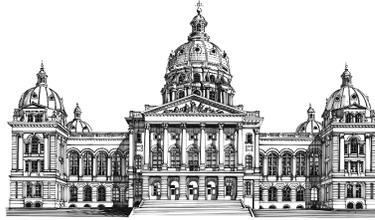

Iowa Legislative Services Agency Fiscal Services

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State Capitol
Des Moines, IA 50319
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Courthouse Security

ISSUE

This *Issue Review* provides a review of issues related to courthouse security in Iowa.

AFFECTED AGENCIES

Judicial Branch
County Boards of Supervisors

CODE AUTHORITY

Chapter 602, Code of Iowa
Section 331.653(4), Code of Iowa

BACKGROUND

The Iowa Supreme Court established the Court Security Improvement Task Force in February 1999 to assess the status of county courthouse security measures; develop and recommend guidelines for courthouse security; and recommend alternative strategies for funding court security improvements. In 1999, the average cost per courthouse to implement security was \$148,000. In 2005, the State Court Planner sent all 99 counties a follow-up survey to determine changes in courthouse security; however, the survey did not update funding amounts.

Under current law, counties are responsible for providing and maintaining courthouses, including court security and the State is responsible for the salaries and benefits of judges and court staff. Since court reorganization in 1986, there have been disagreements over whether the State or counties should pay for courthouse security. The Judicial Branch indicates counties are responsible for infrastructure and since other county services are in the courthouse, counties are responsible for security costs. County officials contend that since the State pays for all court personnel and the majority of security would be for court personnel, the State should pay the costs.

Section 331.653(4), Code of Iowa, requires local sheriffs to provide a bailiff and other law enforcement services to the District Judges, District Associate Judges, Associate Juvenile

Judges, and Magistrates upon request. Some counties are not adequately staffed to provide coverage on a regular basis nor do they have the resources budgeted; however, counties try to comply when coverage is requested by the Judicial Branch, especially in high profile cases.

CURRENT SITUATION

In Iowa's 99 counties, there are 100 courthouses, with two located in Lee County. In some counties, there are additional facilities in which court proceedings are held; however, for purposes of this document, the focus is on county courthouses. In 2005, 33.3% of counties surveyed indicated there was a designated security officer in the courthouse compared to 24.0% in 1999.

Attachment A shows the counties that currently have a designated security officer in the courthouse and those that do not. The results of the survey indicate that only three counties have a security guard on duty after hours. According to the National Association for Court Management's June 2005 Court Security Guide, court security officers serve three distinct roles. The officers provide general protection of the courthouse, such as patrolling hallways and monitoring entrances, protection for specific courtrooms, and patrolling the court's perimeter and safeguarding judges and sequestered jurors. Courthouse security also involves:

- Monitoring entranceways and windows.
- Security measures for parking, such as separating public parking areas from parking areas for judges and staff and providing lighted parking areas.
- Monitoring the courthouse perimeter, which also may require removing obstructions from landscaping.
- Having a clearly defined weapons policy for the building.
- Having separating public waiting areas from prisoner transport passageways and holding facilities.

Courthouses are public buildings requiring public access, yet must also provide employees with a safe working environment. In 2005, Linn County upgraded the computerized internal security system for judges' chambers to require a computerized card for entry. In April 2005, Pottawattamie County installed panic buttons. In May 2006, Lyon County installed security cameras. Johnson County plans to install electronic locks on outside doors to monitor people entering the building after regular work hours. Courthouse administrators also need to address policy issues such as weapons in the courthouse and armed bailiffs in courtrooms. According to the 2005 Court Security Survey, there are 28 counties that allow weapons to be stored in the courthouse and 12 that have an armed bailiff in the courtroom.

