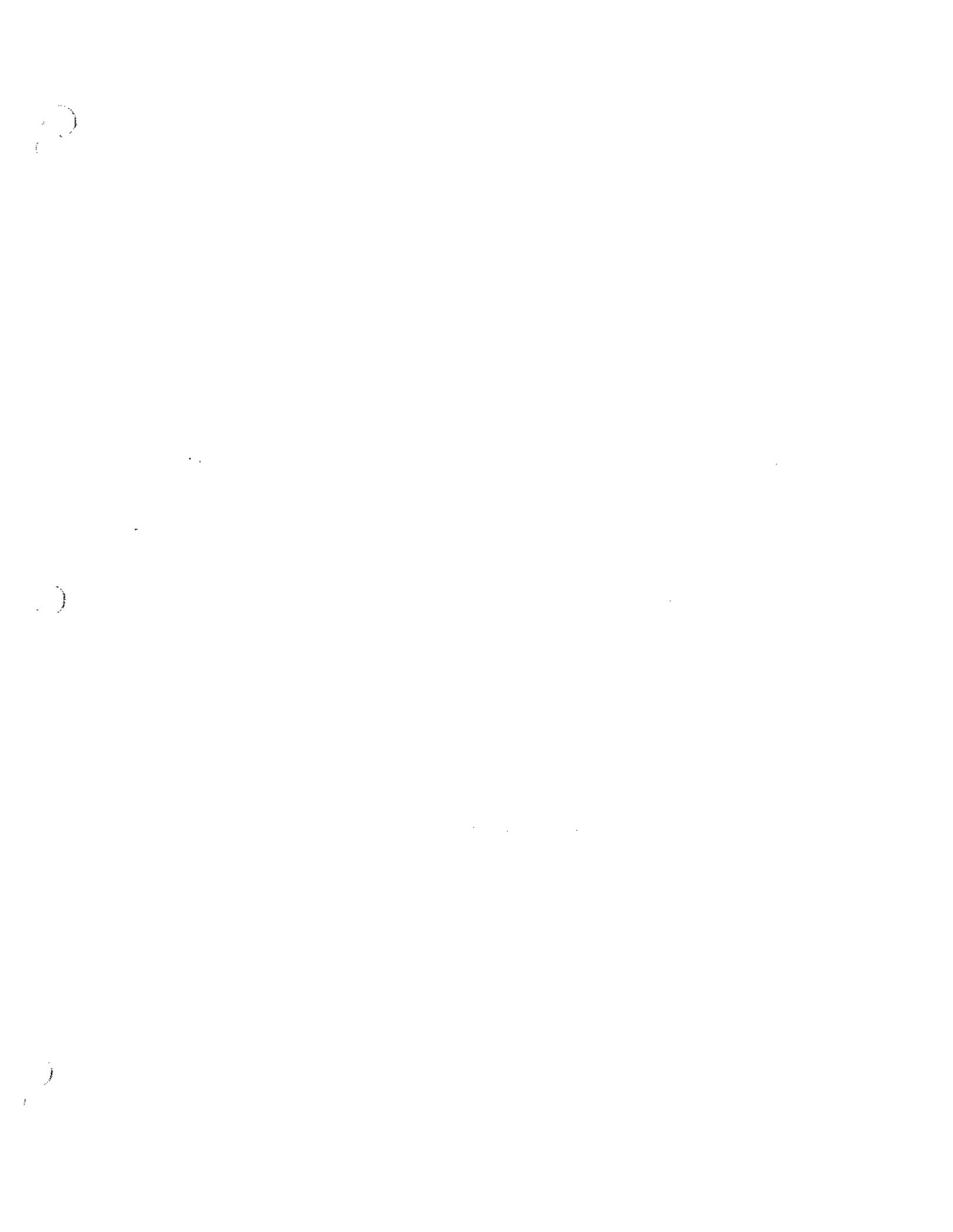
## Legend

= Appellate level

= Trial level

COLR = Court of Last Resort  
 IAC = Intermediate Appellate Court  
 GJC = General Jurisdiction Court  
 LJC = Limited Jurisdiction Court  
 A = Appeal from Admin. Agency

↑ = Route of appeal



ARTICLE 11 - WYOMING COURT SECURITY ACT

**5-11-101. Created; membership; compensation; meetings; publication of procedures; powers and duties.**

(a) The Wyoming Court Security Commission is created. It shall be composed of the Director of the Office of Homeland Security or his designee and six (6) members who shall be appointed as set forth by this act for a term of three (3) years commencing July 1, 2008, who may be reappointed to subsequent terms.

- (i) One (1) justice of the Wyoming Supreme Court;
- (ii) One (1) district judge;
- (iii) One (1) circuit court judge;
- (iv) One (1) county commissioner;
- (v) One (1) county sheriff; and
- (vi) A representative of the Wyoming Peace Officer's Standards and Training Commission.

(b) Members from the judicial branch shall be appointed by the Board of Judicial Policy and Administration. Other members shall be appointed by the Governor.

(c) Members of the commission shall receive no compensation, but shall be reimbursed under W.S. 9-3-102 and 9-3-103 for travel and per diem expenses incurred in the performance of their duties.

(d) The commission shall hold at least two (2) meetings per year.

(d) The commission shall establish and publish its procedures.

(e) The commission shall establish standards to protect life, property and the judicial process in the state of Wyoming. The commission shall establish:

(i) Requirements concerning equipment, facilities and architecture for court security purposes;

(ii) Basic training requirements for peace officers authorized to act as court security officers;

(iii) Basic protocol and procedures for court security; and

(iv) Establishment of local court security management committees.

(f) The commission shall:

(i) Visit and inspect any court security program at any appropriate time;

(ii) Adopt reasonable rules and regulations pursuant to the Wyoming Administrative Procedure Act;

(iii) Recommend to the Board of Judicial Policy and Administration a model (formula?) for the allocation to the counties of such funds as may from time to time be allocated by the legislature for the provision of court security;

(g) The commission shall report annually to the Governor, Chief Justice, Joint Judiciary Committee and the Joint Appropriations Committee on the status of court security in the state.

(h) The Supreme Court shall provide necessary administrative support for the commission and the distribution of funds appropriated for the purpose of this Act.

18-2-103. Buildings generally.

Each county shall provide and maintain a suitable courthouse, jail and other necessary county buildings.

18-3-604. Service of process; attendance upon courts.

The county sheriff or his deputy shall serve and execute according to law all processes, writs, precepts and orders issued by any court of record in his county or other lawful authority in all criminal and civil cases and he shall attend all courts of record in his county.

ARTICLE 3 - UNLAWFUL CONDUCT WITHIN GOVERNMENTAL FACILITIES

**6-6-301. Definitions.**

(a) As used in W.S. 6-6-301 through 6-6-307:

(i) "Governing body" means any elected or appointed commission, board, agency, council, trustees or other body created or authorized by the laws of this state and vested with authority to perform specified governmental, educational, proprietary or regulatory functions;

(ii) "Facilities" means any lands, buildings or structures.

**6-6-302. Obstructive or disruptive conduct within governmental facilities prohibited.**

(a) No person, acting either singly or in concert with others, shall go into or upon facilities owned by, or under the control of, a governing body and obstruct or disrupt, by force, violence or other conduct which is in fact obstructive or disruptive, the activities conducted therein or thereon or the uses made thereof under the authority of the governing body. Obstructive or disruptive activities include restricting lawful:

(i) Freedom of movement on or within a facility;

(ii) And designated use of a facility;

(iii) Ingress or egress on or within a facility.

**6-6-303. Refusing to desist or remove oneself from facilities.**

No person within or upon the facilities of a governing body shall refuse to desist from a course of conduct or to remove himself from the facilities upon request by an authorized representative of the governing body, after having been notified that the conduct or the presence of the person is contrary to or in violation of established policies, rules or regulations of the governing body which are reasonably related to the furtherance of the lawful purposes of the governing body and incident to the maintenance or orderly and efficient use of its facilities for the purposes for which acquired or designated.

**6-6-304. Freedom of speech, press or assembly not abridged.**

Nothing in W.S. 6-6-301 through 6-6-307 prevents, denies or abridges the freedom of speech or of the press, or the right of the people peaceably to assemble to consult for the common good, to make known their opinions, and to petition for the redress of grievances.

**6-6-305. Penalties for violations of article.**

Any person violating any provision of W.S. 6-6-301 through 6-6-307 is guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not more than seven hundred fifty dollars (\$750.00), or by imprisonment in the county jail for a period not to exceed sixty (60) days, or both.

**6-6-306. Identification may be required; ejection from facilities when presence unlawful or prohibited.**

Every governing body, acting through its officers and employees, may require identification of any person within or upon its facilities and eject any person from the facilities upon his refusal to leave peaceably upon request, when his presence in a facility is unlawful or otherwise prohibited by the governing body.

**6-6-307. No restriction on powers of governing body.**

Nothing within W.S. 6-6-301 through 6-6-307 is intended, nor shall operate, to limit or restrict each governing body from carrying out its purposes and objectives through the exercise of powers otherwise granted by law nor shall preclude a governing body from taking disciplinary action against those violating W.S. 6-6-301 through 6-6-307 who are subject to its disciplinary authority.

6-6-102. Breach of the peace; penalties.

(a) A person commits breach of the peace if he disturbs the peace of a community or its inhabitants by unreasonably loud noise or music or by using threatening, abusive or obscene language or violent actions with knowledge or probable cause to believe he will disturb the peace.

(b) Breach of the peace is a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both.

## ARTICLE 4 - REGULATION BY STATE

6-8-401. Firearm, weapon and ammunition regulation and prohibition by state.

(a) The sale, transfer, purchase, delivery, taxation, manufacture, ownership, transportation, storage, use and possession of firearms, weapons and ammunition shall be authorized, regulated and prohibited by the state, and regulation thereof is preempted by the state. Except as authorized by W.S. 15-1-103(a)(xviii), no city, town or county shall authorize, regulate or prohibit the sale, transfer, purchase, delivery, taxation, manufacture, ownership, transportation, storage, use or possession of firearms, weapons and ammunition except as specifically provided by this chapter. This section shall not affect zoning or other ordinances which encompass firearms businesses along with other businesses. Zoning and other ordinances which are designed for the purpose of restricting or prohibiting the sale, purchase, transfer or manufacture of firearms or ammunition as a method of regulating firearms or ammunition are in conflict with this section and are prohibited.

**6-8-104. Wearing or carrying concealed weapons;  
penalties; exceptions; permits.**

(a) A person who wears or carries a concealed deadly weapon is guilty of a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00), imprisonment in the county jail for not more than six (6) months, or both, unless:

- (i) The person is a peace officer;
- (ii) The person possesses a permit under this section; or

(t) No permit issued pursuant to this section or any permit issued from any other state shall authorize any person to carry a concealed firearm into:

(i) Any facility used primarily for law enforcement operations or administration without the written consent of the chief administrator;

(ii) Any detention facility, prison or jail;

(iii) Any courtroom, except that nothing in this section shall preclude a judge from carrying a concealed weapon or determining who will carry a concealed weapon in the courtroom;

(iv) Any meeting of a governmental entity;

**6-6-103. Telephone calls; unlawful acts; penalties; place of commission of crime.**

(a) A person commits a misdemeanor punishable by imprisonment for not more than one (1) year, a fine of not more than one thousand dollars (\$1,000.00), or both, if he telephones another anonymously or under a false or fictitious name and uses obscene, lewd or profane language or suggests a lewd or lascivious act with intent to terrify, intimidate, threaten, harass, annoy or offend.

(b) A person commits a misdemeanor punishable by imprisonment for not more than one (1) year, a fine of not more than one thousand dollars (\$1,000.00), or both, if:

(i) By repeated anonymous telephone calls, he disturbs the peace, quiet or privacy of persons where the calls were received; or

(ii) He telephones another and threatens to inflict injury or physical harm to the person or property of any person.

(c) A crime under this section is committed at the place where the calls either originated or were received.

**6-5-305. Influencing, intimidating or impeding jurors, witnesses and officers; obstructing or impeding justice; penalties.**

(a) A person commits a felony punishable by imprisonment for not more than ten (10) years, a fine of not more than five thousand dollars (\$5,000.00), or both, if, by force or threats, he attempts to influence, intimidate or impede a juror, witness or officer in the discharge of his duty.

(b) A person commits a misdemeanor punishable by imprisonment for not more than one (1) year, a fine of not more than one thousand dollars (\$1,000.00), or both, if, by threats or force, he obstructs or impedes the administration of justice in a court.

