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FACT SHEET

March 2008

AB 1876 (de León): Court Security

Courthouses should be safe havens for all Californians. Courthouses should be where you come to resolve disputes; where you feel safe from the crime committed against you or that you witnessed. Courthouses should not put you in harm's way or be the scene of further violence. AB 1876 (de León), cosponsored by the Judicial Council and the California State Sheriffs' Association, will establish consistent, qualitative court security standards, address current funding deficiencies, and adopt appropriate cost controls and accountability measures to ensure that courts and sheriffs are accountable for the level, types, and costs of court security provided.

Background

Adequate security is critical to ensuring public safety and the appropriate functioning of the courts. In all but 2 of the state's 58 superior courts, the county sheriff is responsible by law for the delivery of court security. To memorialize the agreement of how security services will be provided, the county sheriff and the court enter into a memorandum of understanding (MOU) describing the funding and resources to be dedicated for court security. Court security services include, but are not limited to, security personnel in the courtrooms, public corridors, entrance screening stations, public access ways, and inmate holding areas, as well as personnel that escort criminal defendants to the courtrooms. Specialized equipment and supplies are also part of court security costs.

In 2004 the Judicial Council adopted resource standards to provide funding for court security. The resource standards were based on the numbers of judges and the numbers of filings (a proxy for determining the relative numbers of people entering the courthouse). These standards specify the funding that will be available for personnel, equipment and supplies.

On a statewide basis, varying levels of security have historically been provided to the courts, based on the amount of funding the courts received for this

purpose—originally from the county and then from the state. At this time, only 10 of the state's 58 superior courts are funded at a level that meets the adopted court security standards. The remaining 48 courts are not being funded at a level that complies with the court security resource standard. Beginning in fiscal year 2005-06, each year the overall trial court security budget is increased by the state appropriations limit, and this funding is used to support all increases in court security expenses. But historical funding deficiencies have not been addressed.

Legislative Proposal

The Judicial Council of California and California State Sheriffs' Association are co-sponsors of AB 1876 to improve court security in our courthouses and increase accountability, transparency, and cost-effectiveness in the delivery of those security services. The legislation was crafted to address the following 5 guiding principles: adequacy of court security, clear statewide standards for delivery of court security services; accountability for the level and types of services provided; predictability of funding needs and increases; and efficiency in the delivery and management of court security services in a manner to promote cost-effective and efficient practices. A critical piece of the legislation will be ensure that appropriate court security is provided, with cost controls that will allow the courts and the state to better manage their expectations while ensuring that the level of security is not reduced.

Specifically, AB 1876:

- Sets forth qualitative service standards that must be met in each court, including providing the necessary and appropriate amount and level of security for all areas under the control of the court, in all courtrooms at all times court is in session, and for all entry and perimeter screening.
- Requires that personnel providing court security have the necessary and appropriate equipment and supplies to perform their jobs and protect public safety.
- Requires the MOU entered into between the court and sheriff to document how these service standards will be met, and makes the sheriff and the court accountable for ensuring that this level of security is delivered.
- Directs the sheriff to manage resources so as to be able to meet the security standards set forth in the MOU, and prohibits the sheriff from reducing the level of security below the levels specified in the MOU. At the same time, limits the growth of the court security budget, once current funding deficiencies are corrected, to the annual increase provided by the state appropriations limit funding.
- Requires the Judicial Council to allocate funds available for court security consistent with the adopted resource standards.

- To promote greater accountability over expenditures and the level of services provided, requires the sheriff to submit quarterly reports to the court and the Administrative Office of the Courts, using a template developed by the Judicial Council.
- Requires periodic review by the Judicial Council of local court security plans to ensure that they are complete and in compliance with court security standards.

Fiscal Impact

In order to bring all of the State's courts up to the existing court security resource standard, to fund the ongoing security shortfall, and address unique circumstances in some courts that require security in excess of that achievable under the resource standard, this proposal would require \$41.3 million in FY 2008-09, with \$62.5 million ongoing funding.

Legislative Update

AB 1876 was introduced by Assembly Member Kevin de León on February 4, 2008, and will be heard first in the Assembly Judiciary Committee.

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