

Baltimore City Sheriff's Office

Samuel Cogen, Sheriff

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Sean B. Wolcoff
Chief Of Security
Administrative Office of the Courts
Maryland Judicial Center
187 Harry S Truman Parkway
Annapolis, MD 21401

January 5, 2024

Dear Mr. Wolcoff,

I write to thank you for the conversations that you and your colleagues have had with me and my staff regarding our shared responsibility in protecting the courts of Baltimore City and the members of the Judiciary and the general public who access this public space each and every workday of the year.

Per our conversations, you will find herein this letter a general background on the legal background and the building infrastructure background in Baltimore City, along with my first proposal for how I believe we can best improve safety across the board with staffing changes.

Legal Background:

The Baltimore City Sheriff's Office (BCSO) staffs courts in Baltimore City to provide a secure and safe environment for the administration of justice. The role of the sheriff inside the courthouse is to keep order, preserve decorum, provide guidance on behavior rules within the courtroom, enforce said rules, serve court documents on parties within the courtroom, take persons into custody, oversee inmates in custody, transport prisoners to and from the courtroom, and provide other law enforcement services as needed.

In Baltimore City, court security is provided by three (3) classifications of BCSO employees. The first classification of sheriff employees is the deputy sheriff that has full law enforcement authority

throughout Baltimore City.¹ The Sheriff of Baltimore City is currently authorized to appoint 103 deputy sheriffs.²

The second classification of BCSO employee to conduct court security work is the sheriff court security officer (CSO).³ CSOs are, effectively, Circuit Court bailiffs who report directly to the Sheriff of Baltimore City, acting under his conferred authority as “Chief of Court House Security.”⁴ CSOs are peace officers vested with the powers of police officers not unlike special police or special deputies, which they may exercise within any building used in whole or in part by the Circuit Court for Baltimore City.⁵ CSOs duties and powers are limited and they may not perform “...any other duty not directly related to the functions of the Court and of the judge.”⁶

The third classification of BCSO employee who provides security is the “special deputy sheriff”. These employees were created and funded as contractual employees in addition to the 103 authorized deputy sheriffs to perform a specific function. In this case the specific function was to serve child support related writs and provide security to the judges hearing child support work. These positions were partially funded at one time by a cooperative reimbursement agreement (CRA) with the Maryland Department of Human Services. Historically, various Sheriffs of Baltimore City at times created significant numbers of special deputies with full police authority. There has been no legislation limiting this authority.

Court operations generate derivative work for the BCSO to conduct throughout the City of Baltimore. Such work is required for the Court to function effectively, to exercise court jurisdiction, and to enforce court orders. For example, bench warrants for “violation of probation,” “failure to appear,” and “body attachments” are forwarded to the BCSO for process service and to locate and arrest persons. The BCSO also serves criminal and civil summonses and subpoenas for each operating Court.

From an operational perspective, such derivative work is only performed by Deputy Sheriffs with city-wide law enforcement jurisdiction. The more active the Courts are, the more work is generated and forwarded to the BCSO.

Building Infrastructure Background:

Baltimore City Circuit Court facilities are unique because they are historic buildings. Unlike modern court facilities that are designed with separate employee, prisoner, and public entrances, elevators, and corridors, The Mitchell Courthouse West and Cummings Courthouse East buildings have common hallways, elevators, and entrances, as well as an operational United States Post Office. This provides significant security challenges and requires multiple fixed position screening posts to secure the environment.

¹ See Md Cons. Art. IV, Part VII, and Md. Code Ann. Cts. & Jud. Proc. § 2-316, *generally*.

² Md. Code Ann. Cts. & Jud. Proc. § 2-316(d)(2)(ii).

³ Md. PLL Art. 4, §§ 22-6 through 22-11), *et. seq.*

⁴ Md. PLL Art. 4, § 22-6.

⁵ Md. PLL Art. 4, § 22-9.