**IN THE SUPREME COURT, STATE OF WYOMING**

**October Term, A.D. 2008**

**IN THE MATTER OF THE ADOPTION OF  
A POLICY REGARDING WEAPONS IN  
THE WYOMING SUPREME COURT**

)  
)  
)  
)

IN THE SUPREME COURT  
STATE OF WYOMING  
FILED

DEC 30 2008

JUDY PACHECO, CLERK

*Cecile Thompson*  
by CHIEF DEPUTY

**ORDER ESTABLISHING POLICY REGARDING WEAPONS  
IN THE WYOMING SUPREME COURT**

**This matter** came before the Court upon its own motion. This Court finds it should adopt a policy regarding dangerous weapons on the Wyoming Supreme Court's premises. Therefore, effective immediately, this Court adopts the following weapons policy:

1. No dangerous weapon may be carried on the Wyoming Supreme Court's premises, except as provided in this order. Wyoming Supreme Court Security Officers and Wyoming Highway Patrol Troopers, when acting as Supreme Court Security Officers, are authorized to request that any persons carrying a dangerous weapon on the Supreme Court's premises relinquish the weapon. The weapon will be secured at the Court Security Office then returned to the person when he/she leaves the Supreme Court's premises, unless the Court Security Officer or Trooper to whom the weapon was relinquished determines that other law enforcement personnel should be involved. If a person carrying a dangerous weapon refuses to relinquish the weapon, he/she shall be denied access to the Supreme Court premises.
2. As used in this policy, "dangerous weapon" means a firearm, explosive, incendiary material, or any other implement or device capable of being used as a deadly weapon, where such implement or device has no reasonable use related to the conduct of government business. Ordinary pocket knives, not exceeding six inches in overall length when open, are not considered a dangerous weapon under this rule.
3. Nothing in this policy prohibits the carrying of weapons on the Supreme Court premises by Peace Officers, as defined and authorized by Wyoming Statutes, who are acting in an official capacity and who are not

parties to a case currently before the Court. Peace Officers entering the Supreme Court Building shall disclose to Court Security Officers or Troopers acting as Court Security Officers, that they are carrying a weapon or weapons into the facility.

4. Exceptions to this policy may be granted on an individual basis by the Court Security Officer, with the prior concurrence of the Court.

**DATED** this 30th day of December, 2008.

**BY THE COURT:**



**BARTON R. VOIGT**  
Chief Justice

## HOUSE BILL NO. HB0229

Court security reimbursement.

Sponsored by: Representative(s) Brown

A BILL

for

1 AN ACT relating to court security; providing for grants to  
2 reimburse counties for additional costs incurred during  
3 high profile cases; providing rulemaking authority;  
4 providing for reports; providing an appropriation; and  
5 providing for an effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 5-11-102 is created to read:

10

11 **5-11-102. High profile case contingency account**  
12 **created; grants to local courts.**

13

14 (a) There is created the high profile case  
15 contingency account. The high profile case contingency  
16 account shall consist of those funds designated to the  
17 account by law and all monies collected from federal grants

1 and other contributions, grants, gifts, bequests and  
2 donations to the account.

3

4 (b) The Wyoming court security commission shall:

5

6 (i) Establish criteria for grants from the high  
7 profile case contingency account to counties subject to the  
8 following criteria:

9

10 (A) Grant funds may be distributed to  
11 reimburse counties for all or portions of the increased  
12 court security costs incurred due to high profile cases, as  
13 defined by commission rule and regulation;

14

15 (B) Grants shall only be awarded to  
16 counties with commission recognized local court security  
17 management committees;

18

19 (C) The commission shall establish rules  
20 and regulations governing the types of increased costs and  
21 the level of reimbursement allowed under grants pursuant to  
22 this section;

23

1 (D) Grants may be awarded for anticipated  
2 increased costs for high profile cases, provided the  
3 commission shall, by rule and regulation, provide for  
4 repayment of grants awarded but not used for reimbursement  
5 of actual costs.

6

7 **Section 2.** W.S. 5-11-101(e)(iv) and by creating a  
8 new paragraph (v) is amended to read:

9

10 **5-11-101. Wyoming court security commission created;**  
11 **membership; powers and duties; compensation; report**  
12 **required.**

13

14 (e) The commission shall:

15

16 (iv) Report no later than September 1, 2009, and  
17 annually thereafter to the governor, chief justice of the  
18 supreme court, joint judiciary interim committee and the  
19 joint appropriations interim committee on the status of  
20 court security in the state- and grants awarded from the  
21 high profile case contingency account;

22

23 (v) Administer grants under the high profile  
24 case contingency account as provided by W.S. 5-11-102.

1

2           **Section 3.** There is appropriated one hundred thousand  
3 dollars (\$100,000.00) from the general fund to the high  
4 profile case contingency account administered by the  
5 Wyoming supreme court. This appropriation shall be for the  
6 period beginning with the effective date of this act and  
7 ending June 30, 2010. This appropriation shall only be  
8 expended for the purpose of funding grants from the high  
9 profile case contingency account created pursuant to W.S.  
10 5-11-102. Notwithstanding any other provision of law, this  
11 appropriation shall not be transferred or expended for any  
12 other purpose and any unexpended, unobligated funds  
13 remaining from this appropriation shall revert as provided  
14 by law on June 30, 2010.

15

16           **Section 4.** This act is effective July 1, 2009.

17

18

(END)

## LEGAL BASIS FOR COURT SECURITY

The following is provided as background information only and should not be construed as an opinion as to the legality of any specific security policy, procedure or practice. Federal Appellate Court decisions and rulings from other state courts may not have any standing in the State of Michigan.

There are a number of issues that are involved in providing for secure courts. The following is an overview of several of the issues involved with providing court security.

### 1. SEARCHES

Courts are considered as guardians of constitutional rights. Subjecting persons to searches to enter a court facility, to some may cause concern; courts have tendencies to protect citizens from searches to prevent unreasonable intrusion, rather than subjecting them to searches. This specific issue has been contested and tested in the courts in a number of cases. Many deal with searches as a condition of entering a public (court) facility. Out of necessity, like airports, more and more courts have had to begin establishing security programs to protect themselves from attack. As protection procedures are implemented, occasionally they are legally tested. Now, cases referring to "administrative searches," use airports and courthouses searches as an example and standard to determine the reasonableness of the search in question. (e.g. Jensen v. City of Pontiac, 113 Mich App 311; 317 NW2d 619, and People v. Whisnat, 103 Mich App 772; 303 NW2d, 887).

There are a number of cases that address administrative searches as they relate to entering public buildings and courthouses. They offer a general outline to what is considered to be "reasonable" and "unreasonable" in conducting an administrative search. The American Law Reports have two separate articles on the subject of searches conducted as a condition of entering a public building (28 A.L.R.4th 1250, 53 A.L.R.Fed. 888); they offer a concise review of a number of cases on the topic.

Generally, the case law would suggest a number of things with regard to (administrative) searches and (court) security:

People v. Mangiapane, 219 Mich 62; 188 NW 401 (1922). It is proper for the prosecuting attorney, with the court's sanction, to station an officer outside the courtroom door to take the names of persons attending the trial, and search them to ascertain if they carry weapons.

People v. Webb, 96 Mich App 493, 292 NW2d 239 (1980). A non-law enforcement government employee with a duty to insure order in a courtroom may search a persons personal belongings upon reasonable suspicion that they contain a threat to discipline and security in the courtroom; the reasonableness of the search under these circumstances, is not governed by probable cause standard, but by the less restrictive reasonable suspicion standard.

Downing v. Kunzig, 454 F.2d 1230 (1972), 4th Amendment. A cursory search was made for the limited purpose of determining that no explosives or dangerous weapons were transported into the federal courthouse. The search did not include the examination of personal papers to learn their contents, nor any undue restraint against entry to a building, and therefore was not held to be "unreasonable" under the Fourth Amendment. "...in times of emergency, government may take reasonable steps to assure that its property and personnel are protected against damage, injury, or destruction by resorting to the very minimal type of interference with personal freedom ... the regulations and acts challenged in this case, in light of ... the dangers confronting the Government, were both reasonable and fair."

Barrett v. Kunzig, 331 F.Supp 266 (1971), 5th and 6th Amendment. Inspection of briefcases and packages of persons entering a federal courthouse does not violate a person's Fifth Amendment right against self incrimination, nor does it constitute an unreasonable search. The Sixth Amendment right to counsel and "the attorney-client privilege" is not violated, nor does it infringe on effective representation by counsel, where the inspection of an attorney's parcels and packages is cursory in nature and the contents of the packages are not read.

It should be noted that in this case that there was a sign giving prior notice of the intended inspection. Also, public notice was given in local newspapers that inspections were going to begin. "...When the interest in protection of the government property and personnel from destruction is balanced against any invasion to the entrant's .... constitutional rights, the government's substantial interest in conducting a cursory inspection outweighs the personal inconvenience suffered by the individual." "... persons whose packages are inspected generally fall within a morally neutral class. Because everyone carrying the enumerated parcels is required to have them inspected, the inspection is not accusatory in nature, .... thus it cannot be said that a finger of suspicion is unfairly or arbitrarily being pointed at an individual as falling within a highly selective or inherently suspect group."

McMorris v. Alioto, 567 F.2d 897 (1978), 4th and 14th Amendments. "Although an attorney's consent to a search is exacted as the price of entering the courthouse it is nevertheless consensual in the same way as in airport searches." Searches as a condition of entry into the courthouse did not violate the Fourth or Fourteenth Amendments, since these searches are "administrative searches." Criteria to qualify as an administrative search, the search must: (1) "be clearly necessary to secure a vital governmental interest," (e.g. protecting sensitive facilities from a real danger of violence); (2) "be limited and no more intrusive than necessary to protect against the danger to be avoided, but nevertheless to reasonably effective to discover the materials sought;"; and (3) "be conducted for a purpose other than the gathering of evidence for criminal prosecutions." In establishing the vital government interest and the need for protection, the Court took "judicial notice that threats of violent acts directed at courthouses have given rise to an urgent need for protective measures." The noted threats of acts committed against courts and other governmental agencies, both regionally and nationally, were sufficient to give a finding of a

vital state interest, and a need to establish a regulatory search. "A magnetometer is a relatively inoffensive method of conducting a search, and it is less intrusive than alternative methods." In this case, persons were searched only after twice activating the magnetometer and consenting to being searched. At any time, even after activating the magnetometer, a person was free leave the building if they did not want to be searched.

Jensen v. City of Pontiac, 113 Mich App 341; 317 NW2d 619 (1982). The right to privacy is not absolute. Whether a search is reasonable depends upon all of the circumstances, including the reasonable expectation of privacy of the person being searched. The court considered "three factors which courts have relied upon in determining that warrantless searches in airports and courthouses are constitutional: (1) the public necessity, (2) the efficacy of the search, and (3) the degree and nature of the intrusion.

People v. Alba, 440 NYS2d 230 (1981), app dismd 450 NYS2d 787, 436 NE2d 193. Found defendant had given implied consent to be searched by freely acquiescing and choosing to permit inspection by entering and remaining in the courthouse which had conspicuously posted visible signs warning that all persons entering the building and courtrooms were subject to search. The intrusiveness of an entry search is reduced by implied consent. The limited regulatory search should be performed only (1) after notices of the need to permit search of personal items for inspection are given; (2) where there is not physical coercion, and (3) the person may choose to not submit to the search by not entering the premises.

Commonwealth v. Harris, (Mass 1981) 421 NE2d 447. Search legally discovered a controlled substance. Warning sign posted stating that all persons entering must pass through the metal detector and if the detector registered, the person would be subject to a limited search, that all packages must be offered for inspection, and all weapons and contraband discovered would be seized. The sign further stated that entrance into the courthouse would be deemed to constitute consent to the performance of the search. "...threats of violent acts directed at courthouses have given rise to an urgent need for protective measures... where a search of persons entering a public place is necessary to protect a sensitive facility from a real danger of violence, and administrative search without a warrant may be justified... an initial search by a metal detector was limited, and was no more intrusive than necessary... it was reasonable to inspect any packages for lethal nonmetallic contents as explosives or corrosive acid." [28 ALR 1250]

Other cases involving administrative searches following warning signs and a positive magnetometer or X-ray scan are: State V. Plante, 594 A2d 165, (NH, 1991); People v. Rincon, 581 NYS2d 293, app den 584 NYS2d 1021, 596 NE2d 491; Bozcr v. Higgins, 157 Misc 2d 160, 596 NYS2d 634, US v Henry, 615 F.2d 1223 (1980), US v. Paulido-Basquerizo, 800 F.2d 899 (1986), and US v. Campbell, 873 F.2d (1989).

Michigan Statute controls the possession of firearms within a court and specifically

states:

MSA 28.431(4) [MCL 750.234d] Possession of firearm on certain premises prohibited; applicability; violation as misdemeanor; penalty.

- Sec. 234d. (1) Except as provided in subsection (2), a person shall not possess a firearm on the premises of any of the following:
- (c) A court...
- (2) This section does not apply to any of the following:
- (a) A person who owns, or is employed by or contracted by, an entity described in subsection (1) if the possession of that firearm is to provide security services for that entity.
  - (b) A peace officer.
  - (c) A person licensed by this state or another state to carry a concealed weapon.
  - (d) A person who possesses a firearm on the premises of an entity described in subsection (1) if that possession is with the permission of the owner or an agent of the owner of that entity.
- (3) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$100.00, or both.

2. PRISONERS

In Section 14 on Court Security, the Michigan Court Administration Reference Guide cites a number of cases addressing transportation of prisoners and the custody and restraint of the accused.

