

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

2 **Intent:**

3 To promote the safety and well-being of judicial personnel, members of the bar and citizens
4 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 office, local
7 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
15 within the courthouse and the integrity of the judicial process. Court security is
16 the joint effort of law enforcement and the judiciary to prevent or control such
17 problems as, disorderly conduct, physical violence, theft, bomb threats, prisoner
18 escapes, assassinations, 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
21 access cards 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
24 this 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 construction
27 of court facilities are reviewed for compliance with The Utah Judicial System
28 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
31 local security plan with the Court Security Director and shall file amendments to

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

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

45 **(4) Responsibilities of the court executive.**

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

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

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

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

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

58 (4)(B) The local security plan for a courthouse and any amendments to it shall be
59 approved by a majority of the judges of the district of any court level regularly
60 occupying the courthouse. Voting shall be without regard to court level. As used
61 in this subsection the term "judges of the district of any court level occupying the
62 courthouse" shall include all judges of the district court of the district and all
63 judges of the juvenile court of the district regardless of whether a particular judge
64 occupies the courthouse so long as at least one judge of that court level occupies
65 the courthouse. The term also includes the justices of the Supreme Court, the

66 judges of the Court of Appeals and all justice court judges who actually occupy
67 the courthouse.

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

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

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

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

85 (5) **Responsibilities of law enforcement agencies.**

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

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

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

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

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

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

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

98 (5)(B)(i) The Department of Public Safety for the Supreme Court and the Court
99 of Appeals when they are in session in Salt Lake County. When

100 convening outside of Salt Lake County, security shall be provided by
101 the county sheriff. The Department of Public Safety may call upon the
102 Salt Lake County Sheriff for additional assistance as necessary when
103 the appellate courts are convening in Salt Lake County.

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

106 (5)(B)(iii) The county sheriff for a county justice court and the municipal police
107 for a municipal justice court. The county or municipality may provide a
108 constable to provide security services to the justice court. If a
109 municipality has no police department or constable, then the law
110 enforcement agency with which the municipality contracts shall
111 provide security services to the justice court.

112 (6) **Court bailiffs.**

113 (6)(A) Qualifications. Bailiffs shall be “law enforcement officers” as defined in Section
114 53-13-103. At the discretion of the law enforcement administrator and with the
115 consent of the presiding judge, bailiffs may be “special function officers” as
116 defined by Section 53-13-105.

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

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

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

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

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

- 134 (6)(F)(i) The bailiff shall prevent persons in custody from having physical
135 contact with anyone other than the members of the defense counsel's
136 team. Visitation shall be in accordance with jail and prison policies
137 and be restricted to those facilities.
- 138 (6)(F)(ii) The bailiff shall observe all persons entering the courtroom, their
139 movement and their activities. The bailiff shall control access to the
140 bench and other restricted areas.
- 141 (6)(F)(iii) The bailiff shall search the interior of the courtroom and restricted
142 areas prior to the arrival of any other court participants. Similar
143 searches shall be conducted following recesses to ensure the room is
144 clear of weapons, explosives, or contraband.
- 145 (6)(F)(iv) Bailiffs shall wear the official uniform of the law enforcement agency
146 by whom they are employed.
- 147 (6)(F)(v) Bailiffs shall comply with the directives of the judge or commissioner
148 with respect to security related activities and shall perform other
149 duties incidental to the efficient functioning of the court which do not
150 detract from security functions. Activities wholly unrelated to security
151 or function of the court, including personal errands, shall not be
152 requested nor performed.
- 153 (6)(F)(vi) Bailiffs shall perform responsibilities provided for in the local court
154 security plan.
- 155 (6)(F)(vii) The bailiff shall maintain a clear line of sight of all courtroom
156 participants and shall be between individuals who are in custody and
157 courtroom exits.

158 (7) **Weapons.**

- 159 (7)(A) Weapons generally.
- 160 (7)(A)(i) A courthouse is presumed to be free of all weapons and firearms
161 unless a local security plan provides otherwise in accordance with this
162 rule. No person may possess an explosive device in a courthouse.
163 Except as permitted by this rule, no person may possess a firearm,
164 ammunition, or dangerous weapon in a courthouse.
- 165 (7)(A)(ii) All firearms permitted under this rule and a local security plan:

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

169 (7)(A)(ii)(b) shall remain in the physical possession of the person
170 authorized to possess it and shall not be placed in a
171 drawer, cabinet, briefcase or purse unless the person
172 has physical possession of the briefcase or purse or
173 immediate control of the drawer or cabinet or the
174 drawer or cabinet is locked; and

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

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

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

182 (7)(B)(i)(a) "law enforcement officer," as defined in Section 53-13-
183 103;

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

185 (7)(B)(i)(c) "special function officer," as defined in Section 53-13-
186 105;

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

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

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

197 (7)(B)(iii) A court commissioner may possess in a courthouse a firearm and
198 ammunition for which the court commissioner has a concealed
199 weapons permit, but only if the court commissioner has obtained the

200 training and annual retraining necessary to qualify for a certificate
201 issued under Section 53-5-711 and if possession is permitted by the
202 local security plan.

