



The State Senate

Senate Research Office

*204 Paul D. Coverdell Legislative Office Building
18 Capitol Square
Atlanta, Georgia 30334*

*Telephone
404/656-0015*

*Fax
404/657-0929*

**FINAL REPORT OF
THE SENATE STUDY COMMITTEE ON
SECURITY FOR STATE AND COUNTY BUILDINGS**

COMMITTEE MEMBERS

Honorable Joseph Carter, Chair
Senator, District 13

Honorable Jeff Chapman
Senator, District 3

Honorable Bill Hamrick
Senator, District 30

Honorable Brian Kemp
Senator, District 46

Honorable Steen Miles
Senator, District 43

Honorable Jeff Mullis
Senator, District 53

Honorable Valencia Seay
Senator, District 34

Prepared by the Senate Research Office

2005

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B. Testimony by Mr. Kem Kimbrough of the Association County Commissioners of Georgia (ACCG); Chairman Max Hancock, Colquitt County Board of Commissioners; Mr. Wink Strickland, Clinch County Board of Commissioners; Chairman Charles Bishop, Bibb County Board of Commissioners; Ms. Helen Stone, Chatham County Board of Commissioners; Mr. Jerry Stover, Wilkes County Board of Commissioners; Chairman Jerry Shearin, Paulding County Board of Commissioners; Mr. Rusty Dean, Carroll County Board of Commissioners; and Chairman Tom Worthan, Douglas County Board of Commissioners.	
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EXECUTIVE SUMMARY

The Senate Study Committee on Security for State and County Buildings (Committee) was created by Senate Resolution 431 during the 2005 Session of the Georgia General Assembly in response to the March 11, 2005 Fulton County Courthouse tragedy, where suspect Brian Nichols shot three people. The Committee was charged with undertaking a study of the conditions, needs, issues, and problems relating to the security of state and county buildings, including new technology for increasing security at state and county buildings open to the public.

The Committee held three public meetings, one each in Moultrie, Macon, and Douglasville, Georgia. During the three meetings, the Committee heard from representatives of the Georgia Sheriff's Association, local county sheriffs, the Association County Commissioners of Georgia, Administrative Office of the Courts, local county commissioners, local judicial circuits, the Georgia State Patrol, the U. S. Marshal's Office, Motorola Communications Technologies, and other members of the public.

During the course of its meetings, it quickly became evident that legislatively mandating specific security measures, which could be quite costly, would be looked upon as an unfunded mandate at the local level. Many local officials who testified before the Committee spoke against a "one-size-fits-all" approach to requiring specific security measures. The issue of security and securing courthouses throughout the state is complex for many reasons: many courthouses are very old, historic buildings; many are in counties with limited financial resources; and most were built, or remodeled, for convenience, not security.

The Committee recognizes that there are various components to providing security at all of the state's courthouses and public buildings. These include: creating and enforcing security plans for these buildings; providing well trained personnel; and maintaining up-to-date technology equipment for communications. The Committee agrees that the Legislature needs to provide assistance to local governments whenever possible. However, the Committee recognizes that a common denominator in all of these issues is funding.

Additionally, the following recommendations, if acted upon, could enhance the common goal of protecting our public buildings and our citizens. These recommendations include:

- ▶ Providing clarification of the role of sheriffs;
- ▶ Requiring that architects who submit bids for performing work, on new or older public buildings, have continuing education hours in security planning;
- ▶ Examining the communication needs of our law enforcement personnel and ways to help obtain a statewide communication system; and,
- ▶ Considering the proposal of the Special Committee on Court Security and their efforts to pass a \$5 fee that would be added to all criminal court filings in order to pay for the expensive proposition of securing our courthouses.

I. Introduction

The Senate Study Committee on Security for State and County Buildings was created by Senate Resolution 431 during the 2005 Session of the Georgia General Assembly. The Committee was charged with undertaking a study of the conditions, needs, issues, and problems relating to the security of state and county buildings; including new technology for increasing security at state and county buildings open to the public.

The resolution provided that the Committee be composed of seven members of the Senate appointed by the Senate Committee on Assignments, who also appoints the Chair for the Committee. The Senate Committee on Assignments appointed Senator Joseph Carter (Chair), Senator Brian Kemp, Senator Jeff Mullis, Senator Bill Hamrick, Senator Jeff Chapman, Senator Steen Miles, and Senator Valencia Seay.

The Committee held three public meetings on the following dates: June 14th, in Moultrie, Georgia; August 31st, in Macon, Georgia; and December 8th, in Douglasville, Georgia. The Committee heard testimony from various groups including: the Georgia Sheriff's Association; the Association County Commissioners of Georgia; and several judges from various circuits.