⁶ *Id.*

Baltimore City Circuit Court public entrances are not Americans with Disabilities Act (ADA) compliant and each of the buildings, there is both a public entrance door and an ADA compliant door that both require screening and law enforcement staff. The ADA compliant doors also are used to screen court employees. The public entrance doors serve as the main exit doors. Along with security screening, the BCSO staff function as the initial source of information for providing directions to the public as to their intended destination.

BSCO employees screen the public entering the court with walk through magnetometers (metal detectors) and the belongings are screen by x-ray. The court employees are screened with metal detectors and their belongings are hand searched by the sheriff employees. Unrelated to staffing level recommendations, one recommended technological upgrade would be to place two (2) additional x-ray machines, one at each of the ADA doors.

BCSO also maintains three lock-up areas, one in each of the Circuit Courthouses with the third in the Department of Juvenile Justice (DJJ) facility. In the Circuit Courthouses, adult prisoners who are awaiting trial and transferred into the custody of the court are placed in these lock-up areas. Pre-trial attorney visitation occurs in these areas and is supervised by BCSO staff.

Staffing Background:

As stated above, the core mission of the CSOs is to provide courthouse and courtroom security. Currently, the BCSO is funded for \$2,732,478 in salaries for thirty-six (37) full-time CSO positions.⁷ This means the CSOs have barely enough personnel to have one CSO for each of the thirty-three (33) Circuit Court judges. If you factor in the twelve (12) Magistrates in Baltimore City, the total shows there is insufficient personnel to put just one (1) CSO in each of the forty-nine (49) rooms that could potentially be holding hearings on any given day. And of course, this does not include the staff necessitated by the unique nature of the historical building infrastructure who cover the various security entry checkpoints and roving security needed to adequately secure the courthouse facilities.

I note that the insufficient staffing levels of CSOs is being covered, at present, by reassigning Deputy Sheriffs away from their other court mandated duties. Moreover, current courtroom and courthouse security staffing levels are following historic patterns, and I do not believe (and feedback from our judicial partners indicates to me that they also do not believe) that these historic levels of “protection” are in any way adequate to meet the current climate of judicial threats and court security that we are facing in Baltimore City and nationally.

As I mentioned, by backfilling the need to cover the CSO staffing inadequacies, all of the following court enforcement services are presently being severely diminished:

- Investigating/managing threats to judges and other employees of the Judiciary;
- Providing law enforcement and traffic enforcement in the courthouse footprint;
- Managing protest events around the courthouse facility;

⁷ See Baltimore City Budget Publications Fiscal 2024 Agency Detail, Volume II, Service 881: Courthouse Security, pg. 353-354, available at https://bbmr.baltimorecity.gov/sites/default/files/FY2024%20Agency%20Detail%20Volume%202%20Final_1.pdf.

- Supplementing staff during high-risk/high-profile cases;
- Conducting witness protection details;
- Other law enforcement duties as services, when needed;
- Enforcing the Orders of the Court, including:
 - Circuit Court warrants and attachments;
 - Civil and Criminal summons and subpoenas;
 - Child support and other Family Court orders;
 - Circuit Court and District Court protective orders;
 - District Court peace orders;
 - District Court Evictions and Rent Court process service;
 - Circuit and District Court Civil Process; and
 - Other writs forwarded from Maryland Courts and other courts located outside of the State of Maryland involving a Baltimore City resident.

Security Recommendation Proposal:

With that background in mind, I recommend increasing the capacity of the CSO staff to 110 funded positions, with a mix of full-time (primarily command/supervisory roles) and contractual personnel, which will ensure adequate courthouse and courtroom security and allow Deputy Sheriffs to be reassigned to those above referenced Court enforcement services. And as the only employees of the BCSO with full law enforcement powers throughout the City, only the Deputy Sheriffs are authorized to lawfully and safely engage in such work.