Holbrook v. Flynn, 475 U.S. 560 (1986). Trial judge determined that additional security officers were needed in the courtroom. Conspicuous, or at least noticeable deployment of security personnel in a courtroom is not the sort of inherently prejudicial practice which should be permitted only where justified by an essential state interest specific to each trial. Sufficient cause for this level of security may be found in the state's need to maintain custody over defendants who have been denied bail after an individualized determination that their presence at trial could not otherwise be insured. The presence of four armed troopers in a courtroom did not violate the due process rights of the defendant. People have become used to the idea of security in public places and that the jury could draw inferences from the troopers' presence, other than defendant was dangerous and culpable. The guards, could have been present "to guard against disruptions emanating from outside the courtroom or to ensure that tense courtroom exchanges do not erupt into violence."

3. **AUTHORITY AND RESPONSIBILITY**

In COURT SECURITY for Judges, Bailiffs and other Court Personnel, by Judge Richard W. Carter legal issues surrounding controlling court security are discussed. The inherent powers of the Court, are given as one of the major ways that security measures may be obtained, if they are shown as essential to the efficient operation of the court. Cases cited by Judge Carter to show that courts have used their inherent powers to secure needed facilities, personnel, equipment, or services are: Castle v. State, 237 Ind 83, 143 N.E.2d 570 (1957); Woods v. State, 233 Ind 320, 119 N.E.2d 558 (1954); State ex rel. Reynolds v. County Court of Kenosha County, 11 Wis.2d 560, 105 N.W.2d 876 (1960); McCalmont v. The County of Allegheny, 29 Pa.St.Rep 417 (1857); Carlson v. State, 220 NE.2d 532 (Ind. 1966); "Inherent Power of Court to Compel Appropriation or Expenditure of Funds for Judicial Purposes," 59 A.L.R. 569 (1974); Board of County Commissioners v. Devine, 72 Nev. 57, 294 p.2d 366 (1956).

In Court Security: A Training Guide, Judge Fred Geiger cites Martinez v. Winner, 548 F.Supp 278 (1982). "The courtroom and courthouse premises are subject to the control of the court."

Michigan Statute states:

MSA 27A.581 [MCL 600.581] Sheriff and deputies; attendance at court sessions.

- Sec. 581. The sheriff of the county, or his deputy, shall attend the circuit court, probate court, and district court sessions, when requested by these courts, and the sessions of other courts as required by law. The judge in his discretion:
- (a) shall fix, determine, and regulate the attendance at court sessions of the sheriff and his deputies;
  - (b) may fine the sheriff and his deputies for failure to attend.

Michigan Compiled Laws Annotated lists the following annotations:

Under former section reasonable compensation for attendance of sheriff at court could be allowed by the county auditing board where no fees were fixed by statute. Chipman v. Wayne County Auditors, 127 Mich 490.

The district court control unit must pay the cost of such services provided by deputy sheriffs. Op Atty Gen, August 4, 1980, No. 5752.

The sheriff of a county is required to furnish deputy sheriffs to attend sessions of a district court when requested by the court. Op Atty Gen, August 4, 1980, No. 5752.

4. **LIABILITY ISSUES**

In Court Security: A Training Guide, Judge Fred Geiger cites Martinez v. Winner, 548 F.Supp 278 (1982). "Control of order and security in and around the courtroom is an essential 'judicial' function, and the trial judge is immune from liability for claims arising out of his/her exercise of such control." [p.17] "Judge is absolutely immune from liability for his/her judicial acts, even if his/her exercise of authority is flawed by the commission of grave procedural errors." "State judges are immune from suit under the civil rights act of 1871 for their 'judicial' acts." [p.18]

In the book, Court Security for Judges, Bailiffs and other personnel by Judge Richard Carter contains a chapter on liability issues and court security. The material offers a number of perspectives and theories of liability, and immunity.

In a Michigan Supreme Court case, Landry v. Detroit (one of several cases consolidated under Hadfield v. Oakland Co. Drain, 430 Mich 139 at 195; 422 NW2d 205), reviews a case seeking to recover for personal injuries suffered when attacked in a courthouse. The case discusses liability for breach of contract, a nuisance under common-law nuisance and the public-building exception to governmental immunity (MCL 691.1406). Ultimately, the case was allowed to be dismissed, in part, because it was not properly appealed.

#### 5. WHO THE COURT CAN EXCLUDE

In Detroit Free Press v Recorders Court Judges, 409 Mich 364, (1980); quoting EW Scripps Co v Fulton, 100 Ohio App 157, 169; 125 NE2d 896: the Court states "In the interest of fairness, a court can exclude from the courtroom members of the public who are creating physical disturbances or causing potentially dangerous situations."

**COURTHOUSE  
COURT FACILITY  
NATIONAL  
STAFFING GUIDELINES  
2005**

*By: Sheriff John E. Zaruba  
DuPage County, Illinois*

NATIONAL  
COURTHOUSE/COURT FACILITY STAFFING GUIDELINES

By: *Sheriff John E. Zaruba*  
*DuPage County, Illinois*

The American courthouse comes in a myriad of designs from the centuries old stone fortresses to the modern day multi-floor, monolithic towers, from the one room council chambers to the abstract exterior design of the creative architect.

No matter what the shape, size or condition, the courthouse serves only one purpose, the assurance that justice is served and the judicial process is preserved.

Every American courtroom, courthouse and judicial office facility no matter how big or how small, have the identical threat potential and the identical task of threat reduction and public accountability.

Modernization of existing facilities or building new can minimize the threat potential but it's not all money and technology. It's staffing, recruiting, and assessing training, testing and yes, it is money. Even with the best, the newest, the most expensive technology, it all comes down to the human factor. People assess threats, people place firewalls and people resolve conflicts.

Policy and procedures, accreditation standards, certifications, requirements, guidelines, supervision, training, mandates, staffing shortfalls or freezes, funding and political environments among other factors affect your ability to preserve justice.

How much courthouse/courtroom security is too much and is there a formula for an adequate/minimum security force?

*The answer comes only after the accomplishing the following steps.*

**Step One:**

Conduct a threat analysis. Assess your historical threats, your current threats and your anticipated future threats. Jurisdictions are similar based on demographics. Research and then assess. Include worker/workplace events. Workplace violence in a judicial setting is 15 times the national average.

## **Step Two:**

Complete an accurate and thorough court facility **site survey**. Assess your facility's external and internal weaknesses. Assess your policy and procedures by testing them. Assess your staff, their physical and psychological abilities, training, commitment and security levels. Assess your practices against CALEA Chapters 71, 72 and 73 standards.

## **Step Three:**

Establish a **security committee** made up of all users of your court facility(s). Now, add to this a member of your funding source (County Board/Commissioners, etc). Review the results of steps 1 and 2 together and jointly decide your course of action. This step will be the most difficult but it will help create a mutual understanding and a mutual direction that will increase your level of security.

*During your analysis session, the following questions must be answered:*

*Who is legally responsible for court security?*

*What is the level of security desired for each location?*

*Are you going to be gun free? Who is authorized to carry firearms in the facility?*

*Is security for all or for some? (Passes)*

*Is funding available now, can security be phased or is this as good as it gets?*

*Can the eight security zones be segregated physically, temporally, or procedurally? Are they cross-contaminated?*

*Is staffing adequate to protect and preserve the judicial integrity of the criminal justice system? Staffing is not just people placed in positions. An adequate staffing analysis takes into account the quality of the staff and their management.*

## **STAFFING ANALYSIS PHASES**

Recruitment  
Hiring  
Training (*Basic/Specific*)  
Placement  
Retention  
Command

*The following post assignment staffing guidelines should be used as a general guide for the provision of proper security staffing of your courtroom/facility. The factors which determine adequate staffing for your specific courtroom/facility will be determined by you utilizing steps one, two and three above.*

## STAFFING GUIDELINES

### **Large Counties and Cities:**

#### Courtrooms

Civil Court	1
Criminal Court	2 (additional security assigned as justified)
Juvenile	2
Domestic	2
City Court (Traffic)	2
Building Security	Posts as delineated by security survey and special justification

#### Court Operations

Criminal	2
Civil	1
Juvenile	2
Domestic	2
Floor Security	1 (min each floor)
Supervisory ratio	1 for every 6 court operations
Unique posts where identified by security survey and special justification	
10% relief factor	

**Small Counties:**

Criminal            min 1  
Civil                min 1  
Other                min 1

Security position    1 over each court operation per judge

Additional building security positions as identified by court security survey and special justification

10% relief factor

**City Courts: (Small)**

Criminal            min 1  
Civil                min 1  
Other                min 1

Security position 1 over each court operation per judge

Additional security positions as identified by court security survey and special justification

**Superior - Appellate - Supreme Courts**

Criminal        3 and 1 supervisor  
Civil            1

1 senior officer for every four-fulitime judicial hearing officers

Additional security positions as identified by court security survey and special justification

10% relief factor

**Other Courts:**

1 fulltime security position for each court facility operation

Criminal	1.5
Family	1.5
Family Ct Hearing	1
Civil	1

Additional security positions as identified by court security survey and special justification

COURT SUPERVISION (Generally)

- 1 Supervisor In-Charge for each court facility operation
- 1 Assistant Supervisor In-Charge for each court that has more than one location with 5 or more regularly scheduled courts or has 50 or more court security officers assigned to a single location
- 1 Staff assistant for each Responsible Supervisor In-Charge **OR** Assistant Supervisor In-Charge with a maximum of one per facility
- 1 Supervisor to cover public security entrance

10% relief

ADDITIONAL STAFFING GUIDELINES

**Magnetometer/ X-ray Staffing**

Magnetometer	2
X-ray	1

**Entrance Staffing**

Pass line	1
Canine (Bomb)	1

**Prisoner Transportation** As necessary based on Risk Assessment

SPECIALIZED STAFFING CONCERNS: (Additional staffing and policy required)

24/7/365 SECURITY (*Preferred*)

MASTER CONTROL

TRAINING

FACILITY RESPONSE

ALARMS

MEDICAL EMERGENCIES

OTHER EMERGENCIES

FIRE OR WEATHER EVACUATION

ESCAPE

ILLEGAL ENTRY

JUDICIAL SECURITY

THREAT ASSESSMENT/ADJUSTMENT/INVESTIGATION

PROPERTY CONTROL

ARREST/INVESTIGATION/DETENTION

SPECIAL OPERATIONS/DEMONSTRATIONS

FACILITY SHUTDOWN

HIGH RISK TRIAL

HIGH PROFILE TRIAL

MONEY ESCORTS

PERSONAL JUDICIAL SECURITY

MEDIA

## SEQUESTERED JURIES

DAVID KING  
912-267-2397

## TYPES OF JURIES

- Free roaming Jury
- Deliberating Jury
- Semi-Sequestered Jury  
and

## FULLY SEQUESTERED

A jury placed in the custody and care of the County Sheriff from the very beginning of trial or anytime thereafter and until the jury reaches a verdict or is dismissed by the judge.

## WHY?

- Media Attention
- Fair Trial
- Security Reasons
- Undue Influence
- Tampering

## ORIGINATION

Requested by defense or government's attorney or by the courts own motion.

The County Sheriff has the primary responsibility for the security and welfare of the sequestered jury!

MINIMUM NUMBER  
OF DEPUTIES?

5

3 for days

2 for night

FIRST DAY MANPOWER  
NEEDS & DUTIES

- Jurors will fill PERSONAL HISTORY FORM & make a list of clothes, personal items & medicine needed.
- Will need people to make calls for juror's clothes, personal items & medicine.
- Have relative or friend bring to Juror Hotel front desk with Juror's name & SHERIFF'S OFFICE on the suitcases/bags.(exceptions)

- Will need people to take juror's to get clothes, personal items & medicine
- Will need people to go get clothes, personal items & medicine
- Will need cars to do these things
- All items brought for the Juror will be searched for contraband and noted in the SITE LOG.