II. Background Information

On March 11, 2005, suspect Brian Nichols was beginning proceedings for a rape trial in Fulton County, Georgia when he overpowered and severely injured his guard, took her gun, entered the courtroom and shot to death Judge Rowland Barnes and the court stenographer. Nichols subsequently escaped the courthouse, killing a Fulton County Sheriff's deputy, and later killing a U.S. Customs agent before his capture in Gwinnett County. Although violent attacks have been fairly uncommon in past decades, the reality of their possibility, especially in light of the Fulton County incident, leaves all public officials with the conscientious responsibility of securing the public buildings under their control and protecting public employees and officials, as well as the citizens in our state.

III. Committee Research

The Committee met on June 14th, in Moultrie; August 31st, in Macon; and on December 8th, in Douglasville, Georgia. The following testimony was heard by the Committee.

A. Testimony by Mr. Terry Norris, the Georgia Sheriff's Association; Sheriff Al Whittington, Colquitt County; Sheriff Gary Vowell, Tift County; Sheriff Donnie Haralson, Crisp County; Sheriff Jerry Modena, Bibb County; Sheriff Bill Harrell, Laurens County; Sheriff Howard Sills, Putnam County; and Sheriff Phil Miller, Douglas County.

The Georgia Sheriff's Association, in conjunction with those sheriffs who testified before the Committee, presented testimony that demonstrated the complexity of providing security to the courthouses in their jurisdictions. Sheriffs are responsible for providing services at all levels of the criminal justice system – specifically for law enforcement, the courts, and for corrections. Additionally, sheriffs are responsible for the transport of inmates from the jails to the courtrooms and back. While many of the larger counties have adopted thorough security procedures, many of the smaller counties struggle with planning security measures that cover all points of needed security. While many complications were discussed, some of the more significant ones included:

1. The absence of state-level security guidelines for the counties and judicial circuits to go by. This is not to be interpreted as a request for mandated requirements, but more of a blueprint that could be made available for local officials to use for initiating security measures. It is the local officials who know the logistics of their courthouses, holding cells, and access and egress points for the public and for the inmates who are being transported to and from courthouses.
2. Georgia's counties are very diverse. Some counties have built new courthouses and taken security measures into consideration, while others are looking at ways to provide security measures in courthouses that are 100-year-old historical buildings originally designed for appeal and convenience.
3. Many courthouses have annexed additions that house additional judges' chambers and courtrooms, as well as other offices. Security must also be addressed for these buildings.
4. A very limited number of courthouses have secure parking for their judges. Many judges simply must park on the street and enter their courthouses as others do, greatly reducing their safety.
5. The distance sheriffs must transport their inmates from jail to courtroom affects security measures. Some counties have their jails nearby, while others may be several miles away.
6. How many inmates is a safe number to transport at one time and to retain in a holding cell at the courthouse? What is the appropriate number of corresponding deputies?

7. Security equipment such as X-Ray machines, metal detectors, and video-monitoring systems are not only expensive, but require additional personnel to run them.
8. The lack of rooms in the old courthouses - do witnesses and family members of defendants all sit in the same room between court sessions?
9. Manpower is an issue. In many of the counties during trials, deputies must be pulled off their patrol.
10. More significant trials require extra planning for security.
11. There are 159 very diverse counties - planning their security policies and measures must fit their geographic area of the state.
12. The lack of timely reimbursement from the state for state inmates housed in county facilities erodes the budget dollars they have to spend in other areas, such as security.
13. Sheriff's duties include transporting mental health patients. This task has become more time consuming and costly to the sheriffs because their commutes could be as much as a hundred miles; and then the deputy could possibly have to wait for a medical determination before leaving.

B. Testimony by Mr. Kem Kimbrough of the Association County Commissioners of Georgia (ACCG); Chairman Max Hancock, Colquitt County Board of Commissioners; Mr. Wink Strickland, Clinch County Board of Commissioners; Chairman Charles Bishop, Bibb County Board of Commissioners; Ms. Helen Stone, Chatham County Board of Commissioners; Mr. Jerry Stover, Wilkes County Board of Commissioners; Chairman Jerry Shearin, Paulding County Board of Commissioners; Mr. Rusty Dean, Carroll County Board of Commissioners; and Chairman Tom Worthan, Douglas County Board of Commissioners.

