

1 **Rule 3-414. Court security.**

2 Intent:

3 To promote the safety and well being of judicial personnel, members of the bar and
4 citizens utilizing the courts.

5 To establish uniform policies for court security.

6 To delineate responsibility for security measures by the Council, the administrative
7 office, local judges, court executives, and law enforcement agencies.

8 Applicability:

9 This rule shall apply to all courts.

10 Section (7) on weapons shall not apply to trial exhibits.

11 Statement of the Rule:

12 (1) Definitions.

13 (1)(A) Court security. Court security includes the procedures, technology, and
14 architectural features needed to ensure the safety and protection of individuals within
15 the courthouse and the integrity of the judicial process. Court security is the joint effort
16 of law enforcement and the judiciary to prevent or control such problems as ~~verbal~~
17 ~~abuse, insult~~, disorderly conduct, physical violence, ~~demonstrations~~, theft, ~~fire~~, bomb
18 threats, ~~sabotage~~, prisoner escapes, ~~kidnappings~~, assassinations, and hostage
19 situations.

20 (1)(B) A key manager is a person authorized by the court executive or Deputy State
21 Court Administrator to issue, retrieve, activate, and deactivate keys and/or access cards
22 to courthouses in their districts.

23 (1)(C) Presiding judge. As used in this rule, presiding judge includes the judge of a
24 single-judge courthouse. The presiding judge may delegate the responsibilities of this
25 rule to another judge.

26 (2) Responsibilities of the Council.

27 (2)(A) The Council shall ensure that all design plans for renovation or new
28 construction of court facilities are reviewed for compliance with security standards. The
29 Utah Judicial System Design Standards.

30 ~~(2)(B) The Council shall promulgate general security guidelines to assist local~~
31 ~~jurisdictions in the development of court security plans. These guidelines and local~~
32 ~~security plans may supplement but shall not conflict with the following minimum~~
33 ~~requirements. If a facility fails to conform to the following requirements, the security plan~~
34 ~~for the courthouse shall note the deficiency, and the presiding judge and court executive~~
35 ~~shall use reasonable efforts to obtain funding for necessary modifications.~~

36 ~~(2)(B)(i) All persons in custody shall be kept in a holding cell, restrained by~~
37 ~~restraining devices, or supervised at all times while in court unless otherwise specifically~~
38 ~~ordered by the judge in whose courtroom the individual appears.~~

39 ~~(2)(B)(ii) Reserve parking near the entrance to the court facility shall be provided for~~
40 ~~court officials. Reserved parking shall not be identified by the name or title of the~~
41 ~~individual assigned to the space.~~

42 ~~(2)(B)(iii) Building entrances, restrooms, holding cells and pedestrian circulation for~~
43 ~~law enforcement personnel transporting individuals in custody shall be separate from~~
44 ~~the general public and court officials. Building entrances, restrooms, offices and~~
45 ~~pedestrian circulation for court officials shall be separate from the general public.~~
46 ~~Access to non-public areas shall be controlled.~~

47 ~~(2)(B)(iv) Holding cells shall be adjacent to courtrooms.~~

48 ~~(2)(B)(v) Courtroom windows shall be draped or otherwise treated to restrict vision~~
49 ~~from outside the courtroom and securely fastened.~~

50 ~~(2)(B)(vi) Physical barriers shall be provided between the public seating area of the~~
51 ~~courtroom and the participants' area.~~

52 ~~(2)(B)(vii) Weapons and miscellaneous items which can be used as weapons shall~~
53 ~~be regulated as provided in this rule.~~

54 ~~(2)(B)(viii) An emergency power system shall be provided for lighting and electrically~~
55 ~~operated doors.~~

56 ~~(2)(B)(ix) Separate waiting areas shall be provided for defense witnesses, plaintiff or~~
57 ~~prosecution witnesses, and jurors.~~

58 ~~(2)(B)(x) The bailiff shall maintain a clear line of sight of all courtroom participants~~
59 ~~and shall be between individuals who are in custody and courtroom exits.~~

60 ~~(2)(C)~~ ~~(2)(B)~~ As a condition for the certification of a new justice court or the
61 continued certification of an existing justice court, the justice court shall file an
62 acceptable local security plan with the ~~statewide security coordinator~~ Court Security
63 Director and shall file amendments to the plan with the ~~statewide security coordinator~~
64 Court Security Director as amendments are made. The local security plan shall provide
65 for the presence of a law enforcement officer or constable in court during court sessions
66 or a reasonable response time by the local law enforcement agency upon call of the
67 court.