YOUR  
ASSOCIATION WITH  
THE  
JURY

- DO NOT DISCUSS ANYTHING RELATIVE TO THE TRIAL.
- DO NOT ALLOW ANYONE TO TALK TO JURORS

- DO NOT DISCUSS YOUR DUTIES
- DO NOT EXPOSE YOUR WEAPON
- BE DIPLOMATIC, COURTEOUS, ALERT AND PROFESSIONAL

## ENTERING JURORS HOTEL QUARTERS

- Maintain log with: NAME, PURPOSE, ARRIVAL TIME & DEPARTURE TIME
- Will be accompanied at all times
- Screened thru NCIC, NLETS,

## RESTAURANT SELECTION

- PRIVATE DINING AREA
- BRIEF THE "WAIT" STAFF
- PRIOR SELECTION
- EASY ACCESS
- ADEQUATE SELECTION

## BILLING

- DATE
- NUMBER OF JURORS
- CASE NUMBER
- JUDGES NAME
- YOUR SIGNATURE
- TWO RECEIPTS

## TRANSPORTATION

- JURORS TRANSPORTED TOGETHER WITH DEPUTIES
- VEHICLES SEARCHED BEFORE AND AFTER
- AM/FM RADIOS TURNED OFF
- DRIVERS BRIEFED

- OPAQUE WINDOWS
- DO NOT POSE JURORS
- AVOID NEWSSTANDS
- ADVANCED ROUTES: PRIMARY & ALTERNATE
- USE COMMERCIAL TYPE VAN -NOT THE PRISONER VAN

## JURORS LOUNGE

- 1 OR 2 TVs FOR VIEWING
- ALWAYS MONITORED
- REMOTE CONTROL(always)
- NEWS OR NEWS BULLETINS
- PROGRAM SELECTION
- SECURE WHEN EMPTY

## VISITS

- SECURE AREA
- ONLY FROM SUBMITTED LIST
- APPROVED BY THE JUDGE
- 1 DEPUTY PER JUROR

- NO CONVERSATION RELATED TO CASE
- IMMEDIATE FAMILY ONLY
- SET TIME LIMIT
- RECORD VISIT ON LOG

## ENTERTAINMENT

- SHOPPING
- RECREATION-secure & manpower
- CHURCH
- BUSINESS-only if court ordered

## JURY EVACUATION

- FIRE ALARM, BOMB THREAT OR OTHER
- WRITTEN PLAN AND PREARRANGED
- NOT DISCUSSED WITH JURY

## DELIBERATIONS

- ONE DEPUTY POSTED OUTSIDE JURY ROOM
- MAKE NO COMMENTS TO THE JURY
- MESSAGES AND QUESTIONS: WRITTEN AND SEALED IN ENVELOPE BY FOREMAN

- DELIVER TO THE JUDGE
- NO SHERIFF'S PERSONNEL IN JURY ROOM-Knock first
- DEPUTY WILL NOTIFY THE JUDGE(only) WHEN A VERDICT IS REACHED AND AWAIT FURTHER INSTRUCTIONS FROM THE JUDGE

# COURTHOUSE PHYSICAL SECURITY CHECKLIST

## *EXTERIOR*

### Perimeter (e.g., fences, gates)

1. Is the perimeter of the courthouse grounds clearly defined by a fence, wall or other type of physical barrier?

Yes       No

2. Briefly describe the barrier and its condition.

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3. Does the barrier limit or control vehicle or pedestrian access to the courthouse?

Yes       No

4. Are gates solid and not in need of repair?

Yes       No

5. Are gates locked properly?

Yes       No

6. Are gate hinges secure?

Yes       No

### Lights

1. Is the entire perimeter lighted?

Yes       No

2. Are lights on all night?
- Yes       No
3. Are light fixtures suitable for outside use (i.e., weather- and tamper-resistant)?
- Yes       No
4. Are lights and wiring inspected regularly?
- Yes       No
5. Lights are controlled:
- a. automatically  
b. manually
6. Are control switches inaccessible to unauthorized persons?
- Yes       No
7. Do any exterior or perimeter lights have an auxiliary power source?
- Yes       No
8. Excluding parking areas, describe lighting of the building grounds:
- a. fully illuminated  
b. partially illuminated  
c. not illuminated
9. Is the exterior of the building (particularly entry points) sufficiently lighted to discourage unlawful entry attempts or placement of explosives against the walls?
- Yes       No
10. Are public areas (including parking spaces and walkways) sufficiently lighted to discourage attacks against persons or vehicles?
- Yes       No

### **Parking Areas**

1. Is entry to and exit from parking areas controlled by:
- a. guard

- b. electrically operated gate
- c. other

(specify)

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2. If applicable, who provides the guard service?

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3. If applicable, what hours are guard services provided?

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4. Are parking areas monitored by CCTV?

- Yes       No

5. Are frequent inspections made of parking area(s) and vehicle(s) not guarded or monitored by CCTV?

- Yes       No

6. Is a reserved parking lot on courthouse grounds?

- Yes       No

7. Is the reserved area closed or locked during non-business hours?

- Yes       No

8. Is the reserved area protected by a fence?

- Yes       No

9. Are signs posted there?

- Yes       No

10. Do reserved parking spaces block access to the courthouse by fire or other emergency vehicles?

- Yes       No

11. Is there reserved parking for judges?

Yes       No

12. Is there reserved parking for court staff?

Yes       No

13. Is there reserved parking for jurors and witnesses?

Yes       No

14. Does anyone else have reserved parking?

Yes       No

Specify

---

15. Are parking spaces reserved by name?

Yes       No

16. Are parking spaces reserved by number?

Yes       No

17. Is access to the garage strictly controlled?

Yes       No

18. Are there adequate communications equipment and an alarm at the guard station in the garage?

Yes       No

19. Is there direct access for judges from the garage to non-public elevators or restricted corridors?

Yes       No

### Landscaping

1. Do landscape features provide places for potential intruders to hide?

Yes       No

2. Are there items, such as bricks, stones or wooden fence pickets, which could be used by intruders as weapons, missiles or tools? If so, please describe.

Yes                       No

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## ***BUILDING***

### **Doors, Windows and Other Openings**

1. Are all exterior doors at least 1 ¾ inch solid core wood, metal clad or metal?

Yes                       No

2. Are all exterior doors properly equipped with cylinder locks, dead bolts or quality padlocks and hasps?

Yes                       No

3. Are doors with windows equipped with double cylinder locks or quality padlocks?

Yes                       No

4. Are all exterior doors equipped with intrusion alarms?

Yes                       No

5. Are all hinge pins internally located, welded or otherwise treated to prevent easy removal?

Yes                       No

6. Are doors with panic, or emergency, hardware also fitted with anti-intrusion bars?

Yes                       No

7. Do doors with panic locks have auxiliary locks for use when the building is not occupied?
- Yes       No
8. Are exterior locks designed or exterior door frames built so that the door cannot be forced by spreading the frame?
- Yes       No
9. Are exterior locks firmly mounted so that they cannot be pried off?
- Yes       No
10. Are exterior door bolts protected or constructed so that they cannot be cut?
- Yes       No
11. Are exterior padlocks in place when doors are unlocked?
- Yes       No
12. Are exterior door padlock hasps installed so that the screws cannot be removed?
- Yes       No
13. Are exterior door padlock hasps made with a grade of steel difficult to cut?
- Yes       No
14. Are all unused doors permanently locked?
- Yes       No
15. Are windows that could be used for entry protected with:
- a. locking devices
  - b. metal bars
  - c. mesh
  - d. intrusion alarms
  - e. other
- (specify)
-

16. Are window bars and mesh securely fastened to prevent easy removal?
- Yes       No
17. Are windows on the ground floor made of tempered glass or ballistic plastic?
- Yes       No
18. Are all windows not needed for ventilation permanently sealed or locked?
- Yes       No
19. Are openings to the roof (doors, skylights, etc.) securely fastened or locked from the inside?
- Yes       No
20. Is internal access to the roof controlled?
- Yes       No
21. Is the roof accessible by means of:
- a. fire escape
  - b. another building
  - c. pole or tree
  - d. other
- (specify)
- 
22. Do roof openings have intrusion alarms?
- Yes       No
23. Are openings to the building (e.g., tunnels, utility and sewer manholes, culverts, service ports) properly secured?
- Yes       No
24. Is a key-control system in effect?
- Yes       No
25. Who is responsible for the key control system?
- Yes       No

26. Are building entrance keys issued on a limited basis?

Yes  No

27. Are master keys kept securely locked and issued on a strictly controlled basis?

Yes  No

28. Can the key-control officer replace locks and keys at his discretion?

Yes  No

29. Must duplication of keys be approved by the key-control officer?

Yes  No

30. Is the number of entrance doors in use reduced to the minimum necessary?

Yes  No

31. Do judges and court officers have a private entrance to the building?

Yes  No

### Ceilings, Walls

1. Do all walls extend to the ceiling?

Yes  No

2. Are drop or removable ceilings used in the courthouse?

Yes  No

Where?

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### Emergency Power System

1. Is the main power source dependable?

Yes  No

2. Is there a dependable auxiliary power source for emergencies?

Yes  No

## Alarms

1. Does the courthouse have an intrusion alarm system?  
 Yes       No
2. Does the system meet Underwriters' Laboratories standards?  
 Yes       No
3. Is the system regularly tested?  
 Yes       No
4. How \_\_\_\_\_ often?

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5. Is the system covered by a service and maintenance contract?  
 Yes       No
6. If not under contract, who provides the service and maintenance?  
\_\_\_\_\_  
\_\_\_\_\_

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7. Was the alarm system properly installed?  
 Yes       No
8. Where does the system terminate?
  - a. sheriff's department
  - b. local law enforcement office
  - c. commercial control station
  - d. other \_\_\_\_\_ (specify)

---

9. Is there an emergency power source for all alarms?  
 Yes       No
10. Does the emergency power source cut in automatically?  
 Yes       No

11. Are records maintained of all alarm signals (e.g., time, date, location, cause and action taken)?

Yes       No

12. Who keeps these records?

\_\_\_\_\_

13. What is the response capability (in time and manpower)?

\_\_\_\_\_

\_\_\_\_\_

14. What are the weaknesses or gaps in the existing alarm system?

\_\_\_\_\_

\_\_\_\_\_

### Safe and Vaults

1. Are safes and vaults equipped with an alarm system?

Yes       No

2. What type of alarm system?

\_\_\_\_\_

### Fire Protection

1. Does the courthouse comply with local fire codes?

Yes       No

2. Does the fire marshal routinely inspect the courthouse?

Yes       No

3. When was the courthouse last inspected by the fire marshal?

\_\_\_\_\_

4. Did the fire marshal approve the building? If not, why?

Yes       No

---

5. Does the building have fire alarms?

Yes       No

6. Does the building have smoke detectors?

Yes       No

7. Does the building have a sprinkler system?

Yes       No

8. Does the building have fire extinguishers?

Yes       No

9. Does the building have emergency fire hoses?

Yes       No

10. Does the building have an adequate water supply?

Yes       No

11. Does the building have standpipes?

Yes       No

### Utility Control Points

1. Are utility and plumbing access plates and doors locked or sealed when not in use?

Yes       No

### Attics, Basements, Crawl Spaces, Air-conditioning and Heating Ducts

1. Do basement doors have intrusion alarms?

Yes       No

2. Are basement doors securely fastened or locked when not in use?

Yes       No

3. Are doors to basements, utility rooms, boiler rooms, crawl spaces and attics locked when not in use?

Yes       No

4. Are crawl spaces secured from unauthorized entry?

Yes       No

5. Are air-conditioning and heating vents opening in public areas secure from tampering?

Yes       No

### **Elevators**

1. Are private elevators provided for judges?

Yes       No

2. Are certain elevators used exclusively to move prisoners?

Yes       No

3. Are prisoner elevators marked "Not for Public Use"?

Yes       No

4. Are prisoner elevators controlled by key?

Yes       No

5. Are prison elevators programmed to bypass floors?

Yes       No

6. Do elevators separate prisoners from escorts by metal bars or grills?

Yes       No

7. Are prisoner elevators equipped with:

- a. alarms
- b. telephones
- c. CCTV
- d. other

(specify)

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### Storage Areas for Arms and Dangerous Substances

1. Which of the following dangerous substances are stored in the courthouse?

- a. weapons
- b. ammunition
- c. tear gas
- d. other

(specify)

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2. Are dangerous substances stored in a restricted area?

- Yes                       No

3. Are dangerous substances stored in a secure room?

- Yes                       No

4. Does the storage area have an intrusion alarm?

- Yes                       No

5. Is the door there solidly constructed?

- Yes                       No

6. Are hinge pins concealed or welded to prevent removal?

- Yes                       No

7. Does this door have an adequate cylinder lock?

- Yes                       No

8. Does this door have an adequate padlock?

- Yes                       No

9. Do windows in the storage area have steel bars, or mesh, or are they permanently sealed?

Yes                       No

10. Is the storage area well ventilated?

Yes                       No

11. Does the storage area have fire detection equipment?

Yes                       No

12. Does the storage area have a sprinkler system?

Yes                       No

### Communications

1. Are communications adequate?

Yes                       No

2. If not, what is needed?

Yes                       No

3. What communications are available in the courthouse?

- a. telephone
- b. radio
- c. telegraph
- d. teletype
- e. public address system
- f. other

(specify)

4. Is there more than one communications system used exclusively by security personnel?

Yes                       No

5. Is there more than one communications system used exclusively for security purposes?

Yes                       No

6. Who operates the public address system?

---

7. Radios in the courthouse consist of:

- a. sheriff's base station
- b. unit in security or bailiff's office netting to sheriff's base station
- c. hand-held portables used by bailiffs
- d. hand-held portables used by security officers
- e. other

(specify)

---

8. Can radios net with:

- a. local police
- b. state police
- c. other sheriffs' departments
- d. other

(specify)

---

9. Is maintenance of radio equipment adequate?

- Yes                       No

10. Do base stations have an auxiliary power source?

- Yes                       No

11. Is there a duress code signal?

- Yes                       No

12. Do all telephones go through a building switchboard?

- Yes                       No

13. Does the switchboard have any security safeguards?

- Yes                       No

14. Can teletypes communicate with outside security agencies?

- Yes                       No

15. Which

agencies?