The testimony presented to the Committee by the ACCG and several county commissioners was unified in message. County commissioners must take into consideration all budgetary needs of a county when reallocating the financial resources collected from its taxpayers. While the issue of providing security to all of the county's public buildings is important, it will be very costly. County commissioners must also consider their charge in providing funding for many services, including: law enforcement; fire protection; economic development; transportation needs; and providing support for district attorneys, public defenders, and judges. Many of the major points and observations reiterated by the commissioners at each meeting included:

1. Do not pass an unfunded mandate relating to public building security.
2. Use a common sense approach in addressing the issue of security for public buildings. Securing every public structure against every possible act of violence would be virtually impossible and economically unfeasible.
3. Consider that every new cost requires the county to go back to the taxpayers for funding.

4. Do not impose a one-size-fits-all security plan for counties that range greatly in size and budget.
5. Neither the state nor its counties can afford to provide all available security measures because the end provider is the taxpayer.
6. Provide additional funding to the Sheriff's Association to develop and implement training in courthouse security for all sheriffs and their deputies who must perform in this area.

C. Testimony by H. Arthur McLane, Chief Judge, Southern Judicial Circuit; Gary C. McCorvey, Chief Judge, Tifton Judicial Circuit; and Samuel D. Ozburn, Judge, Alcovy Judicial Circuit.

Testimony presented to the Committee by each of the judges reflected their commitment to their communities. Incidents such as the Fulton County Courthouse shootings were unheard of 30 years ago. Several of the judges pointed out that while the Fulton County incident was a criminal case, civil cases, probate proceedings, and juvenile proceedings are just as likely, if not more so, to produce acts of rage, and violence. Judge McLane testified that recent statistics indicated that two-thirds of courthouse assaults arise from domestic relations.

Another issue of concern for judges is their security away from the courthouse. For example, in larger circuits, a judge may not be easily recognizable when shopping or dining out; however, in smaller circuits and rural areas, judges are more likely to be recognized. Each of the judges acknowledged that it would be impossible to totally protect them at all times.

Judge Ozburn, who recently chaired the Special Committee on Court Security which set out to determine the current level of security at all 159 county courthouses, provided the Committee with the results of a survey sent to all 159 counties regarding the types of security equipment currently used in their courthouses. The following was reported:

- ▶ Burglar alarms - 28 of 159 courthouses, (18 percent).
- ▶ Magnetometers, or walk through metal detectors - 112 of 159 courthouses, (71 percent), with 58 located at the courthouse entrance and 54 located at the courtroom entrance.
- ▶ X-Ray machines – 45 of 159 courthouses, (29 percent), with 37 located at the courthouse entrance and 8 located at the courtroom entrance.

The following are major points that the judges felt should be recognized and considered when developing policy regarding the security of public buildings:

1. We have to protect all of the people in the courthouses, jurors, witnesses, and those who made career choices to be in the courthouse setting.

2. Clerks' offices and tax commissioners' offices handle large amounts of cash with little or no surveillance equipment. In contrast, many convenience stores handle less cash and yet have security systems.
3. Courthouse functions can survive into the future only if security is provided to those who must be in the courthouse.
4. In the event of a tragedy where security is not provided, or security procedures are not followed, lawsuits will prevail.
5. Consider withholding any state funds for the refurbishment of old courthouses unless a security consultant is retained.
6. Any security equipment employed must be run by trained personnel.
7. Consider requiring certain key security personnel to be POST trained.

D. Testimony by Ms. Theresa A. "Terry" Rodgers, U.S. Marshal for the Middle District of Georgia; Mr. Edward Morrison, Judicial Security Inspector, U.S. Marshal's Office; Captain A. M. Wilson, Georgia State Patrol; and Ms. Denise Fachini, President, District Attorney's Association.

Ms. Rodgers testified to the Committee that the U.S. Marshal's Office is similar to the sheriffs. They have the same problems, such as the transport of inmates and funding for sufficient and adequate services. The federal courthouses they cover, especially here in Georgia, have the same problems of being old and not conducive to retrofitting for security measures. However, the U.S. Marshal's Office has become proactive in that when new courthouses are built, they must take security measures into consideration.

Ms. Rodgers pointed out the difficulty of formulating security policy. Details such as: does everyone go through the magnetometer, including the judges, staff, and attorneys; and when X-Raying belongings, what do you confiscate and where do you store confiscated materials. These are examples of the types of decisions that must be made regarding security; however, every exception made for convenience dilutes any security policy.

One example of a security procedure instituted by the U.S. Marshal's Office when transporting inmates is that they have a one-on-one plus one policy. This means one prisoner is escorted by two deputies, and two prisoners are escorted by three deputies, and so on.