68 (3) Responsibilities of the Administrative Office.

69 (3)(A) The state court administrator shall appoint a ~~statewide security~~
70 ~~coordinator~~ Court Security Director who shall:

71 (3)(A)(i) review, ~~approve~~ and keep on file copies of all local security plans; and

72 (3)(A)(ii) periodically visit the various court jurisdictions to offer assistance in the
73 development or implementation of local security plans.

74 (3)(B) The state court administrator shall appoint a court executive in each judicial
75 district to serve as a local security coordinator.

76 ~~(3)(C) The director of human resources shall maintain as part of each official~~
77 ~~personnel file information on each employee of the judiciary and his or her family~~
78 ~~necessary to ensure that adequate information is available to law enforcement agencies~~
79 ~~to respond to an emergency~~

80 (3)(C) The Court Security Director shall promulgate general security guidelines to
81 assist local jurisdictions in the development of court security plans.

82 (4) Responsibilities of the court executive.

83 (4)(A) The court executive designated as the local security coordinator shall:

84 (4)(A)(i) in consultation with the law enforcement administrator responsible for
85 security and with the judges responsible for the security plan, develop and implement a
86 local security plan for each court of record facility within the district;

87 (4)(A)(ii) annually review the local security plan with the presiding judge and the law
88 enforcement administrator to identify deficiencies in the plan and problems with
89 implementation;

90 (4)(A)(iii) file an acceptable local security plan with the ~~statewide security~~
91 ~~coordinator~~Court Security Director; and

92 (4)(A)(iv) file amendments to the plan with the ~~statewide security coordinator~~Court
93 Security Director as amendments are made.

94 (4)(B) The local security plan for a courthouse and any amendments to it shall be
95 approved by a majority of the judges of the district of any court level regularly occupying
96 the courthouse. Voting shall be without regard to court level. As used in this subsection
97 the term “judges of the district of any court level occupying the courthouse” shall include
98 all judges of the district court of the district and all judges of the juvenile court of the
99 district regardless of whether a particular judge occupies the courthouse so long as at
100 least one judge of that court level occupies the courthouse. The term also includes the
101 justices of the Supreme Court, the judges of the Court of Appeals and ~~any~~all justice
102 court judges who actually occupy the courthouse.

103 ~~(4)(C) The court executive shall conduct an annual survey of all court facilities to~~
104 ~~identify steps necessary to meet security guidelines established by the Council.~~

105 ~~(4)(D)~~ (4)(C) The court executive shall provide a copy of the current local security
106 plan and annual training on the plan to all ~~employees~~ court personnel, volunteers and
107 security personnel.

108 ~~(4)(E)~~ (4)(D) The local plan shall clearly delineate the responsibilities between court
109 personnel and law enforcement personnel for all areas and activities in and about the
110 courthouse.

111 ~~(4)(F)~~ (4)(E) The court clerk or probation officer, under the supervision of the court
112 executive, shall provide timely notice to transportation officers of required court
113 appearances and cancellation of appearances for individuals in custody. The court shall
114 consolidate scheduled appearances whenever practicable and otherwise cooperate with
115 transportation officers to avoid unnecessary court appearances.

116 ~~(4)(G)~~ (4)(F) To the extent possible, the clerk of the court shall establish certain days
117 of the week and times of day for court appearances of persons in custody in order to
118 permit transportation officers reasonable preparation and planning time. The court shall

119 give priority to cases in which a person in custody appears in order to prevent increased
120 security risks resulting from lengthy waiting periods.

121 (5) Responsibilities of law enforcement agencies.