---

**Storage Areas for Records**

1. Are fire detection devices in the records storage area?  
 Yes       No
2. Is a sprinkler system in the records storage area?  
 Yes       No
3. Are current records stored during nonbusiness hours in locked rooms or locked filing cabinets?  
 Yes       No
4. Are records storage areas inaccessible to unauthorized persons?  
 Yes       No
5. Are there checkout procedures for all records?  
 Yes       No
6. Is space available in or near the clerk's office for the public to review documents?  
 Yes       No

**Public Areas (Waiting areas, restrooms, hallways)**

1. Are public waiting rooms routinely searched?  
 Yes       No
2. Are waiting rooms next to courtrooms?  
 Yes       No
3. Are drop or removable ceilings used in waiting rooms?

- Yes       No
4. Are public restrooms routinely searched?
- Yes       No
5. Are restrooms next to courtrooms?
- Yes       No
6. Are drop or removable ceilings used in restrooms?
- Yes       No
7. Do any trash receptacles allow easy concealment of contraband?
- Yes       No
8. Are directions (directories and floor plans, if appropriate) clearly posted in all public areas?
- Yes       No

### **Offices Handling Money**

1. Does the cashier's window have security features?
- Yes       No
2. Is a large amount of cash in the office overnight or on weekends?
- Yes       No
3. Is there an adequate safe, vault or strongbox?
- Yes       No
4. Is the safe approved by Underwriters' Laboratories?
- Yes       No
5. Are safes weighing less than 750 pounds securely fastened to the floor, wall, or set in concrete?

Yes       No

6. Are combinations changed when personnel leave?

Yes       No

7. When was the combination last changed?

\_\_\_\_\_

8. Is the safe or vault protected by an intrusion alarm?

Yes       No

9. Where does the intrusion alarm terminate?

\_\_\_\_\_

\_\_\_\_\_

10. What is the response to an alarm (in time and manpower)?

\_\_\_\_\_

\_\_\_\_\_

11. Is there a duress alarm in these offices?

Yes       No

12. Where do the duress alarms terminate?

\_\_\_\_\_

\_\_\_\_\_

13. Who escorts the employee carrying money to the bank?

- a. sheriff
- b. local police
- c. state police
- d. other

(specify)

e. no one \_\_\_\_\_

## **Courthouse Procedures**

1. **Is there a security procedures manual for the courthouse?**  
 Yes       No
2. **Are all data current and correct?**  
 Yes       No
3. **Are emergency plans current?**  
 Yes       No
4. **Is responsibility for declaring an emergency clearly fixed?**  
 Yes       No
5. **Is the authority and chain of command in emergency plans clear and accurate?**  
 Yes       No
6. **Are all emergency plans subject to periodic review and updating?**  
 Yes       No
7. **Is there a procedure for handling medical emergencies involving the general public?**  
 Yes       No
8. **Is first aid equipment, including oxygen, provided throughout the courthouse?**  
 Yes       No
9. **Is that equipment periodically checked and tested?**  
 Yes       No
10. **Is there a designated security officer for the courthouse?**  
 Yes       No
11. **Is there a security guard on duty after normal working hours?**

Yes       No

12. If \_\_\_\_\_ so, \_\_\_\_\_ when \_\_\_\_\_ and \_\_\_\_\_ what \_\_\_\_\_ hours?

---

13. Is there a procedure for routine daily inspections of the courthouse?

Yes       No

14. Are tenants given period instruction about the various emergency procedures?

Yes       No

15. Are support agreements with other agencies written or informal?

Yes       No

16. Are periodic fire and evacuation drills held?

Yes       No

17. Are periodic security conferences held with:

- a. judges
- b. attorneys
- c. tenants
- d. supervising personnel
- e. custodial personnel

18. Are security plans coordinated with appropriate local, state and federal agencies?

Yes       No

19. Are public, private and prisoner circulation patterns separated and well defined?

Yes       No

20. Is there a routine inspection of packages and shipments entering the courthouse?

Yes       No

## ***COURTROOMS AND RELATED AREAS***

### **Courtrooms: Location**

1. Do spaces above, below and next to the courtroom present a security hazard?

- Yes       No

### **Courtrooms: Doors, Windows, Other Openings**

1. Are all unused doors secured?

- Yes       No

2. Are the keys to all doors strictly controlled?

- Yes       No

3. Are there separate entrances into the courtroom for:

- a. judges
- b. in custodial defendants
- c. spectators

4. Is the prisoner entry door far enough from the public seating area to prevent passing contraband?

- Yes       No

5. Are all windows draped to obscure vision (particularly of the bench) from outside?

- Yes       No

### **Courtrooms: Lights**

1. Is there emergency lighting?

- Yes       No

2. Are lights key controlled?

- Yes       No

**Courtrooms: Furnishings**

1. Is the main area or well separated from the spectators by a barrier?  
 Yes                       No
2. Is the judge's bench closed at both ends to restrict access from the well?  
 Yes                       No
3. Are the defendant's chair and the witness chair built to allow use of restraints?  
 Yes                       No
4. Are spectator seats solidly built and fastened to the floor?  
 Yes                       No
5. Are potential weapons, such as drinking glasses, water carafes, and ash trays, kept out of the defendant's reach?  
 Yes                       No

**Courtrooms: Security Devices**

1. Are routine checks made of:
  - a. alarms
  - b. emergency lighting
  - c. metal detectors
2. Are metal detectors available for use?  
 Yes                       No
3. Is the bench reinforced to make it bullet resistant?  
 Yes                       No
4. With \_\_\_\_\_ what?
5. Is there a duress alarm in the courtroom?  
 Yes                       No

6. Are duress alarm buttons installed at:
- a. the bench
  - b. clerk's station
  - c. bailiff's station
  - d. chambers
  - e. judge's secretary's desk
  - f. other
- (specify)
- 
7. Does this alarm have an audio-monitor capability?
- Yes                       No
8. Is there an acceptable response capability for courtroom duress alarms?
- Yes                       No
9. Does the courtroom have a telephone?
- Yes                       No
10. Does the courtroom have a public address system?
- Yes                       No
11. Does the courtroom have a radio transmitter?
- Yes                       No
12. Is the bailiff equipped with a portable transceiver?
- Yes                       No
13. Does the transceiver net with:
- a. sheriff's base station
  - b. security office
  - c. other (specify)
14. Are additional restraining devices available for use in the courtroom?
- Yes                       No

**Courtrooms: Security Procedures**

1. Is there a policy for firearms to be carried into the courtroom by:
- a. bailiffs
  - b. law enforcement officer witnesses
  - c. law enforcement officer spectators
  - d. other (specify) \_\_\_\_\_

---

2. Are bailiffs armed in the courtroom?

- Yes                       No

3. Are bailiffs in uniform?

- Yes                       No

4. Are prisoners kept in restraints except when in courtroom?

- Yes                       No

5. Are there procedures for the emergency evacuation in the courtroom of:

- a. prisoners
- b. judges
- c. jurors

6. Do bailiffs understand procedures for emergency evacuation of prisoners from the courtroom?

- Yes                       No

7. Is there a procedure for a search screen operation for entry to courtrooms?

- Yes                       No

**Judges' Chambers and Related Offices**

1. Are judges' chambers routinely searched for contraband by bailiffs or secretaries?

Yes       No

2. Is visitor access controlled by clerks, bailiffs and/or secretaries?

Yes       No

3. Which?

---

4. Are suspicious packages or letters examined before delivery to judges?

Yes       No

5. Do these chambers have more than one means of entry or exit?

Yes       No

6. Do doors have automatic closing and locking hardware?

Yes       No

7. Are the chambers routinely locked when the judge is not present?

Yes       No

8. When occupied by the judge, are the chambers' doors usually:

- a. open
- b. closed
- c. locked

9. Are outside views, particularly of judges' desks, obscured?

Yes       No

10. Are judges routinely escorted between parking areas, chambers and the courtroom?

Yes       No

11. Are judges escorted between parking areas, chambers and the courtroom during high-risk or sensitive trials?

Yes       No

12. Do chambers have duress alarms?

Yes       No

13. Is there acceptable response capability for these alarms?

Yes       No

14. Do any judges carry firearms?

Yes       No

15. Do any judges keep firearms in their chambers?

Yes       No

16. Do any judges keep firearms at the bench?

Yes       No

### **Witness Waiting Rooms**

1. Are witness waiting rooms provided?

Yes       No

2. Is it possible to separate prosecution and defense witnesses?

Yes       No

3. Is public access to waiting rooms restricted?

Yes       No

4. Are light switches located outside the waiting rooms?

Yes       No

### **Attorney-Client Conference Rooms**

1. Are rooms provided in the courthouse for attorney/client conferences?

Yes       No

2. Are these rooms secure?  
 Yes       No
3. Do the rooms have drop or removable ceilings?  
 Yes       No
4. Can the rooms be locked?  
 Yes       No
5. Are the rooms routinely searched for contraband before and after use?  
 Yes       No
6. Are conferences visually observed at all times?  
 Yes       No

### **Jury Deliberation Room**

1. Is the jury deliberation room next to the courtroom or accessible through a controlled passage?  
 Yes       No
2. Are the windows draped?  
 Yes       No
3. Are restrooms provided as an integral part of the deliberation area?  
 Yes       No
4. Is the deliberation room soundproofed well enough to prevent unauthorized persons from eavesdropping?  
 Yes       No
5. Is the deliberation room routinely searched for contraband before occupancy?  
 Yes       No

6. Is the deliberation room locked when unoccupied?

- Yes       No

### **Prisoner Reception Area**

1. Are prisoners brought from jail to the reception area in the courthouse by:

- a. elevator
- b. stairway
- c. tunnel
- d. bridge
- e. vehicle
- f. foot

2. Do prisoners brought from outside the courthouse enter through a:

- a. public entrance
- b. private entrance
- c. sally port

3. Is the area equipped with gates that can close the area to the public?

- Yes       No

4. Is there more than one means for vehicles to exit from the area?

- Yes       No

5. Are gates electronically controlled from a remote station?

- Yes       No

6. Is an interlocking system used so that the outer gate can be closed and locked before the door to the building is opened?

- Yes       No

7. Is this area monitored by CCTV?

- Yes       No

8. Is this area used exclusively for prisoner movement?

Yes       No

9. Is the entrance for prisoners out of public view?

Yes       No

### **Restricted and Secure Passageways**

1. Do prisoners walk through public areas when going from temporary holding areas to court?

Yes       No

2. Are restricted passages also used by judges and court staff?

Yes       No

3. Are restricted or secure passageways monitored by CCTV?

Yes       No

4. Are law enforcement officers required to leave guns in locked cabinets before entering restricted or secure passages?

Yes       No

5. Are restricted passageways locked with keys that cannot normally be duplicated commercially?

Yes       No

6. Are keys to secure passageways issued to people other than sheriff's personnel?

Yes       No

7. Are security staff forbidden to remove secure passageway keys from the building?

Yes       No

8. Are the stairways used for prisoner movement adequately lighted?

Yes       No

9. Are stairways and stairwells enclosed with protective metal grilles?

Yes       No

10. Are stairways monitored by CCTV?

Yes       No

### Temporary Holding Areas

1. Are temporary holding facilities located in the court building?

Yes       No

2. If not, where are prisoners held?

\_\_\_\_\_

3. How many temporary holding cells are there?

\_\_\_\_\_

4. Are prisoners moved from the reception area to a temporary holding area by a secure or restricted:

- a. elevator
- b. stairway
- c. tunnel
- d. bridge

5. Do temporary holding cells open directly into:

- a. the court
- b. a restricted passage

6. Are adequate toilet facilities available for prisoners?

Yes       No

7. Are lights for the holding area controlled from outside the cells?

Yes       No

8. Do cells have emergency lights?

Yes       No

9. Do cell doors have observation ports?

Yes       No

10. Is at least one holding cell equipped for audio and/or visual coverage of courtroom proceedings?

Yes       No

11. How are cell doors locked:

- a. electrically
- b. manually

12. Are cell doors locked and unlocked from:

- a. a remote command center
- b. directly
- c. both

13. Are keys to temporary holding cells issued to people other than sheriff's personnel?

Yes       No

14. Are temporary holding areas locked with keys that cannot normally be duplicated commercially?

Yes       No

15. Are cells and areas used by prisoner's routinely searched for contraband before and after use?

Yes       No

16. Are cells built securely in a way that reduces opportunities for self-inflicted injuries by prisoners?

Yes       No

17. Are law enforcement officers required to leave guns in locked cabinets before entering temporary holding areas?

Yes       No

18. Are prisoners kept in restraints except when in the cell?
- Yes       No
19. Are additional restraining devices available?
- Yes       No
20. Are telephones available?
- Yes       No
21. Are juveniles routinely separated from other prisoners?
- Yes       No
22. Are females routinely separated from other prisoners?
- Yes       No
23. Do prisoner feeding procedures present escape opportunities?
- Yes       No
24. Are there procedures for the emergency evacuation of prisoners from temporary holding areas?
- Yes       No
25. Do security and transportation officers understand procedures for emergency evacuation of prisoners from temporary holding areas?
- Yes       No

### **Security Equipment Storage Area**

1. Are the number of gun cabinets adequate?
- Yes       No
2. Are storage areas locked with keys that cannot normally be duplicated commercially?
- Yes       No

## **Prisoner Procedures**

1. Is there a procedure for handling the medical emergencies of prisoners?

Yes       No

## President's Message May-June

Tyler, Texas, Chicago, Illinois, and Atlanta, Georgia.

