

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 consistent with Section 78A-2-203.

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, disorderly  
17 conduct, physical violence,, theft, bomb threats, , prisoner escapes, , assassinations,  
18 and hostage situations.

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

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

25       (2) Responsibilities of the Council.

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

29       (2)(B) As a condition for the certification of a new justice court or the continued  
30 certification of an existing justice court, the justice court shall file an acceptable local

31 security plan with the Court Security Director and shall file amendments to the plan with  
32 the Court Security Director as amendments are made. The local security plan shall  
33 provide for the presence of a law enforcement officer or constable in court during court  
34 sessions or a reasonable response time by the local law enforcement agency upon call  
35 of the court.

36 (3) Responsibilities of the Administrative Office.

37 (3)(A) The state court administrator shall appoint a Court Security Director who shall:

38 (3)(A)(i) review and keep on file copies of all local security plans; and

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

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

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

46 (4) Responsibilities of the court executive.

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

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

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

54 (4)(A)(iii) file an acceptable local security plan with the Court Security Director; and

55 (4)(A)(iv) file amendments to the plan with the Court Security Director as  
56 amendments are made.

57 (4)(B) The local security plan for a courthouse and any amendments to it shall be  
58 approved by a majority of the judges of the district of any court level regularly occupying  
59 the courthouse. Voting shall be without regard to court level. As used in this subsection  
60 the term "judges of the district of any court level occupying the courthouse" shall include

61 all judges of the district court of the district and all judges of the juvenile court of the  
62 district regardless of whether a particular judge occupies the courthouse so long as at  
63 least one judge of that court level occupies the courthouse. The term also includes the  
64 justices of the Supreme Court, the judges of the Court of Appeals and all justice court  
65 judges who actually occupy the courthouse.

66 (4)(C) The court executive shall provide a copy of the current local security plan and  
67 annual training on the plan to all court personnel, volunteers and security personnel.

68 (4)(D) The local plan shall clearly delineate the responsibilities between court  
69 personnel and law enforcement personnel for all areas and activities in and about the  
70 courthouse.

71 (4)(E) The court clerk or probation officer, under the supervision of the court  
72 executive, shall provide timely notice to transportation officers of required court  
73 appearances and cancellation of appearances for individuals in custody. The court shall  
74 consolidate scheduled appearances whenever practicable and otherwise cooperate with  
75 transportation officers to avoid unnecessary court appearances.

76 (4)(F) To the extent possible, the clerk of the court shall establish certain days of the  
77 week and times of day for court appearances of persons in custody in order to permit  
78 transportation officers reasonable preparation and planning time. The court shall give  
79 priority to cases in which a person in custody appears in order to prevent increased  
80 security risks resulting from lengthy waiting periods.

81 (5) Responsibilities of law enforcement agencies.

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

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

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

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

90 (5)(A)(iv) provide court bailiffs; and

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

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

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

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

99 (5)(B)(iii) The county sheriff for a county justice court and the municipal police for a  
100 municipal justice court. The county or municipality may provide a constable to provide  
101 security services to the justice court. If a municipality has no police department or  
102 constable, then the law enforcement agency with which the municipality contracts shall  
103 provide security services to the justice court.

104 (6) Court bailiffs.

105 (6)(A) Qualifications. Bailiffs shall be “law enforcement officers” as defined in Section  
106 53-13-103. At the discretion of the law enforcement administrator and with the consent  
107 of the presiding judge, bailiffs may be “special function officers” as defined by Section  
108 53-13-105.

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

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

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

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

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

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

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

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

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

137 (6)(F)(v) Bailiffs shall comply with the directives of the judge or commissioner with  
138 respect to security related activities and shall perform other duties incidental to the  
139 efficient functioning of the court which do not detract from security functions. Activities  
140 wholly unrelated to security or function of the court, including personal errands, shall not  
141 be requested nor performed.

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

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

146 (7) Weapons.

147 (7)(A) Weapons generally.

148 (7)(A)(i) A courthouse is presumed to be free of all weapons and firearms unless a  
149 local security plan provides otherwise in accordance with this rule. No person may

150 possess an explosive device in a courthouse. Except as permitted by this rule, no  
151 person may possess a firearm, ammunition, or dangerous weapon in a courthouse.

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

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

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

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

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

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

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

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

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

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

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

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

176 (7)(B)(iii) A court commissioner may possess in a courthouse a firearm and  
177 ammunition for which the court commissioner has a concealed weapons permit, but  
178 only if the court commissioner has obtained the training and annual retraining necessary

179 to qualify for a certificate issued under Section 53-5-711 and if possession is permitted  
180 by the local security plan.

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

185 (7)(B)(v) If permitted by the local security plan, court personnel and volunteers may  
186 possess in a courthouse an otherwise legal personal protection device other than a  
187 firearm. Court personnel and volunteers shall not possess a personal protection device  
188 while appearing as a party to litigation. Court personnel and volunteers shall not  
189 possess a firearm while on duty.

190 (7)(C) Firearm training requirements.

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

196 (7)(C)(ii) The cost of firearms, ammunition, initial qualification, requalification and any  
197 other equipment, supplies or fees associated with a certificate of qualification issued  
198 under Section 53-5-711 shall be the responsibility of the judge or court commissioner  
199 and shall not be paid from state funds.

200 (8) Security devices and procedures.

201 (8)(A) Metal detectors. The use of metal detectors or other screening devices,  
202 Where present, shall be used by the law enforcement agency responsible for  
203 security/bailiff services. (8)(B) Physical search. Searches of persons in or about the  
204 courthouse or courtroom shall be conducted at the discretion of the law enforcement  
205 agency responsible for security when the local law enforcement agency has reason to  
206 believe that the person to be searched is carrying a weapon or contraband into or out of  
207 the courthouse or when the court so orders. No other person is authorized to conduct

208 such searches. Written notice of this policy shall be posted in a conspicuous place at  
209 the entrance to all court facilities.

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

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

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

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

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

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

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

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

248 (9) Transportation of persons in custody.

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

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

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

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

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

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

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

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

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

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