122 (5)(A) The law enforcement agency with responsibility for security of the courthouse,
123 through a law enforcement administrator, shall:

124 (5)(A)(i) coordinate all law enforcement activities within the courthouse necessary for
125 implementation of the security plan and for response to emergencies;

126 (5)(A)(ii) cooperate with the court executive in the development and implementation
127 of a local security plan;

128 (5)(A)(iii) provide local law enforcement personnel with training as provided in this
129 rule;

130 (5)(A)(iv) ~~appoint~~ provide court bailiffs; and

131 (5)(A)(v) provide building and perimeter security.

132 (5)(B) The law enforcement agency responsible for court security shall be as follows:

133 (5)(B)(i) The Department of Public Safety for the Supreme Court and the Court of
134 Appeals when they are in session in Salt Lake County. When convening outside of Salt
135 Lake County, security shall be provided by the county sheriff. The Department of Public
136 Safety may call upon the Salt Lake County Sheriff for additional assistance as
137 necessary when the appellate courts are convening in Salt Lake County.

138 (5)(B)(ii) The county sheriff for district courts and juvenile courts within the county.

139 (5)(B)(iii) The county sheriff for a county justice court and the municipal police for a
140 municipal justice court. The county or municipality may ~~appoint~~ provide a constable to
141 provide security services to the justice court. If a municipality has no police department
142 or constable, then the law enforcement agency with which the municipality contracts
143 shall provide security services to the justice court.

144 (6) Court bailiffs.

145 (6)(A) Qualifications. Bailiffs shall be “law enforcement officers” as defined in Section
146 53-13-103. At the discretion of the law enforcement administrator and with the consent
147 of the presiding judge, bailiffs may be “special function officers” as defined by Section
148 53-13-105.

149 (6)(B) Training. Prior to exercising the authority of their office, bailiffs shall
150 satisfactorily complete the basic course at a certified peace officer training academy or
151 pass a waiver examination and be certified. Bailiffs shall complete 40 hours of annual
152 training as established by the Division of Peace Officer Standards and Training. Bailiffs
153 shall receive annual training on the elements of the court security plan, emergency
154 medical assistance and the use of firearms.

155 (6)(C) Physical and mental condition. Court bailiffs shall be of suitable physical and
156 mental condition to ensure that they are capable of providing a high level of security for
157 the court and to ensure the safety and welfare of individuals participating in court
158 proceedings. Bailiffs shall be capable of responding appropriately to any potential or
159 actual breach of security.

160 (6)(D) Appointment. The appointment of a bailiff is subject to the concurrence of the
161 presiding judge.

162 (6)(E) Supervision. The court bailiff shall be supervised by the appointing authority
163 and perform duties in compliance with directives of the appointing authority.

164 (6)(F) Responsibilities. Court bailiff responsibilities shall include but are not limited to
165 the following.

166 (6)(F)(i) The bailiff shall prevent persons in custody from having physical contact
167 with anyone other than the members of the defense counsel's team. Visitation shall be
168 in accordance with jail and prison policies and be restricted to those facilities.

169 (6)(F)(ii) The bailiff shall observe all persons entering the courtroom, their movement
170 and their activities. The bailiff shall control access to the bench and other restricted
171 areas.

172 (6)(F)(iii) The bailiff shall search the interior of the courtroom and restricted areas
173 prior to the arrival of any other court participants. Similar searches shall be conducted
174 following recesses to ensure the room is clear of weapons, explosives, or contraband.

175 (6)(F)(iv) Bailiffs shall wear the official uniform of the law enforcement agency by
176 whom they are employed.

177 (6)(F)(v) Bailiffs shall comply with the directives of the judge or commissioner with
178 respect to security related activities and shall perform other duties incidental to the

179 efficient functioning of the court which do not detract from security functions. Activities
180 wholly unrelated to security or function of the court, including personal errands, shall not
181 be requested nor performed.

182 (6)(F)(vi) Bailiffs shall perform responsibilities provided for in the local court security
183 plan.

184 (6)(F)(vii) The bailiff shall maintain a clear line of sight of all courtroom participants
185 and shall be between individuals who are in custody and courtroom exits.

186 (7) Weapons.

187 (7)(A) Weapons generally.

188 (7)(A)(i) A courthouse is presumed to be free of all weapons and firearms unless a
189 local security plan provides otherwise in accordance with this rule. No person may
190 possess an explosive device in a courthouse. Except as permitted by this rule, no
191 person may possess a firearm, ammunition, or dangerous weapon in a courthouse.