Three tragic court related fatal incidents in the first three months of this year, perpetrated by three cowardly individuals who refused to accept this nation's system of justice.

What do we do? How do we stop these criminal acts? Do we need more staff, equipment, money and or new modern facilities? Certainly we need all of these things, and always have. Change takes time, a lot of time, time we don't have. What to do in the meantime while we wait for local politics to respond to the need is the question we need to answer now. Placing blame, criticizing or promoting a knee-jerk reaction solution will accomplish nothing other than to inflame the situation. I believe there is something we can do as individuals to help prevent or at least contain these kinds of situations.

I have always ended these columns with the words; be safe, stay alert and be proactive. I don't write those words to be flippant or verbose. I mean them seriously. I use them as a bi-monthly reminder to all of us (myself included) who wear the badge. These words have formed the basis of every officer safety/survival seminar I have attended in the past twenty-five years and they have as much veracity, if not more, today, then they ever had.

Be safe; ask yourself throughout the day, is this situation safe? Am I safe right now, with what is occurring around me? If not, why not. Identify the unsafe area and fix it, now!

Be alert; be aware of everything and everyone around you, 360 degrees. Hands, eyes, body language, gestures, words, personal items, everything.

Be proactive; safe and alert will help make you aware of any developing situation. Being proactive means not waiting for something to happen, but taking action to stop something from happening. The earlier action is taken to stop a situation from developing, the better the chances of preventing a major event.

Investigations have shown that nearly all disasters do not occur all at once. They are preceded by a series of small events, which left unchecked, build to the final tragedy. Our goal is to break, or at least disrupt the chain of events. We can best accomplish this by being safe, alert and proactive.

Sounds simple, and in theory it is; but in practice, it is extremely difficult. The human physic doesn't care for long periods of intense concentration, and that is what this discipline demands. We can train ourselves to be more observant and alert however, and the discipline becomes easier and more natural with time. The key is that it needs to be practiced every day, every time we go on shift, and in our everyday lives. We owe it to ourselves and those we are sworn to protect. I use a thought each day that helps trigger the "safe, alert, proactive" theme when I put on the uniform; there are those out there who would do me grave harm to prevent my arresting them or taking them to the dock to face the judge and jury, and there are those out there who would do me grave harm just because of who I am, a wearer of the badge, one who represents everything they detest.

Finally, I close with the phrase; Semper Fidelis, from the Latin, meaning "forever faithful". Everyone knows this is the motto of the United States Marine Corps, and to a Marine, means, faithful to the Corps and fellow Marines. This phrase goes back many centuries earlier however, and means whatever the individual using it wants it to mean. It may mean being faithful and loyal to one's religion, country, home and family, job, cause or ideal. When I end this column with Semper Fidelis, I am pledging my loyalty to each of you, my comrades in arms, wearers of the badge, and to this association, in our common pursuit of that which is right and just. Take care, and see you in Louisville.

Dave Coulter  
CODA President

## MEMORANDUM

To: Wyoming Court Security Commission  
From: Subcommittee on Protocol and Procedures for Court Security  
Date: January 7, 2009  
Re: Recommendations on Various Issues Concerning Protocol and Procedures for Court Security

The Subcommittee on Protocol and Procedures for Court Security met on December 29, 2008 to consider its recommendations to the Commission concerning various issues of court security. The specific issues considered and recommendations are as follows:

1. What is the scope of security that should be provided.

The subcommittee considered whether security should be limited to courtrooms only, to floors where the courts and court offices are located, or should security be building/perimeter-wide? It is the subcommittee's recommendation that security should be building-wide.

The subcommittee is acutely aware that this issue has been debated for several years. Issues of cost, convenience and legal rights have been argued passionately by both sides. At the end of the day, however, it is the subcommittee's opinion that the only truly effective means of providing real security for courthouse personnel and patrons is by the establishment and control of a secure zone that encompasses the entire building. Lesser procedures would ultimately allow the entry into the building of weapons and persons intent upon using them. Simply stated, it is too late once that happens. Additionally, failure to secure and control building perimeters would leave at risk elected officials and courthouse employees, including court employees, in areas of the building other than the courtrooms, along with witnesses, observers, parties and attorneys who may be attending or waiting for court proceedings but are not actually in the courtrooms. The committee does not believe that it is acceptable to place such persons at increased risk for the sake of political expediency or because of the minor inconvenience that might be caused by proper security procedures. The subcommittee, therefore, recommends building-wide security be adopted by the Commission as a standard protocol to be implemented statewide.

2. Which Courts Should Be Afforded Security. The subcommittee assumes that all state courts, including the Supreme Court would be included in any recommendations from the Commission. This issue is directed primarily at municipal courts. It is the subcommittee's recommendation that municipal courts should be included as a matter of protocol.

We are, of course, well aware that this recommendation carries with it issues of additional expense for municipalities, along with questions of which agency(s) should be responsible for municipal court security. On the other hand, municipal courts are attended by far more people than are the district courts or even the circuit courts. Numerous instances of fights and other disruptions in the municipal courts have been reported as well. While it may be that the issues considered in municipal courts are generally somewhat less weighty than those in other courts, those issues are no less important to the people involved and passions often run high. We believe, therefore, that the Commission's recommendations should include the municipal courts as well as state courts.

3. Which agency(ies) should be responsible for local court security and should there be some form of statewide oversight.

These recommendations are relatively straightforward. The subcommittee recommends that security for the Supreme Court should be delegated to the Capitol Security Division of the Wyoming Highway Patrol. As an alternative, security might be handled by bailiffs/court officers hired by and under the direct supervision of the Supreme Court. This may require some statutory amendments to clarify issues concerning the peace officer status of such persons but may be more efficient in the long run.

Local security for state courts should be provided by the respective counties' sheriffs offices. Security for the municipal courts should be handled by municipal police departments or, perhaps, pursuant to contract between the municipal government and the county sheriff. Either would seem acceptable depending on local circumstances.

4. What authority should court security officers have.

It is the recommendation of the subcommittee that court security officers should be POST certified peace officers. The subcommittee recommends additional specialized training in court security as well. This not only provides for increased training and, therefore, reduced potential for liability as opposed to lesser training levels, but it avoids questions concerning lawful arrest authority in areas other than the confines of the courtroom or secured building. The subcommittee sees little benefit in the use of officers with less training except perhaps some short-term cost savings at the expense of increased liability exposure and possible significant legal issues.

5. Preparation of Manuals and Extent of Security Preparations.

It is the subcommittee's recommendation that local governments should prepare policy and procedures manuals covering security issues, practices and policies. While the Commission might be able to provide a basic form for such a manual, the end product should be prepared locally with significant input from local committees and stakeholders based on local needs and conditions. It is also the subcommittee's recommendation that such manuals should be rather broad in scope, and that they should address not only man-made security concerns but natural disasters and other problems as well. Frankly, it has been the subcommittee's experience that few people have any idea of what to do in the face of a natural disaster. A manual prepared ahead of time could go a long way toward resolving that problem.

6. What equipment, if any, should be required in all secure areas?

Equipment is, to some extent, a function of local conditions and budgets. Generally speaking, the subcommittee would recommend that specific equipment requirements be determined at the local level by local committees working in consultation with competent experts. The subcommittee understands full well that equipment cannot replace competent and diligent people but can only supplement their effectiveness. It would seem, however, that certain basic equipment should be recommended for all locations. These would include, at least, magnetometers and hand wands. Security cameras should be strongly considered as well. This would, of course, be in addition to the usual equipment routinely carried by law enforcement officers. Officers should, of course, be fully trained in the operation of any equipment. There is a wealth of other security equipment available in the market today, much of which is of questionable value at best, but local committees would do well to at least consider other equipment as may be cost effective and useful under their particular circumstances.

The subcommittee would be happy to consider any other issues or concerns that the Commission may have, but we hope this will provide at least some initial ideas for consideration by the Commission as part of its final recommendations.



# Office of the Attorney General

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Dave Freudenthal

**Attorney General**  
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**Chief Deputy Attorney**  
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**Division Deputy**  
Terry L. Armitage

January 13, 2009

Office of Homeland Security  
East  
122 West 25<sup>th</sup> Street  
Cheyenne, WY 82002

*Law  
1/16/09*

Attn: Director Joe Moore Herschler Building, 1<sup>st</sup> Floor

RE: Court Security

Dear Director Moore:

Recently you requested an opinion from the Attorney General's Office regarding questions relating to courtroom security. Specifically, you asked the following:

**Q: What agency is responsible for district and circuit court security?**

A: The Wyoming Legislature has not specifically dictated which agency is responsible for providing court security in district or circuit courts. WYO. STAT. ANN. § 24-12-102(b) does require Troopers with the Wyoming Highway Patrol to provide law enforcement services to state employees and in state buildings located within Laramie County.

**Q: What is the statutory authority to screen and/or search individuals entering a courtroom?**

A: This past legislative session the Wyoming Legislature passed the Wyoming Court Security Act, which went into effect on July 1, 2008. The Act is located at WYO.

STAT. ANN. § 5-11-101. Although not discussed specifically, the statutory authority to screen and/or search individuals entering a courtroom is provided for in the Act. WYO. STAT. ANN. § 5-11-101(e)(i) grants the Court Security Commission broad powers, which may include passing rules and regulations related to the searching and screening of individuals entering into a courtroom.

**Q: What are the current Wyoming laws regarding possession of a firearm in a state or local government building?**

A: WYO. STAT. ANN. § 6-8-104(t) prohibits the carrying of concealed weapons into a courtroom. In 2001 Governor Geringer signed Executive Order 2001-1 which prohibits deadly weapons from being carried on or in any state-owned property.

Discussion

**Q: What agency is responsible for district and circuit court security?**

With respect to this question, there is no clear answer. Wyoming statutes do not specifically dictate which agency has the primary responsibilities of providing courtroom security. Often, it is the judge who is requesting the service who makes the request of a specific agency. Traditionally, at the county level Sheriff's Departments have provided security, while at the state level the Highway Patrol has the responsibility. WYO. STAT. ANN. § 24-12-102(b) specifies the "state highway patrol shall provide state troopers for law enforcement services for state personnel and state property in Laramie county, Wyoming." Although this statute covers general duties, it clearly covers court security for state employees and state buildings, but only within those located within Laramie county.

**Q: What is the statutory authority to screen and/or search individuals entering a courtroom?**

Within your second question you asked:

- Whether authority to screen or search individuals extends to the building in which the courtroom is located;
- Whether the authority extends beyond weapons to items such as cell phones;

- Whether the authority extends to barring certain dress such as the wearing of gang colors;
- Whether only a law enforcement officer has the authority to conduct the screen or search; and
- If, in the process of screening or searching for court security, other illegal items are discovered (i.e. illicit drugs), whether this screen or search constitutes a lawful search for the purposes of charging an individual or presenting it as evidence at a criminal trial.

The Wyoming Court Security Act, WYO. STAT. ANN. § 5-11-101, addresses some of these issues. Specifically, WYO. STAT. ANN. § 5-11-101(e)(i) authorizes the Court Security Commission (Commission) to "[e]stablish standards to protect life, property and the judicial process in the Wyoming court system." The Commission must recommend "proper levels of court security to each county" and take into consideration "each county's size, use of court facilities and security risks." Id.

Given the language of this statute, there may be authority for the Commission to establish standards dictating whether screening can be done on all individuals entering the building in which the courtrooms are located. However, I would strongly discourage this practice. There must be a legitimate objective in screening all individuals who are doing business in a courthouse, many of whom may not be in the building for court purposes. There is a much stronger objective for screening only individuals attending court hearings; that being to ensure courtroom security and the safety of the individuals within-the-courtroom.

Additionally, the statute provides authority for the Commission to establish standards regarding what items may be brought into a courtroom by participants and observers. For example, the Commission can regulate individuals carrying items such as cell phones into a courtroom.

Finally, the Commission may also use this statute as authority to bar individuals from wearing or displaying gang colors, signs, or symbols. Again however, there are constitutional considerations implicit in this type of prohibition. First, the type of gang-related colors, signs and symbols the Commission wishes to prohibit must be clearly defined. The Commission must then have a compelling objective in prohibiting individuals from wearing or otherwise displaying gang related paraphernalia, and the prohibition must be the least restrictive means by which to attain the objective.

