

Wyoming Court Security Commission

Record of Proceedings

Supreme Court Building, Room 237

Cheyenne, Wyoming

December 18, 2012

I. Call to Order

The Wyoming Court Security Commission public meeting was called to order at 10:00 a.m., December 18, 2012, by Co-Chairman Guy Cameron at the Supreme Court Building, Room 237, in Cheyenne, Wyoming.

II. Roll Call and Introductions – Co-Chairman Guy Cameron

In Attendance:

Commission Members:

Director Guy Cameron – Wyoming Office of Homeland Security

Lt. Mike Thompson - Casper Police Department

(VIA VIDEO CONFERENCE)

Judge Jeffrey Donnell – Second Judicial District Court, Laramie, WY

(VIA TELECONFERENCE)

Jeani Stone – Campbell County Attorney

Sheriff Jack “Skip” Hornecker – Fremont County Sheriff

Representative Allen Jaggi – Wyoming House of Representatives

Ex-Officio Commission Members:

Joann Odendahl – State Court Administrator/Supreme Court

Joe Hartigan – Court Security Officer/Supreme Court

Absent:

Justice William Hill – Wyoming Supreme Court

Senator Drew Perkins – Wyoming State Senate

Judge Denise Nau – Laramie County Circuit Court

Also Attending:

Joseph C. Moore – U.S. Marshal for the District of Wyoming

Jon Goodman – Deputy U.S. Marshal for the District of Wyoming

Chief Dave O’Malley – Sheriff, Albany County (Video Conference)

Dave Harris – Director, Wyoming Law Enforcement Academy
Cindy DeLancey – Executive Director, Wyoming County Commissioners Assoc.
George Parks – Executive Director, Wyoming Association of Municipalities
Pam Eisenach – Executive Assistant, Wyoming Office of Homeland Security
Doug Gumm – Critical Infrastructure, Wyoming Office of Homeland Security
Joe Baron – Crook County Attorney (Teleconference)

Introductions:

Co-Chairman Guy Cameron introduced the new members of the Commission: Lt. Mike Thompson, POST Representative from Natrona County and Representative Allen Jaggi from Uinta/Sweetwater County.

III. Commission Officers

Co-Chairman Cameron explained that Justice William Hill has asked the commission, due to additional duties that he has been assigned, that a new permanent chairman be appointed to this commission. Co-Chairman Cameron asked for nominations for chairman. Judge Jeffrey Donnell made a motion that Guy Cameron be nominated as chairman for the commission. The motion was voted on and carried. Sheriff Hornecker made a motion that Judge Donnell be nominated as co-chairman for the commission. The motion was voted on and carried.

IV. Approval of August 15, 2012 Minutes

Chairman Cameron entertained a motion to approve the Court Security Commission Meeting Minutes of August 15, 2012. Jeanie Stone made a motion to approve the minutes, the motion was seconded by Judge Donnell. The motion was voted on and carried.

V. New members of the Wyoming Court Security Commission

Chairman Cameron, on behalf of the Wyoming Court Security Commission, welcomed Lt. Mike Thompson, who replaced Chief Troy Lane and Representative Allen Jaggi, who replaced Representative Jon Botten. Chairman Cameron gave an overview of the roles and responsibilities of the Wyoming Court Security Commission. The Wyoming Court Security Commission is a membership of ten individuals. The Supreme Court appoints a justice, district court judge and a circuit court judge. Also on the commission is a county commissioner, county sheriff, a representative of the Wyoming Peace Officers Standards and Training Commission, two legislators, as well as a district attorney. This commission is tasked to establish standards to protect life, property and the judicial process in the Wyoming court system. In establishing these standards, this commission shall recommend proper levels of court security to each county. Chairman Cameron

emphasized that this commission's statutory authority is to only make recommendations to the local court security committees based on the standards. The commission meets twice a year and members shall be appointed for a term of three years and open for reappointment.

VI. Fremont County – Riverton Circuit Courtroom

Sheriff Hornecker gave an overview regarding the gunshot incident at the Fremont County – Riverton Circuit Court. A bullet hit the exterior wall and went directly into the Riverton Circuit Courtroom. Fremont County received emergency funding from the Office of State Lands and Investments and matched that with county funds and strategically placed conex boxes around this facility. The security cameras were moved to the exterior of the building to coincide with the conex box placements. Sheriff Hornecker indicated the building is now resistant to a similar incident, but obviously a rifle round might still penetrate the building. Sheriff Hornecker also noted that he does not feel this temporary solution is suitable for this type of circuit court setting. The Fremont County Commissioners are working diligently and taking this situation very seriously and are working towards securing another facility for the justice center in Riverton. Sheriff Hornecker reported that when a suitable facility is located, the Wyoming Office of Homeland Security will provide an assessment study on that building to ensure that it meets all criteria.

Sheriff Hornecker also explained that it has been determined by the Supreme Court and the Fremont County Commissioners that there is enough of a caseload demand to have two circuit courts in Fremont County, one in Lander and in Riverton.

VII. Albany County Courthouse – Prohibition of Deadly Weapons in the Courthouse

Judge Donnell gave background information to the commission regarding his decision to prohibit the possession of carrying of deadly weapons in the Albany County Courthouse. Judge Donnell previously e-mailed this information to commission members. After events around the country and the lack of security in the Albany County Courthouse, Judge Donnell felt he could not ignore this situation. The Wyoming Supreme Court has long held that the Judicial Branch, as a co-equal branch of government, has certain inherent authority to act with or without the consent or authorization of the legislative or executive branches. Therefore, Judge Donnell entered an order to prohibit deadly weapons in the Albany County Courthouse. Sheriff O'Malley has placed signs on the entrances of the courthouse to enforce this order. There will be no searches of weapons, but if someone is observed with a weapon, they will be asked to leave or surrender the weapon. If they do not want to surrender the weapon, they will be removed from the building.