Mr. Morrison, a judicial security inspector, testified to the Committee that he has assessed several courthouses in Georgia. Many of the old beautiful courthouses in certain areas of Georgia will be a challenge to secure. They have too many entrances, and people do not want to close any of the entrances for convenience reasons; however, they do not have enough money to put security equipment at all of the entrances nor enough funding to provide security personnel that would be stationed at all of the entrances.

Captain Wilson testified to the Committee that security plans must encompass all aspects of a building, such as: safeguarding building plans; and securing loading docks and utility rooms. Every function within the building must be considered.

The following are a few of the major points:

1. Be wary of the misconception that what happened in Atlanta will not happen in other more rural areas of Georgia.
2. Security is a necessary inconvenience.
3. Georgia should take advantage of the security training programs offered at the Federal Law Enforcement Training Center in Brunswick.
4. Every county courthouse should have a security assessment done. Although the U.S. Marshal's Office can help, there needs to be other sources identified.
5. When instituting security measures, start with the judges and their chambers, and then move to the courtrooms.

E. Mr. Judson Bryant, Architect, Administrative Office of the Courts; and Mr. George Tims, Motorola Communications.

Mr. Bryant testified to the Committee that many times, even today, the people who design new courthouses, or remodel older courthouses, have no experience in how to design buildings that must be made secure. Many of the points Mr. Bryant made centered on the need for continuing education training for architects in the area of security.

Mr. Tims addressed the Committee on the issue of communication. Most communication systems used by the different law enforcement agencies around Georgia have been in place a long time, they are purchased by local governments for use by the local law enforcement, and they generally do not communicate with other law enforcement agencies. These systems are considered to be "proprietor" type systems and homeland security grants cannot be used for "proprietor" type equipment.

There are new technologies that allow systems to "talk" to each other. Though expensive, these new technologies that allow communication between local law enforcement agencies would better serve and protect Georgia's citizens.

IV. Recognized Position of the Sheriff's Association

After hearing testimony by the members of the Sheriff's Association, the Committee understands and recognizes their position as follows.

The Office of Sheriff evolved from English Common Law and is recognized by the Constitution of the State of Georgia. Unlike other

local law enforcement agencies, the duties and responsibilities of the Office are established by common law or mandated through Acts of the General Assembly. Sheriffs provide these mandated services at all levels of the criminal justice system, namely law enforcement, the courts and corrections. Georgia law also prescribes the qualifications for sheriffs and establishes retirement benefits for qualified office holders. As a result of the extent to which state law dictates the nature, scope and authority of the Office of Sheriff, the 11th Circuit Court of Appeals recently held that sheriffs are agents of the State of Georgia, possessing similar immunities as those of other state officials. No other locally elected office holder shares this distinction.

V. Committee Findings and Recommendations

A. Committee Findings

The three Committee hearings held around the state were very informative. Stakeholders on the issue of courthouse and public building security provided the Committee with a very accurate picture of the issue's complexity. Most often stated in Committee hearings was that "one-size-does-not-fit-all." Many sheriffs and all of the local government officials made it very clear that a security plan that does not consider the diversity of Georgia's counties, will not work. Additionally, the continued plea for the Legislature not to issue another unfunded mandate was heard.

One crucial element hindering the ability of our law enforcement personnel to adequately protect our citizens is their lack of ability to communicate with one another. Consideration should be given as to how state involvement in this issue could aid in the emergence of a statewide radio communications system.

B. Committee Recommendations

The Committee recognizes that there are various components to providing security at all of the state's courthouses and public buildings, such as: creating and enforcing security plans for these buildings; providing well trained personnel; and maintaining up-to-date technology equipment for communications. However, the Committee recognizes that the common denominator in all of these issues is funding. The Committee agrees that the following recommendations, if acted upon, could enhance the common goal of protecting our public buildings and our citizens:

- ▶ Provide clarification of the role of sheriffs.
- ▶ Require that architects who submit bids for performing work, on new or older public buildings, have continuing education hours devoted to security planning.
- ▶ Consider the communication needs of our law enforcement personnel and support initiatives to help obtain a statewide system.

► Consider the proposal of the Special Committee on Court Security regarding their efforts to pass a \$5 fee added to all criminal court filings in order to pay for the expensive proposition of securing our courthouses. (The proposal would be that the assessing counties keep 90 percent of the revenue and the remaining 10 percent would go to the smaller counties that do not generate enough revenue to pay for security improvements.)

Respectfully Submitted,
Members of the Senate Study Committee on Security for State and County Buildings

Senator Joseph Carter, Chair
District 13

Senator Jeff Chapman, District 3

Senator Bill Hamrick, District 30

Senator Brian Kemp, District 46

Senator Steen Miles, District 43

Senator Jeff Mullis, District 53

Senator Valencia Seay, District 34