As a basis for comparison, the United States Marshals Service provides courtroom security in federal courthouses using Court Security Officers (CSO's). To date, the CSO's have encountered few problems with persons entering the local federal courthouse. They presently do not have a policy relating to prohibiting gang-related colors or paraphernalia. There have been occasions when one of the judges has asked individuals to remove bandanas while in the courtroom, however this has only occurred when the situation warrants such.

With respect to who has the authority to conduct the screen or search, WYO. STAT. ANN. § 5-11-101(e)(i)(B) dictates the Commission will set standards regarding "[b]asic training requirements for peace officers authorized to act as court security officers[.]" While there are no Wyoming statutes that specifically outline who is authorized to act as a "court security officer," by the language of this subsection it is clear the legislature contemplated that only certified peace officers would be conducting the screens or searches. Certainly law enforcement officers are the best equipped for handling the types of situations that may arise during the security process. They are specifically trained in conducting proper searches, in handling items which the Commission may determine are contraband, and in responding to emergency situations or disturbances.

Finally, items discovered during the course of court security screening, which are evidence of a crime, may be used to both charge the individual and as evidence at trial. While stopping and searching members of the general public implicates a general right to access public buildings, the courts and court proceedings, there may also be an individual right as well. If -contraband items- are found on an individual person,-that -individual's right may be implicated. However the state has a legitimate interest in preserving order and safety for those within the courtroom.<sup>1</sup> Therefore, any reasonable security and screening measures taken, which result in the discovery of contraband, are proper, as is the use of that contraband in proceedings against the individual. Again, as a reference, federal CSO's locally have not had the circumstance arise where a CSO has discovered contraband such as controlled substances while conducting a security screening.

**Q: What are the current Wyoming laws regarding possession of a firearm in a state or local government building?**

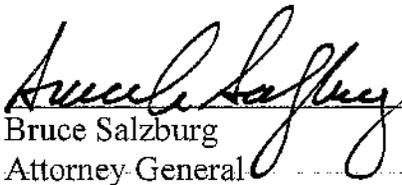
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<sup>1</sup> See, Mead v. Gordon, --- F. Supp. 2d ---, No. CV 07-1009-PK, 2008 WL 4164598, (D. Or. Sept. 3, 2008).

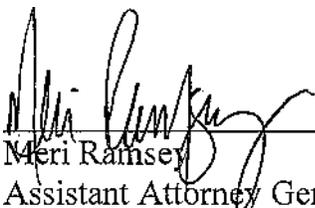
Your final question relates to the current laws in Wyoming related to the possession of a firearm in a state or local government building. WYO. STAT. ANN. § 6-8-104(t) specifically prohibits the carrying of a concealed weapon into certain places. Among others, the statute prohibits the carrying of concealed weapons into courtrooms by individuals other than the judge. Please note, this statute only covers the carrying of *concealed* weapons. However, In 2001 Governor Geringer signed Executive Order 20011 which establishes the "Workplace Violence Policy" for the State of Wyoming. That order strictly prohibits the carrying of any deadly weapon, as defined by WYO. STAT. ANN. § 6-1-104(a)(iv), "on or in any state premises." While this Executive Order covers all courtrooms located within state buildings, it does not encompass courtrooms that are housed within county-owned buildings. In order to restrict weapons that are not concealed, the Commission may also establish standards and rules governing such pursuant to WYO. STAT. ANN. § 5-11-101(e)(i).

Thank you for contacting this office with your questions. If you need further assistance, please do not hesitate to contact me.

Sincerely,

  
\_\_\_\_\_  
Bruce Salzburg  
Attorney General

  
\_\_\_\_\_  
Terry Armitage  
Deputy Attorney General  
Criminal Division

  
\_\_\_\_\_  
Meri Ramsey  
Assistant Attorney General



DAVE FREUDENTHAL  
Governor

THE STATE OF WYOMING

## Office of Homeland Security

Joe Moore  
Director

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Herschler Bldg., First Floor East, 122 W. 25th St., Cheyenne, Wyoming 82002

April 20, 2009

RE: Update on the Activities of the Court Security Commission

Dear:

The Wyoming Court Security Commission (Commission) was established on July 1, 2008. The Commission has made notable progress these first ten months; however, there is more work to be done which will require your support, understanding, and assistance. The Commission has met formally on three occasions and has established four sub-committees: Equipment and Facilities, Training, Protocol and Procedures, and Local Management.

The most critical element of court security is a Local Court Security Management Committee (Committee) as set forth in the Wyoming Court Security Act. The Commission strongly encourages each county to establish a Committee as soon as possible. The Commission has been charged with establishing the standards – the Committees will have to apply these standards to the court rooms/court houses in their jurisdiction and keep the Commission informed of local needs and issues. There is no “one size fits all” for court security – each facility is different and an active, involved Committee is the essential element for making court security work. Even now we have important issues regarding equipment and training which will require input from local Committees.

We encourage open and frank discussion within the Committees and, in the same manner, open discussion between the Committees and the Commission. All Commission meetings are open and we encourage attendance by the public and especially by representatives of each local Committee.

We have attached a copy of the Wyoming Court Security Act and the current Commission membership. You are encouraged to contact me or any other member of the Commission with your comments and concerns. We look forward to a cooperative and meaningful relationship. We value your individual thoughts and comments to ensure the most efficient and effective court security program for our citizens. A copy of this letter is being provided to other county elected officials and members of the judiciary.

Sincerely,

Joe Moore  
Director

JM/pn  
Enclosures - 2

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042009-0130

Wyoming Court Security Commission  
Supreme Court Building  
Cheyenne, Wyoming 82002

**Wyoming Court Security Standard 2009-1**

*As directed by the Wyoming Court Security Act, W.S. § 5-11-101(e) the following standard is established:*

1. Each county shall establish a Court Security Management Committee (Committee).
  2. The following entities shall provide representation on each Committee:
    - A. The Sheriff
    - B. One judge from the Circuit Court and one judge from the District Court in the county
    - C. The County Commissioners
  3. All other members of each Committee shall be selected, appointed and approved in writing by the County Commissioners.
  4. The decision to include representative(s) of any municipal courts shall be the decision of each Committee in concert with the County Commissioners.
  5. Each Committee shall elect a chairperson who will be the primary point of contact with the Wyoming Court Security Commission (Commission).
  6. Each Committee shall meet at least two (2) times per year.
  7. Each local Court Security Committee shall determine the physical limits of the “courtroom” for the purposes of court security.
    - A. Courtroom security may be extended to all parts of the courthouse, and the area within the cartilage in which the courtroom is located, to provide adequate security.
  8. Each Committee shall respond to requests for information, recommendations, and review of future Court Security Standards to the Commission in a timely manner.
  9. Each Committee shall provide a report to the Commission by July 1, 2010, and annually thereafter, on the status of court security in their County.
-

**Wyoming Court Security Commission**

**Court Security Equipment Survey Results – June 2009**

<b>Minimum Equipment</b>						
Item #	Description	Availability		In Use		Sometimes
		Yes	No	Yes	No	
1	Magnetometer (at each court entrance)	16	8	11	8	1
2	Hand held detectors	21	4	13	6	
3	Mandatory search information signage (prior to screening position)	8	18	7	10	
4	Lock box for personal property with markers	6	18	6	9	
5	Gun locker	9	15	9	7	
6	Portable radios w/earbuds/chargers	20	4	18	3	1
7	Handcuffs	25		21	1	1
8	Cordless phone at security station	11	14	10	9	
9	Search mirrors/pole mirror	11	12	9	8	
10	Rubber gloves	23	2	18	4	
11	Adequate lighting	21	3	18	1	
12	Tables on carts beside magnetometer for property display	14	10	11	5	1
13	Hand sanitizer	18	7	13	5	
14	Property trays	12	13	10	7	1
15	Clip boards	13	11	10	9	
16	Flashlights	21	4	14	5	1
17	Property bags	12	13	10	8	1
<b>Optional Equipment</b>						
Item #	Description	Availability		In Use		Sometimes
		Yes	No	Yes	No	
A	Long gun/shotgun	14	10	5	11	
B	Tazer	22	3	17	3	
C	First aid kit/Life-Pak defibrillator	20	5	17	3	
D	UA Kits (Urinalysis)	15	9	10	9	
E	Alco-Sensor (blood alcohol)	22	3	16	4	
F	Field test kits (drug)	17	7	9	11	
G	Crowd control barriers	6	19	4	15	
H	X-Ray machine	4	21	4	13	



COPY

## *Office of the Attorney General*

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May 26, 2009

Mr. Brett Johnson  
Sweetwater County & Prosecuting Attorney  
Office of the Sweetwater County & Prosecuting Attorney  
80 West Flaming Gorge Way  
Green River, WY 82953

RE: Regulation of Firearms by the Sweetwater County Commission

Dear Mr. Johnson:

Recently you requested an opinion from the Attorney General's Office. Specifically, you asked the following:

**Q:** Do WYO. STAT. ANN. §§ 6-8-104(t) and 6-8-401 prevent the Sweetwater County Commission from adopting a policy that prohibits carrying a firearm, either open or concealed, into the Sweetwater County Courthouse?

**A:** WYO. STAT. ANN. §6-8-104(a) currently prohibits any person, who does not have a valid concealed carry permit, from carrying a concealed deadly weapon. WYO. STAT. ANN. §6-8-104(t)(iii) and (iv) prohibit individuals, who do have a concealed carry permit, to carry concealed weapons in many places in a courthouse – in particular, a courtroom or a “meeting of a governmental entity.”

WYO. STAT. ANN. § 6-8-401 specifically prohibits cities, towns and counties from authorizing, prohibiting and regulating “the sale, transfer, purchase, delivery, taxation, manufacture, ownership, transportation, storage, use or possession” of firearms. Pursuant to this statute, only the state has authority to regulate such. WYO. STAT. ANN. § 15-1-103(a)(xviii) does provide an exception to this prohibition, and permits some regulations by municipalities. However, counties do not have a similar statutory exception.

Therefore, while all persons are currently prohibited by state statutes from carrying concealed weapons in particular areas of the courthouse, the County is prevented from adopting policies prohibiting persons from openly carrying firearms in the Sweetwater County Courthouse.

#### Discussion

While there are currently no laws that prohibit an individual from openly carrying a firearm, WYO. STAT. ANN. 6-8-104(a) generally prohibits any individual, who does not hold a valid permit to do so, from carrying a concealed deadly weapon. For those individuals who do possess a concealed carry permit, WYO. STAT. ANN. 6-8-104(t) provides a list of places where concealed weapons cannot be carried. Specifically, WYO. STAT. ANN. 6-8-104(t)(iii) and (iv) prohibits individuals from carrying concealed weapons into a courtroom or “any meeting of a governmental entity. Any further regulation prohibiting persons from carrying firearms, whether openly or concealed, can only be done by the state, or in some circumstances, municipalities.

WYO. STAT. ANN. § 6-8-401 contains very specific language that authorizes only the state to regulate the transportation, use and possession of firearms. The statute very specifically excludes counties and municipalities from doing the same. WYO. STAT. ANN. §15-1-103(a)(xviii), however, carves out an exception that allows municipalities to “[r]egulate, prevent or suppress riots, disturbances, disorderly assemblies or parades, or any other conduct which disturbs or jeopardizes the public health, safety, peace or morality in any public or private place[.]”

Based on the language permitting regulation of conduct which “disturbs or jeopardizes the public health, safety [or] peace,” of a public place, a municipality may adopt and enforce policies that prohibit persons from carrying firearms, whether concealed or not, into a public building. However, counties are not included in this exception, and there is not a separate statute providing similar authority to counties.

Absent a legislative change to the statutes, Sweetwater County has no authority to prohibit persons from carrying weapons into the Sweetwater County Courthouse.

In the event the requisite legislative changes occur, or the Sweetwater County Commissioners collaborate with the cities in Sweetwater County to prohibit firearms in the county courthouse, there are constitutional considerations that must be taken into account. Any regulation must comply with both the Wyoming and United States Constitutions.

United States Constitution

The Second Amendment to the United States Constitution states, “[a] well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.” After years of uncertainty, in the recent case of District of Columbia v. Heller, 128 S.Ct. 2783 (2008), the United States Supreme Court held the Second Amendment provides for an individual right to “possess and carry weapons in case of confrontation.” Id. at 2797. Further, the Wyoming Constitution states, “[t]he right of citizens to bear arms in defense of themselves and of the state shall not be denied.” WYO. CONST. art. 1 § 24.

Currently, the Second Amendment has not been incorporated through the Fourteenth Amendment, and therefore, is not applicable to the states. However, there is language in the Heller decision to suggest such a declaration is forthcoming, and thus, a discussion of the relevant law surrounding the Second Amendment is crucial. To that end, some courts have already declared the Second Amendment applicable to the states. While neither the 10<sup>th</sup> Circuit, nor the U.S. Supreme Court have ruled on the issue, in the recent 9<sup>th</sup> Circuit case of Nordyke v. King, \_\_\_ F.3d \_\_\_, No. 07-15763, 2009 WL 1036086 at \*13 (9<sup>th</sup> Cir. Apr. 20, 2009), the court determined, in light of the Heller decision, that the Second Amendment is applicable to the states through the Fourteenth Amendment. Therefore, states must provide due process of law when depriving a citizen of this federally guaranteed right.