192 (7)(A)(ii) All firearms permitted under this rule and a local security plan:

193 (7)(A)(ii)(a) and carried upon the person shall be concealed unless worn as part of a
194 public law enforcement agency uniform;

195 (7)(A)(ii)(b) shall remain in the physical possession of the person authorized to
196 possess it and shall not be placed in a drawer, cabinet, briefcase or purse unless the
197 person has physical possession of the briefcase or purse or immediate control of the
198 drawer or cabinet or the drawer or cabinet is locked; and

199 (7)(A)(ii)(c) shall be secured in a holster with a restraining device.

200 (7)(B) Persons authorized to possess a firearm or other weapon.

201 (7)(B)(i) The following officers may possess a firearm and ammunition in a
202 courthouse if the firearm is issued by or approved by the officer's appointing authority, if
203 possession is required or permitted by the officer's appointing authority and the local
204 security plan, and if the officer presents valid picture identification:

205 (7)(B)(i)(a) "law enforcement officer" as defined in Section 53-13-103;

206 (7)(B)(i)(b) "correctional officer" as defined in Section 53-13-104;

207 (7)(B)(i)(c) "special function officer" as defined in Section 53-13-105;

208 (7)(B)(i)(d) "federal officer" as defined in Section 53-13-106; and

209 (7)(B)(i)(e) a private security officer, licensed under Utah Code Title 58, Chapter 63,
210 Security Personnel Licensing Act, hired by the court or the court's banker to transport
211 money.

212 (7)(B)(ii) A judge or law enforcement official as defined in Section 53-5-711 may
213 possess in a courthouse a firearm and ammunition for which the judge or law
214 enforcement official has a valid certificate of qualification issued under Section 53-5-711
215 if possession is permitted by the local security plan.

216 (7)(B)(iii) A court commissioner may possess in a courthouse a firearm and
217 ammunition for which the court commissioner has a concealed weapons permit, but
218 only if the court commissioner has obtained the training and annual retraining necessary
219 to qualify for a certificate issued under Section 53-5-711 and if possession is permitted
220 by the local security plan.

221 (7)(B)(iv) A person permitted under subsections (i), (ii) or (iii) to possess a firearm
222 nevertheless shall not possess a firearm in a courthouse if the person is appearing at
223 the courthouse as a party to litigation. A person possessing a firearm in a courtroom
224 shall notify the bailiff or the judge.

225 (7)(B)(v) If permitted by the local security plan, ~~a court employee or court personnel~~
226 and volunteers may possess in a courthouse an otherwise legal personal protection
227 device other than a firearm. ~~An employee or Court personnel and~~ volunteers shall not
228 possess a personal protection device while appearing as a party to litigation. ~~An~~
229 ~~employee or Court personnel and~~ volunteers shall not possess a firearm while on duty.

230 (7)(C) Firearm training requirements.

231 (7)(C)(i) To requalify for a certificate issued under Section 53-5-711 a judge shall
232 annually complete with a passing score a range qualification course for judges and law
233 enforcement officials established by the Department of Public Safety or a course
234 established by any law enforcement agency of the state of Utah or its political
235 subdivision for the requalification of its officers.

236 (7)(C)(ii) The cost of firearms, ammunition, initial qualification, requalification and
237 any other equipment, supplies or fees associated with a certificate of qualification

238 issued under Section 53-5-711 shall be the responsibility of the judge or court
239 commissioner and shall not be paid from state funds.

240 (8) Security devices and procedures.

241 (8)(A) Metal detectors. The use of metal detectors or other screening devices,
242 Where present, should be at the discretion of the shall be used by the law enforcement
243 agency responsible for security/bailiff services. Such devices shall be operated only by
244 law enforcement agencies.

245 (8)(B) Physical search. Searches of persons in or about the courthouse or courtroom
246 shall be conducted at the discretion of the law enforcement agency responsible for
247 security when the local law enforcement agency has reason to believe that the person
248 to be searched is carrying a weapon or contraband into or out of the courthouse or
249 when the court so orders. No other person is authorized to conduct such searches.
250 Written notice of this policy shall be posted in a conspicuous place at the entrance to all
251 court facilities.