203 (7)(B)(iv) A person permitted under subsections (i), (ii) ~~or~~, (iii), or (vi) to possess
204 a firearm nevertheless shall not possess a firearm in a courthouse if
205 the person is appearing at the courthouse as a party to litigation. A
206 person possessing a firearm in a courtroom shall notify the bailiff or
207 the judge.

208 (7)(B)(v) If permitted by the local security plan, court personnel and volunteers
209 may possess in a courthouse an otherwise legal personal protection
210 device other than a firearm. Court personnel and volunteers shall not
211 possess a personal protection device while appearing as a party to
212 litigation. Court personnel and volunteers shall not possess a firearm
213 while on duty.

214 (7)(B)(vi) The Court Security Director may possess in a courthouse a firearm
215 and ammunition for which the court security director has a concealed
216 weapons permit, but only if possession is permitted by the local
217 security plan and the director has obtained the training and annual
218 retraining necessary to:

219 (7)(B)(vi)(a) qualify for a certificate issued under Section 53-5-711;

220 (7)(B)(vi)(b) qualify as a Utah police officer firearms instructor in
221 accordance with Utah Administrative Code R728-502-
222 9(4); or

223 (7)(B)(vi)(c) qualify as a retired law enforcement officer in
224 accordance with United States Code Title 18, Part I,
225 Chapter 44, Section 926C.

226 (7)(C) Firearm training requirements.

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

233 (7)(D) The cost of firearms, ammunition, initial qualification, requalification and any
234 other equipment, supplies or fees associated with a certificate of qualification
235 issued under Section 53-5-711 shall be the responsibility of the judge or court
236 commissioner and shall not be paid from state funds.

237 (8) **Security devices and procedures.**

238 (8)(A) Metal detectors. The use of metal detectors or other screening devices, Where
239 present, shall be used by the law enforcement agency responsible for
240 security/bailiff services.

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

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

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

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

263 (8)(E)(i) Access cards or keys will be issued by a key manager only with the
264 prior written authorization of the court executive(s) or Deputy State
265 Court Administrator. Detailed recording of all card/key transactions will
266 be the responsibility of the key manager. Supervisors shall recover all

- 267 issued keys/cards from court personnel who are terminated,
268 suspended or transferred or if loss of privileges is part of an adverse
269 personnel action. Supervisors will return the cards/keys to the court
270 executive who will deactivate the access card. If the access card is
271 not returned as required, the supervisor will immediately contact the
272 key manager to deactivate the card.
- 273 (8)(E)(ii) Court personnel shall possess their court-issued identification at all
274 times when in the courthouse or staff parking area. Court personnel
275 may not loan their identification cards, access cards or keys to others
276 and must report any lost or missing identification or access card key
277 to the key manager or their direct supervisor as soon as possible after
278 the loss is discovered. Any lost access card will be deactivated before
279 a replacement card is issued.
- 280 (8)(E)(iii) Court personnel with a court-issued identification card may bypass
281 security screening only when they are assigned to that particular
282 courthouse. Court personnel from other courthouses will be required
283 to successfully pass through the security screening area before being
284 allowed entry.
- 285 (8)(E)(iv) The court executive will undertake a semiannual review of access
286 card records to ensure that no unauthorized use is occurring.
- 287 (8)(F) In order to protect the safety and welfare of court customers, no one is permitted
288 to block the entry or exit of a courthouse and no one is permitted to picket,
289 parade, proselytize, demonstrate or distribute leaflets, pamphlets, brochures or
290 other materials inside a courthouse.
- 291 (9) **Transportation of persons in custody.**
- 292 (9)(A) The federal, state, county or municipal agency with physical custody of a person
293 whose appearance in court is required is responsible for transportation of that
294 person to and from the courtroom.
- 295 (9)(B) The transportation officer shall:
- 296 (9)(B)(i) remain present at all times during court appearances;
- 297 (9)(B)(ii) be responsible for the custody of such persons;
- 298 (9)(B)(iii) support the court bailiff in the preservation of peace in the courthouse
299 and courtroom;

- 300 (9)(B)(iv) provide advance notice of the transportation and of any extraordinary
301 security requirements to the law enforcement agency responsible for
302 court security, to the judge, and to the bailiff;
- 303 (9)(B)(v) comply with any regulations of the county sheriff regarding the
304 transportation of persons in custody to court; and
- 305 (9)(B)(vi) return the person in custody to the proper place of confinement.
- 306 (9)(C) The law enforcement agency responsible for court security shall provide
307 assistance to the transportation officer as circumstances dictate.

308 *Effective November 1, 2018*