Budget and Costs:

The BCSO total operating budget for Fiscal Year 2024 is \$27,770,906.⁸ Within that total operating budget, Service 881: Courthouse Security is budgeted for a total of \$5,600,344, which includes the aforementioned \$2,732,478 in salary costs for the currently funded thirty-seven (37) full-time CSO positions. As is broken down in further detail below, my security recommendation will result in an increased cost to Service 881, which amounts to an estimated funding shortfall in the range of approximately \$7.6 million over the existing level of funding.

Cost Breakdown:

Full-time Court Security Officers - currently paid between \$51,928 - \$87,221 with a \$20,000 benefits package. Full-time CSOs are budgeted with benefits at \$71,928 – \$107,221. Currently, there are 37 such funded positions.⁹

*Contractual Court Security Officers*¹⁰ – to be paid hourly at \$50.00 per hour with no benefits and work on a “part-time” schedule. This equates to \$400.00 per eight-hour shift. With 248 working days per year when courts are in session and at \$400 per shift this equates to \$99,200 per yearly

⁸ *Id.* at pg. 351.

⁹ *Id.* at fn. 7.

¹⁰ Note: no relief factor is needed here, because contractual CSO positions are scheduled and no leave is calculated. Contrast this with full-time CSOs with benefits who take an average of 20 days of leave per year, thus necessitating additional positions for coverage. The Department of Justice calculates this relief factor at 1.4 multiplied by each full-time position.

shift coverage. By way of example, two (2) such contractual CSOs covering a court room for an eight-hour shift, per workday, per year costs \$198,400.

Adding seventy-three (73) positions on top of the existing thirty-six (37)—assuming they are contractual at \$99,200 per position—creates an additional need for \$7,241,600 in salary expense. Because each position would require first year hiring, uniform, equipment, and training expenditures of approximately \$5,000 per unit, this would add an additional \$365,000 in anticipated one-time costs, bringing the total cost to \$7,605,600.

Given that, as stated above, the total budget for the BCSO in fiscal 2024 is \$27,770,906, this staffing proposal amounts to a 27% increase to the current overall budget of the BCSO.

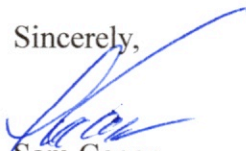
However, if, for example, it was decided to staff two (2) CSOs per judicial courtroom and one (1) CSO staffing each magistrate courtroom, this would reduce the number of CSO positions by twelve (12) and supervisory positions by one (1), lessening the total overall increase in needed positions to 60, which amounts to a \$5,952,000 funding shortfall that would need to be filled.

It is important to note that as the Chief of the Court House Security Division,¹¹ the Sheriff of Baltimore City will train all employees in-house as armed special deputies¹² and not certify them through the Maryland Police and Correctional Training and Standards Commission (MPTSC) unless they are already certified, which will significantly reduce the training costs. Certainly, there are more opportunities to realize additional cost savings as we think through how this initial plan can be improved upon.

Closing:

In closing, I remain grateful for your time and attention to this letter. Please know that I am happy to continue our dialogue as we work to reimagine the current BCSO's deployment to achieve our shared goal of providing the safest, most secure environment within and around the Circuit Courthouse facilities of Baltimore City. If you have any questions or wish to discuss this issue further, please contact me via Assistant Sheriff Nicholas Blendy, who is available at Nicholas.Blendy3@baltimorecity.gov.

Sincerely,



Sam Cogen
Sheriff of Baltimore City

¹¹ Md. PLL Art. 4, §§ 22-6, 22-8, and 22-10.

¹² Upon preliminary consultation with my in-house Assistant Sheriff counsel, I believe the law does not require CSOs to be MPTSC certified to exercise the limited policing powers that they are authorized under the Public Local Law. I will, of course, confirm this with our Assistant Attorney General, along with some other questions that I have regarding potential costs involving worker's compensation and liability, as well as whether they are entitled to qualified immunity.