Judge Donnell indicated that last year during the house debate in the legislature, Representative Botten predicted if the legislature did not address this issue, the courts

would. Judge Donnell does not need any action of this commission at this time, but wanted to bring this matter to their attention.

VIII. House Bill 70 Update Regarding Prohibiting Carrying of Firearms into Specified Buildings/Open Carry Legislation

Chairman Cameron discussed the Attorney General's opinion regarding "open carry" firearms into specified facilities. The Attorney General's letter dated January 24, 2012 to Representative Gerald Gay; Attorney General's letter dated February 20, 2012 to Chief of Staff Gray and Attorney General's letter dated September 21, 2012 to Weston County Attorney Donald Hansen were cited. Judge Donnell indicated that there is no doubt the court has inherent authority to regulate weapons in the courtroom or areas associated with the courtroom. The question is the extent of the court's authority in buildings that have other offices independent of the court system. A lengthy discussion followed between commission members regarding carrying of firearms into specific buildings and open carry legislation.

Commission member Jeani Stone, Campbell County District Attorney, stated for the record that in the past few years there has been discussion with the Prosecutor's Association regarding courthouse security. Jeani Stone circulated Judge Donnell's letter among the members regarding his order at the Albany County Courthouse. She indicated there are some county attorneys that disagree with Judge Donnell's authority to regulate court security at the Albany County Courthouse. The county attorneys believe county commissioners are authorized to regulate the rules for the non-court related areas. Jeani Stone mentioned that funding for court security is an issue for the county commissioners.

Chairman Cameron commented the Wyoming Office of Homeland Security contacted county commissioners and the tribal chairman this year to notify them that there is funding opportunities available to provide homeland security or court security initiatives. Eighty percent of the Wyoming Homeland Security Grant is passed on to local county commissions. It is then the county commissioners that determine those priorities and approved equipment lists at the local level. Chairman Cameron also noted that there has been a cutback of available federal funding.

IX. Update on Court Security Standards

Chairman Cameron reported that the Wyoming Court Security Commission put in place four Court Security Standards. These standards were put in place to set up and establish court security management committees at the local level. These committees have specific representation: a sheriff, circuit court judge, district court judge and county commissioners. These committees were set up to assist the Wyoming Court Security Commission in its mission to protect life, property and the judicial process in the Wyoming court system. Each local committee shall determine the physical limits of the

courtroom in their jurisdictions for the purposes of court security. Courtroom security may be extended to all parts of the courthouse and the areas within the cartilage in which the courtroom is located, to provide adequate security. The other three initiatives deal with the standards for equipment necessary to conduct court security. While it is only a recommendation, we put in place a mandatory list for consideration, as well as an optional list. The third standard is a planning process, organizational guidance, policies and procedures. The fourth standard put in place is training for Court Security Officers. The training is currently being initiated by the Wyoming Law Enforcement Academy. Upon completion of the course, officers will be able to complete an on-site audit or survey at the local level of their court facilities, establish a court security committee to design an emergency response plan and plan for high risk and/or high profile cases.

In 2010, Officer White, the Security Officer for the Supreme Court, started an initiative and traveled around the state and worked with local officials, both judiciary and law enforcement committees, to look into improvements based on these standards. Due to Officer White's untimely death, this mission was not completed. After lengthy discussion, it was agreed to pick back up on the initiatives started by Officer White. Chairman Cameron will work with Wyoming Office of Homeland Security staff and Joe Hartigan to verify membership of the Court Security Management Teams. A letter will be sent to each local court security management committee thanking them for their participation and provide background information and requirements as stated in the Wyoming Court Security Standards. A checklist will be provided to assist each county to review their current safety and security levels and for annual reporting purposes to the commission. Joe Hartigan will schedule site visits and meet with each county to provide assistance, planning and organizational guidance.

X. Training Update by the Wyoming Law Enforcement Academy

Dave Harris, Director of the Wyoming Law Enforcement Academy, presented to the commission background information regarding training for sheriff departments and law enforcement agencies for courtroom security. The Wyoming Law Enforcement Academy, working with the Office of Homeland Security, developed a curriculum for court security training. Mr. Harris indicated that there are a limited number registered for the class and asked Joe Hartigan to promote this class to the sheriff departments and law enforcement agencies while traveling around the state. The next class is scheduled for February 11-15, 2012 and the registration deadline is January 25th. The cost is \$250 for a 36-hour POST credited course, which includes lodging at the Wyoming Law Enforcement Academy.

Jon Goodman, Deputy for the U.S. Marshal's Office, is the lead instructor for this course. Mr. Goodman gave a general overview of the court security training package. It was suggested that the Wyoming Court Security Commission's four Standards be part of the curriculum.

XI. Update on Court Security Funding and High Profile Cases

Joann Odendahl reported at the last meeting this commission approved recommendations for the procedures for county commissioners and sheriff departments to request funds that might be available for high profile cases in their county. The recommendations from this commission were adopted by Chief Justice Kite in August. This order has been discussed at the Circuit Court Judges and the District Court Judges Meetings. This information was included in the Court Security Commission Annual Report for 2012. Joann indicated the court is anticipating a request from Platte County for a capital murder case scheduled for the spring of 2013, but no other cases have been brought to their attention at this time.

XII. Next Meeting

Chairman Cameron will send an e-mail to the commission members regarding scheduling the next meeting in 2013.

XIII. Adjournment

Chairman Cameron thanked everyone for attending the meeting. The meeting adjourned at 12:00 noon.