

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.

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- 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.

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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.

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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

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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.