

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 utilizing the
4 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 judges,
7 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 architectural features
14 needed to ensure the safety and protection of individuals within the courthouse and the integrity of the
15 judicial process. Court security is the joint effort of law enforcement and the judiciary to prevent or control
16 such problems as, disorderly conduct, physical violence, theft, bomb threats, prisoner escapes,
17 assassinations, and hostage situations.

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

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

22 (2) Responsibilities of the Council.

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

25 (2)(B) As a condition for the certification of a new justice court or the continued certification of an existing
26 justice court, the justice court shall file an acceptable local security plan with the Court Security Director
27 and shall file amendments to the plan with the Court Security Director as amendments are made. The
28 local security plan shall provide for the presence of a law enforcement officer or constable in court during
29 court sessions or a reasonable response time by the local law enforcement agency upon call of the court.

30 (3) Responsibilities of the Administrative Office.

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

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

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

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

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

39 (4) Responsibilities of the court executive.

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

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

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

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

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

48 (4)(B) The local security plan for a courthouse and any amendments to it shall be approved by a majority
49 of the judges of the district of any court level regularly occupying the courthouse. Voting shall be without
50 regard to court level. As used in this subsection the term "judges of the district of any court level
51 occupying the courthouse" shall include all judges of the district court of the district and all judges of the
52 juvenile court of the district regardless of whether a particular judge occupies the courthouse so long as at
53 least one judge of that court level occupies the courthouse. The term also includes the justices of the
54 Supreme Court, the judges of the Court of Appeals and all justice court judges who actually occupy the
55 courthouse.

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

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

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

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

68 (5) Responsibilities of law enforcement agencies.

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

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

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

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

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

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

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

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

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

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

88 (6) Court bailiffs.

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

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

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

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

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

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

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

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

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

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

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

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

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

122 (7) Weapons.

123 (7)(A) Weapons generally.

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

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

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

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

134 (7)(A)(ii)(c) Shall be secured in a holster with a restraining device.

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

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

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

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

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

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

- 144 (7)(B)(i)(e) a private security officer, licensed under Utah Code Title 58, Chapter 63, Security Personnel
145 Licensing Act, hired by the court or the court's banker to transport money.
- 146 (7)(B)(ii) A judge or law enforcement official as defined in Section 53-5-711 may possess in a courthouse
147 a firearm and ammunition for which the judge or law enforcement official has a valid certificate of
148 qualification issued under Section 53-5-711 if possession is permitted by the local security plan.
- 149 (7)(B)(iii) A court commissioner may possess in a courthouse a firearm and ammunition for which the
150 court commissioner has a concealed weapons permit, but only if the court commissioner has obtained the
151 training and annual retraining necessary to qualify for a certificate issued under Section 53-5-711 and if
152 possession is permitted by the local security plan.
- 153 (7)(B)(iv) The Court Security Director may possess in a courthouse a firearm and ammunition for which
154 the court security director has a concealed weapons permit, but only if possession is permitted by the
155 local security plan and the director has obtained the training and annual retraining necessary to:
- 156 (7)(B)(iv)(a) qualify for a certificate issued under Section 53-5-711,
- 157 (7)(B)(iv)(b) qualify as a Utah police officer firearms instructor in accordance with Utah Administrative
158 Code R728-502-9(4), or
- 159 (7)(B)(iv)(c) qualify as a retired law enforcement officer in accordance with United States Code Title 18,
160 Part I, Chapter 44, Section 926C.
- 161 ~~(7)(B)(iv)(v)~~ A person permitted under subsections (i), (ii), ~~or (iii)~~, or (iv) to possess a firearm nevertheless
162 shall not possess a firearm in a courthouse if the person is appearing at the courthouse as a party to
163 litigation. A person possessing a firearm in a courtroom shall notify the bailiff or the judge.
- 164 ~~(7)(B)(iv)(vi)~~ If permitted by the local security plan, court personnel and volunteers may possess in a
165 courthouse an otherwise legal personal protection device other than a firearm. Court personnel and
166 volunteers shall not possess a personal protection device while appearing as a party to litigation. Court
167 personnel and volunteers shall not possess a firearm while on duty.
- 168 (7)(C) Firearm training requirements.
- 169 (7)(C)(i) To requalify for a certificate issued under Section 53-5-711 a judge shall annually complete with
170 a passing score a range qualification course for judges and law enforcement officials established by the
171 Department of Public Safety or a course established by any law enforcement agency of the state of Utah
172 or its political subdivision for the requalification of its officers.
- 173 (7)(C)(ii) The cost of firearms, ammunition, initial qualification, requalification and any other equipment,
174 supplies or fees associated with a certificate of qualification issued under Section 53-5-711 shall be the
175 responsibility of the judge or court commissioner and shall not be paid from state funds.
- 176 (8) Security devices and procedures.
- 177 (8)(A) Metal detectors. The use of metal detectors or other screening devices, ~~W~~where present, shall be
178 used by the law enforcement agency responsible for security/bailiff services.
- 179 (8)(B) Physical search. Searches of persons in or about the courthouse or courtroom shall be conducted
180 at the discretion of the law enforcement agency responsible for security when the local law enforcement
181 agency has reason to believe that the person to be searched is carrying a weapon or contraband into or

182 out of the courthouse or when the court so orders. No other person is authorized to conduct such
183 searches. Written notice of this policy shall be posted in a conspicuous place at the entrance to all court
184 facilities.

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

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

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

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

204 (8)(E)(ii) Locally produced proxy access cards and badges issued to non-court employees (excluding
205 assigned DFCM and security) will incorporate a distinctive background color to visually identify personal
206 access levels. Access badges issued to persons with an approved local background check will use an
207 orange background and those without a locally approved background check will be issued a badge with a
208 yellow background.

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

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

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

219 (8)(F) In order to protect the safety and welfare of court customers, no one is permitted to block the entry
220 or exit of a courthouse and no one is permitted to picket, parade, proselytize, demonstrate or distribute
221 leaflets, pamphlets, brochures or other materials inside a courthouse.

222 (9) Transportation of persons in custody.

- 223 (9)(A) The federal, state, county or municipal agency with physical custody of a person whose
224 appearance in court is required is responsible for transportation of that person to and from the courtroom.
- 225 (9)(B) The transportation officer shall:
- 226 (9)(B)(i) remain present at all times during court appearances;
- 227 (9)(B)(ii) be responsible for the custody of such persons;
- 228 (9)(B)(iii) Support the court bailiff in the preservation of peace in the courthouse and courtroom;
- 229 (9)(B)(iv) Provide advance notice of the transportation and of any extraordinary security requirements to
230 the law enforcement agency responsible for court security, to the judge, and to the bailiff;
- 231 (9)(B)(v) Comply with any regulations of the county sheriff regarding the transportation of persons in
232 custody to court; and
- 233 (9)(B)(vi) return the person in custody to the proper place of confinement.
- 234 (9)(C) The law enforcement agency responsible for court security shall provide assistance to the
235 transportation officer as circumstances dictate.