The Court has long engaged in a process of selective incorporation in determining whether amendments to the Constitution are applicable to the states through the Fourteenth Amendment. The Fourteenth Amendment states, in relevant part, that no state shall “deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” U.S. CONST. amend. XIV, § 1. Each time an amendment has been incorporated, the United States Supreme Court has deemed the rights afforded by the amendment “fundamental,” thus

requiring states to observe due process and provide equal protection of law.<sup>1</sup> However, a fundamental right is not unlimited, and may, with sufficient reason, be regulated by the states. Whether such regulation is within the parameters of the Constitution is the subject of three varying levels of scrutiny by the courts.

In considering whether state legislation violates . . . the Fourteenth Amendment, U.S. Const., Amdt. 14, § 1, we apply different levels of scrutiny to different types of classifications. At a minimum, a statutory classification must be rationally related to a legitimate governmental purpose. Classifications based on race or national origin, and classifications affecting fundamental rights, are given the most exacting scrutiny. Between these extremes of rational basis review and strict scrutiny lies a level of intermediate scrutiny, which generally has been applied to discriminatory classifications based on sex or illegitimacy.

Clark v. Jeter, 486 U.S. 456, 461, 108 S.Ct. 1910, 1914 (1988) (citations omitted).

The proposition that restrictions on individuals' rights are allowable under certain circumstances was reiterated in Heller. The Court stated, "[l]ike most rights, the right secured by the Second Amendment is not unlimited [and] that the right was not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose." Heller, 128 S.Ct. at 2816. Importantly, the Court stated, "nothing in our opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons, and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings[.]" Id. at 2816-17.

The question then becomes what level of scrutiny the Court will use to determine whether restrictions to and limitations on the Second Amendment, such as those proposed by Sweetwater County, will be tolerable. The only solid guidance provided by the Court came in a footnote, in which Justice Scalia rejected the notion that rational-basis scrutiny would be utilized by the Court. Id. at 2817, n. 27. At the same time, while the Court declined to go as far as announcing the right to bear arms "fundamental" and thereby incorporating it through the Fourteenth Amendment, there is strong language to suggest the Court may, in fact, decide to do so.

<sup>1</sup> Chicago, B. & Q.R. Co. v. City of Chicago, 166 U.S. 226, 17 S.Ct. 581 (1897); Fiske v. State of Kansas, 274 U.S. 380, 47 S.Ct. 655 (1927); Mapp v. Ohio, 367 U.S. 643, 81 S.Ct. 1684 (1961); Malloy v. Hogan, 378 U.S. 1, 84 S.Ct. 1489 (1964); Gideon v. Wainwright, 372 U.S. 335, 83 S.Ct. 792 (1963); Klopper v. North Carolina, 386 U.S. 213, 87 S.Ct. 988 (1967); Benton v. Maryland, 395 U.S. 784, 89 S.Ct. 2056 (1969); In re Oliver, 333 U.S. 257, 68 S.Ct. 499 (1948); Pointer v. Texas, 380 U.S. 400, 85 S.Ct. 1065 (1965); Washington v. State of Texas, 388 U.S. 14, 87 S.Ct. 1920 (1967).

The Court has often stated that the First and Fourth Amendments to the Constitution are fundamental rights, each of which have previously been incorporated through the Fourteenth Amendment, making them applicable to the states.<sup>2</sup> In Heller, the Court compared the Second Amendment to both the First and Fourth Amendments. Id. at 2791, 2797, 2799, 2813, 2816.<sup>3</sup> In particular, Justice Scalia stated the “Second Amendment, like the First and Fourth Amendments, codified a pre-existing right.” Id. at 2797. He described each of the rights provided in the First, Second and Fourth Amendments as rights that originated in England prior to the settlement of the original colonies. Justice Scalia further discussed the “historical reality that the Second Amendment was not intended to lay down a ‘novel principle’ but rather codified a right ‘inherited from our English ancestors[.]’ ” Id. at 2801-02, *citing* Robertson v. Baldwin, 165 U.S. 275, 281 (1897). This comparison is particularly important as the Court has routinely held individuals’ First Amendment rights are fundamental and thus subject to heightened levels of scrutiny – specifically strict scrutiny.<sup>4</sup> Thus, it logically follows that the Court may eventually employ such a heightened level of scrutiny to restrictions on individuals’ Second Amendment rights as well.<sup>5</sup>

A strict scrutiny analysis requires that any state action be narrowly tailored, and designed to serve a compelling state interest. Abrams v. Johnson, 521 U.S. 74, 82, 117 S.Ct. 1925, 1931 (1997). Therefore, in order to pass constitutional muster, the prohibition of weapons in the Sweetwater County Courthouse must be narrowly tailored and serve a compelling state interest.

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<sup>2</sup> See, Fiske v. State of Kansas, 274 U.S. 380, 47 S.Ct. 655 (1927); Mapp v. Ohio, 367 U.S. 643, 81 S.Ct. 1684 (1961).

<sup>3</sup> In a footnote, Justice Scalia discussed the effect of United States v. Cruikshank, 92 U.S. 542 (1875), on the issue of incorporation. He stated “[w]ith respect to Cruikshank’s continuing validity on incorporation, a question not presented by this case, we note that Cruikshank also said that the First Amendment did not apply against the States and did not engage in the sort of Fourteenth Amendment inquiry required by our later cases.” Heller, 128 S.Ct. at 2813 n. 23.

<sup>4</sup> NAACP v. Button 371 U.S. 415 (1963); Williams v. Rhodes, 393 U.S. 23, 89 S.Ct. 5 (1968).

<sup>5</sup> A few courts have determined the Second Amendment does not afford a “fundamental right,” and thus intermediate scrutiny, rather than strict scrutiny, is the appropriate method of analysis. See, U.S. v. Miller, \_\_\_ F.Supp.2d \_\_\_, No. 08-cr-10097, 2009 WL 499111at \*6-7 (W.D. Tenn., Feb. 26, 2009); U.S. v. Radencich, No. 3:08-CR-00048(01)RM, 2009 WL 127648 at \*4 (N.D. Ind. Jan. 20, 2009); U.S. v. Schultz, No. 1:08-CR-75-TS, 2009 WL 35225 at \*5 (N.D. Ind. Jan. 5, 2009).

Without question, the state has a compelling interest in protecting its citizens where a substantial threat to their health and safety exists.<sup>6</sup> Unfortunately, violence has been played out in courtrooms across the country<sup>7</sup>, and has been directed at parties, judges, attorneys, and spectators. This is a result of the heated emotions, high stakes, and confrontation that are commonplace in a courtroom, and which increase the risk of violence therein.

Arguably, those factors continue to be prevalent in the remainder of a courthouse outside of the courtroom, and can spill over into areas where members of the general public are conducting business with the county by paying taxes or renewing license plates. Therefore, there is just as compelling an objective in banning firearms from the entire courthouse, to include areas in which non-court related business is being transacted. However again, such an all-encompassing policy must be narrowly tailored to achieve the purpose of protecting all people within the courthouse from a substantial threat.

The most efficient and effective way to ensure the safety and security of those within the courtroom may be to prohibit firearms from the entire building. While the area affected by the prohibition is increased from only the courtrooms and areas immediately surrounding them, to the entire courthouse, this expansion is necessary to provide true security for courthouse personnel and patrons. From a tactical and strategic perspective, securing the entire building is the least restrictive means to effectively ensure the safety of all elected and appointed officials, employees, and persons conducting both court and non-court related business in a building in which there is a substantial and ongoing likelihood of violence. A less restrictive prohibition would still allow an individual intent on using a weapon to enter into a courthouse, leaving those who are outside the secured area of a courtroom at risk.

As noted above, the Court in Heller indicated that long-standing prohibitions of firearms in "sensitive places such as schools and government buildings" remain acceptable. Heller, 128 S.Ct. at 2817. This, coupled with the Court's previous holdings that individuals' privacy expectations are diminished when entering sensitive public

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<sup>6</sup> See, e.g., Reynolds v. United States, 98 U.S. 145, 25 L.Ed. 244 (1878); Jacobson v. Massachusetts, 197 U.S. 11, 25 S.Ct. 358 (1905); Prince v. Massachusetts, 321 U.S. 158, 64 S.Ct. 438 (1944); Cleveland v. United States, 329 U.S. 14, 67 S.Ct. 13 (1946).

<sup>7</sup> e.g., on May 7, 2008 an individual walked into the Pinellas County Courthouse in St. Petersburg, FL, pulled out a .45 Sig Saur semi-automatic handgun and opened fire. Security personnel returned fire, killing the individual. The reason for the attack remains unknown, other than the assailant had told family members he was going to file a response in the divorce action his wife had recently filed.  
[http://www.ohio bailiffs.com/documents/courthouse\\_shooting\\_pinellas\\_county\\_fl.pdf](http://www.ohio bailiffs.com/documents/courthouse_shooting_pinellas_county_fl.pdf)

facilities such as airports, see Florida v. Rodriguez, 469 U.S. 1, 105 S.Ct. 308 (1984) (*per curiam*), and schools, see New Jersey v. T.L.O., 469 U.S. 325, 105 S.Ct. 733 (1985), further supports the constitutionality of having an expanded security zone throughout the entire courthouse. Finally, to ensure that this compelling and narrowly tailored objective is achieved, standardized procedures, training and security personnel must be utilized. Further, these standards must be uniformly and objectively enforced.<sup>8</sup>

### Wyoming Constitution

As previously noted, while there is no definitive answer as to whether the Second Amendment is applicable to the states, discussion surrounding it is imperative as there is a lack of relevant case law and interpretation of Wyoming's own constitutional guarantee.

The Wyoming Constitution affords citizens the right to "bear arms in defense of themselves and of the state[.]" WYO. CONST. art. 1, § 24. The Wyoming Supreme Court briefly addressed this phrase in Carfield v. State, 649 P.2d 865 (Wyo. 1982), declaring it a "limited" right. Id. at 871. However, the court did not discuss what limitations are placed on the right.<sup>9</sup> Throughout Carfield the court discussed the Second Amendment in terms of a collective, rather than an individual right. While the states have the ability to provide greater constitutional protection to their citizens than is provided by the U.S. Constitution, no state can provide less protection than the U.S. Constitution does. Therefore, while the Wyoming Supreme Court may not necessarily declare that an individual right is provided by the Wyoming Constitution, the court would surely agree that, in light of the Heller decision, the U.S. Constitution does so.

The language of the Second Amendment is different from the language contained in the Wyoming Constitution. However the Court in Heller discussed several states with constitutional language identical to Wyoming's. Heller, 128 S.Ct. at 2793-94. A portion of the Court's rationale for declaring the Second Amendment an individual right stemmed from these states affording an individual right to their citizens. Id.

Further, the same constitutional analyses are applicable whether a constitutional right that is being limited by state action is guaranteed by the state constitution or the U.S.

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<sup>8</sup> See, State v. Book, 847 N.E.2d 52 (Ohio 2006) where a security officer did not screen people he had personally known for a long period of time.

<sup>9</sup> However, in the cases of Mecikalski v. Office of the Attorney General, 2 P.3d 1039, 1041 (Wyo. 2000) and King v. Div. of Crim. Investigation, 2004 WY 52, ¶27, 89 P.3d 341, 352 (Wyo. 2004), the court identified a limit on the right to bear arms by declaring it a privilege, rather than a right, to obtain a permit to carry concealed weapons.

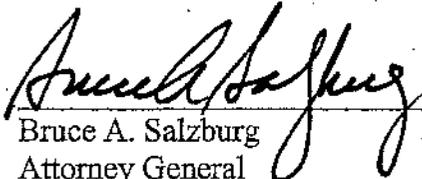
Constitution. Kautza v. City of Cody, 812 P.2d 143 (Wyo. 1991). Therefore, restrictions on state constitutionally guaranteed rights are also similarly subjected to rational-basis, intermediate, and strict scrutiny. Again, the same analysis is applicable with regard to restrictions on the right to bear arms. As previously discussed, the state has a compelling interest in protecting citizens from substantial threats to health and safety, and a narrowly tailored restriction on firearms in the Sweetwater County Courthouse for the purposes of ensuring that interest will likely pass muster under the Wyoming Constitution.

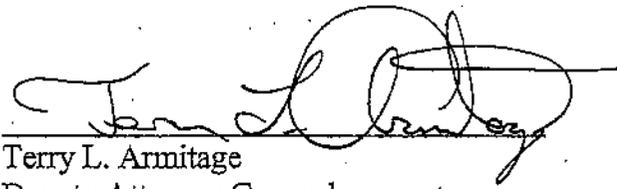
Conclusion

In summary, Wyoming statutes currently prohibit a county from regulating weapons within a county courthouse. Should any restriction eventually be implemented, it must be done within constitutional parameters, specifically being narrowly tailored to achieve a compelling interest.

Thank you for contacting this office with your questions. If you need further assistance, please do not hesitate to contact me.

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