252 ~~(8)(C) Emergency communication system. An emergency communications system~~
253 ~~should be installed in each courtroom, judge's chamber, commissioner's chamber, and~~
254 ~~clerk's office. The system should be capable of alerting the law enforcement agency~~
255 ~~responsible for security of a disturbance situation by panic button, direct telephone line,~~
256 ~~or walkie-talkie. The system should be designed to identify the exact location of the~~
257 ~~emergency and the circumstances of the emergency to ensure that law enforcement~~
258 ~~may respond in a timely manner with sufficient capability to control the situation.~~

259 (8)(C) All persons in custody shall be kept in a holding cell, restrained by restraining
260 devices, or supervised at all times while in court unless otherwise specifically ordered
261 by the judge in whose courtroom the individual appears.

262 (8)(D) Extra security. In anticipated high risk situations or a highly publicized case,
263 the law enforcement agency responsible for security should, on its own initiative or in
264 response to an order of the court, provide extra security including additional personnel,
265 controlled access, etc. A written operational plan outlining and assigning security duties
266 should be developed in conjunction with the presiding judge, the court executive and the
267 Court Security Director.

268 (8)(E) Courthouse Access Control. Only judges, court staff, and security and
269 maintenance staff assigned to the courthouse will be granted access card/keys and only
270 to those areas of the courthouse to which the individual needs access. No access cards
271 or keys shall be issued solely for convenience purposes. Any exceptions to this rule
272 must be pre-approved, in writing, by the Deputy State Court Administrator.

273 (8)(E)(i) Access cards or keys will be issued by a key manager only with the prior
274 written authorization of the court executive(s) or Deputy State Court Administrator.
275 Detailed recording of all card/key transactions will be the responsibility of the key
276 manager. Supervisors shall recover all issued keys/cards from court personnel who are
277 terminated, suspended or transferred or if loss of privileges is part of an adverse
278 personnel action. Supervisors will return the cards/keys to the court executive who will
279 deactivate the access card. If the access card is not returned as required, the
280 supervisor will immediately contact the key manager to deactivate the card.

281 (8)(E)(ii) Court personnel shall possess their court-issued identification at all times
282 when in the courthouse or staff parking area. Court personnel may not loan their
283 identification cards, access cards or keys to others and must report any lost or missing
284 identification or access card key to the key manager or their direct supervisor as soon
285 as possible after the loss is discovered. Any lost access card will be deactivated before
286 a replacement card is issued.

287 (8)(E)(iii) Court personnel with a court-issued identification card may bypass security
288 screening only when they are assigned to that particular courthouse. Court personnel
289 from other courthouses will be required to successfully pass through the security
290 screening area before being allowed entry.

291 (8)(E)(iv) The court executive will undertake a semiannual review of access card
292 records to ensure that no unauthorized use is occurring.

293 (8)(F) In order to protect the safety and welfare of court customers, no one is
294 permitted to block the entry or exit of a courthouse and no one is permitted to picket,
295 parade, proselytize, demonstrate or distribute leaflets, pamphlets, brochures or other
296 materials for the purpose of proselytizing inside a courthouse.

297 (9) Transportation of persons in custody.

298 (9)(A) The federal, state, county or municipal agency with physical custody of a
299 person whose appearance in court is required is responsible for transportation of that
300 person to and from the courtroom.

301 (9)(B) The transportation officer shall:

302 (9)(B)(i) remain present at all times during court appearances;

303 (9)(B)(ii) be responsible for the custody of such persons;

304 (9)(B)(iii) support the court bailiff in the preservation of peace in the courthouse and
305 courtroom;

306 (9)(B)(iv) provide advance notice of the transportation and of any extraordinary
307 security requirements to the law enforcement agency responsible for court security, to
308 the judge, and to the bailiff;

309 (9)(B)(v) comply with any regulations of the county sheriff regarding the
310 transportation of persons in custody to court; and

311 (9)(B)(vi) return the person in custody to the proper place of confinement.

312 (9)(C) The law enforcement agency responsible for court security shall provide
313 assistance to the transportation officer as circumstances dictate.

314