Currently, there are no Statewide court security requirements although Iowa's 1999 Court Security Improvement Task Force Study is used as a guideline in many counties. The 2005 Court Security Survey asked Clerks of Court to rank on a scale of zero to four (with zero being none and four being very substantial) the effort to comply with the 1999 Courthouse Security Guidelines. Of the counties that responded, 44.2% rated compliance as a three and 34.1% rated the level of attention devoted to compliance with the Guidelines since security plans have been in effect as a three. The Guidelines for Courthouse Security in Iowa direct each county to establish a Courthouse Security Committee, which should include the county sheriff, a judge, the clerk of district court, the chair of the county Board of Supervisors, and representatives from other government offices within the courthouse. The report recommended the Committee meet quarterly to discuss safety and security issues. The majority of Courthouse Security Committees were established in 1999, with the first

established in Clarke County in 1990 and the most recent established in Monroe County in 2005. Cass and Des Moines Counties do not have a Courthouse Security Committee.

The Survey also asked the Clerks to rank from zero to four the effort to secure funding. Of the counties that responded, 30.3% ranked the effort a three, 28.1% ranked the effort a two, and 27.0% ranked the effort a one. When asked what recommendations the Clerks could offer to assist in achieving and maintaining compliance with Courthouse Security Guidelines, the majority responded that funding of court security efforts was the largest challenge.

BUDGET IMPACT

According to the Judicial Branch web site, there are 12 counties that hold a District Court service day every other Monday, 65 that hold court service one day per week; 12 that hold court service two days per week; two that hold court service three days per week; and nine that hold court service five days per week. Pro-rating the cost for 1.0 FTE position at \$50,000, the estimated cost for providing funding for a designated court security officer, totals approximately \$1.5 million based on District Court service days. Some counties already provide security on court service days. Based on the response to the State Court Planner's 2005 survey on courthouse security, the actual estimated need is approximately \$800,000. Depending on the county, District Court service days referenced above may or may not include District Associate court days, juvenile court days, and Magistrate court days, which will increase the overall estimated need. If the General Assembly approved State funding for half of a court security officer in all 100 courthouses (0.5 FTE per courthouse) regardless of the number of court service days, the estimated cost of courthouse security would be approximately \$2.5 million.

FEDERAL FUNDING

House Resolution 1751 (Federal Court Security Improvement Act of 2005) would authorize an appropriation of \$409.0 million from FFY 2006-2010 to provide increased funding for court security through grants to states. The Bill is currently in the Senate Judiciary Committee as S.B. 1968. If the legislation passes, funds could be appropriated for grant programs in 2007. One of the current barriers the Judicial Branch faces in accessing federal funds is the inability to apply directly for funds. As a result, the Judicial Branch must request funds from the State's Executive Branch and compete for funds with Executive Branch agencies. The passage of H.R. 1751 would allow the Judicial Branch to apply directly for federal funding for courthouse security.

ALTERNATIVES

The General Assembly may wish to consider the following alternatives:

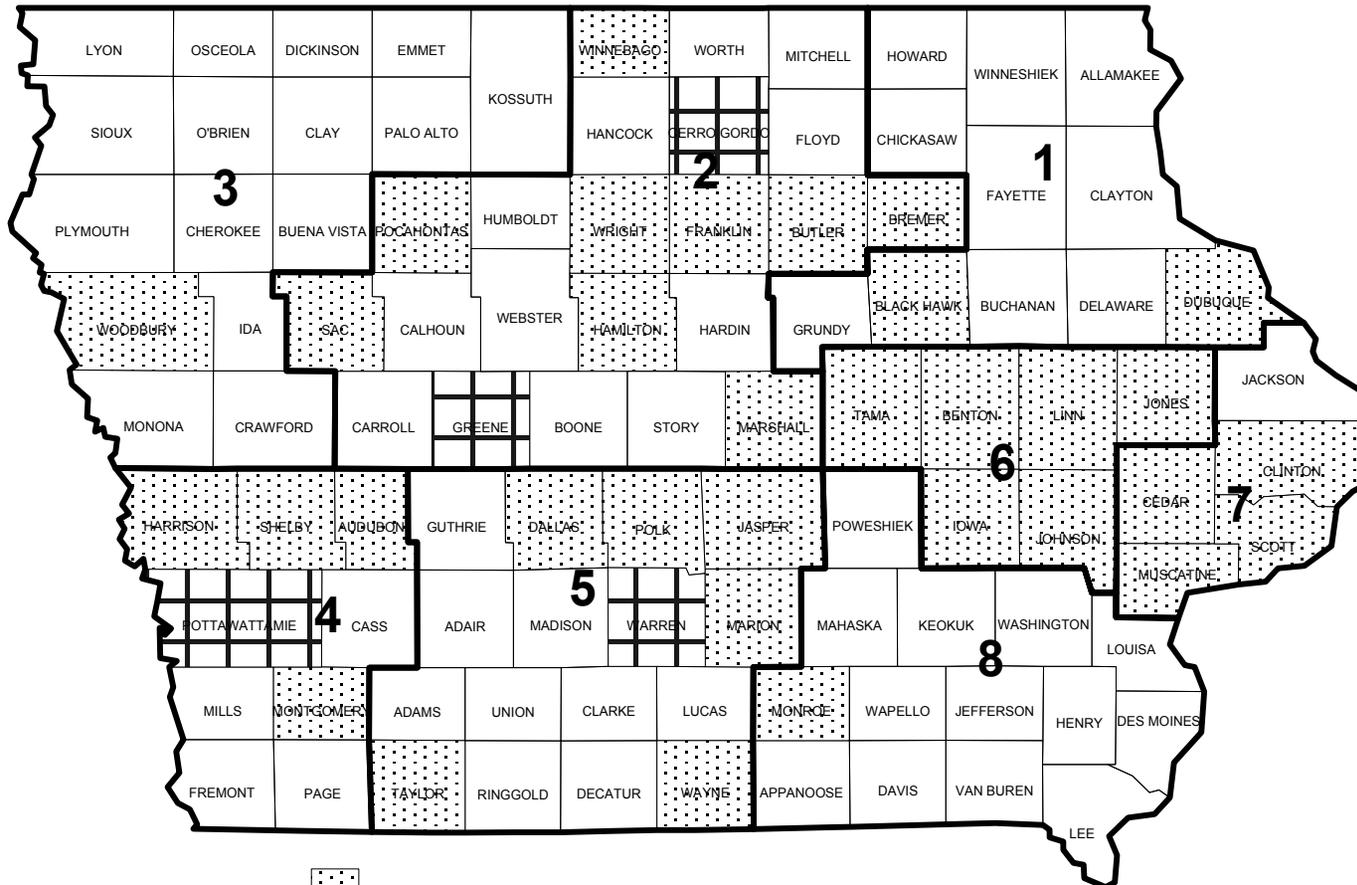
1. Approve an interim study to determine current security staffing levels and needs in Iowa's courthouses and the estimated costs.
2. Mandate that all county courthouses be in compliance with the courthouse security guidelines put forth by the Supreme Court in 1999 and determine whether this initiative will receive an appropriation from the State or be an unfunded mandate.
3. Appropriate funds to county sheriffs in an amount equal to the average of a trained security officer to cover court service days. (If court meets one day per week, appropriate \$10,000 and

0.2 FTE position and 1.0 FTE position and up to \$50,000 for courthouses that hold court every day of the week).

4. Appropriate funds to county sheriffs for a partial FTE position (\$25,000 and 0.5 FTE position) for every courthouse to cover all court service days and to be on hand for special trials, with the requirement that the county also contribute funding for 0.5 FTE position in order to have 1.0 FTE position per courthouse for security.
5. Amend Section 356.7(5)(a), Code of Iowa, to reallocate the formula requiring a specific percentage of the Jail User Fee be set aside for courthouse security, as recommended in the 1999 Court Security Improvement Task Force Report. For example, of the 60.0% collected from the Jail User Fee for criminal defendants and credited to the county general fund, 33.3% will be required to be used for courthouse security equipment and law enforcement personnel costs. (Jail User Fee funds are also used for infrastructure improvements in the jails and juvenile detention facilities).

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Counties With Courthouse Security by Judicial District



-  Has a Designated Security Officer at the Courthouse or Deputy on Duty for Trials and Court Service Days.
-  Does Not Have a Designated Security Officer at the Courthouse.
-  Did Not Respond to the 2005 State Court Survey.

Survey information provided from the State Court Planner's Office, with updates provided by District Court Administrators.
 Courthouse security officers designated above are assigned in addition to the Sheriff's duties as defined in Section 331.653(4), Code of Iowa.