

Rule 3-414. Court Security**Intent:**

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

To establish uniform policies for court security consistent with Utah Code Section 78A-2-203.

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

Applicability:

This rule shall apply to all courts of record and not of record.

Paragraphs (7) and (8) shall not apply to trial exhibits.

Statement of the Rule:**(1) Definitions.**

(1)(A) “**Court security**” includes the procedures, technology, and architectural features needed to ensure the safety and protection of individuals within the courthouse and the integrity of the judicial process. Court security is the joint effort of law enforcement and the judiciary to prevent or control such problems as, disorderly conduct, physical violence, theft, bomb threats, prisoner escapes, assassinations, and hostage situations.

(1)(B) “**Key manager**” means a person authorized by a court executive or the deputy state court administrator to issue, retrieve, activate, and deactivate keys or access cards to courthouses in their districts.

(1)(C) “**Presiding judge**” includes the judge of a single-judge courthouse. The presiding judge may delegate the responsibilities of this rule to another judge.

(2) Responsibilities of the Council.

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

(2)(B) As a condition for justice court certification or recertification, the Council shall require the justice court to file an acceptable local security plan with the court security director, including any amendments to the plan as amendments are made. The local security plan shall provide for the presence of a law enforcement officer or constable in court during court sessions or a reasonable response time by the local law enforcement agency upon call of the court.

(3) Responsibilities of the Administrative Office.

(3)(A) The state court administrator shall appoint a court security director who shall:

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

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

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

(3)(C) The court security director shall promulgate general security guidelines to assist local jurisdictions in the development of court security plans.

(4) Responsibilities of the court executive.

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

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

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

(4)(A)(iii) file an acceptable local security plan with the court security director; and

(4)(A)(iv) file amendments to the plan with the court security director as amendments are made.

(4)(B) The local security plan for a courthouse and any amendments to it shall be approved by a majority of the judges in the judicial district that regularly occupy the courthouse, including the justices of the Supreme Court, the judges of the Court of Appeals, district court judges, juvenile court judges, and all justice court judges who occupy the courthouse. Voting shall be without regard to court level.

(4)(C) The court executive shall make available a copy of the current local security plan to all judges, commissioners, court employees, volunteers, and security personnel.

(4)(D) The local plan shall clearly delineate the responsibilities between court employees, judges, court commissioners, and any individual issued court identification ("court personnel") and law enforcement personnel for all areas and activities in and about the courthouse.

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

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

(5) Responsibilities of law enforcement agencies.

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

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

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

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

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

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

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

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

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

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

(6) Court bailiffs.

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) Weapons generally.

(7)(A) Except as permitted by a local security plan in accordance with this rule, no person may possess a weapon, firearm, ammunition, or explosive device in a courthouse.

(7)(B) If permitted by a local security plan, judges, court commissioners, court employees, and volunteers may possess an otherwise legal personal protection device, other than a firearm, except while appearing as a party to litigation.

(7)(C) Court employees and volunteers shall not possess a firearm while on duty, regardless of location.

(8) Firearms. All firearms permitted under this rule and a local security plan shall remain in the physical possession of the person authorized to possess it and shall not be placed in a drawer, cabinet, briefcase or purse unless the person has physical possession of the briefcase or purse or immediate control of the drawer or cabinet or the drawer or cabinet is locked.

(8)(A) Firearm security. While in publicly accessible areas of the courthouse, all firearms shall:

(8)(A)(i) be carried upon the person and concealed, unless worn as part of a public law enforcement uniform, with agency affiliation visible from at least three sides;

(8)(A)(ii) if visible in accordance with (8)(A)(i), be secured in a duty-type holster with a user-operated restraining device; and

(8)(A)(iii) if concealed, be secured with a restraint feature and not visible to the public.

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

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

(8)(B)(i)(a) "law enforcement officer," as defined in Utah Code Section 53-13-103;

(8)(B)(i)(b) "correctional officer," as defined in Utah Code Section 53-13-104;

175 (8)(B)(i)(c) "special function officer," as defined in Utah Code Section 53-
176 13-105;

177 (8)(B)(i)(d) "federal officer," as defined in Utah Code Section 53-13-106;
178 and

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

182 (8)(B)(ii) **Judges and court commissioners.** Judges, law enforcement officials,
183 and court commissioners, as defined in Utah Code Section 53-5-711, may
184 possess a firearm and ammunition in a courthouse, if the judge, law enforcement
185 official, or court commissioner has a valid certificate of qualification issued under
186 Utah Code Section 53-5-711 and possession is permitted by the local security
187 plan.

188 (8)(B)(iii) **Court Security Director.** The court security director may possess in a
189 courthouse a firearm and ammunition for which the court security director has a
190 concealed weapons permit, but only if possession is permitted by the local
191 security plan and the director has obtained the training and annual retraining
192 necessary to:

193 (8)(B)(iii)(a) qualify for a certificate issued under Utah Code Section 53-5-
194 711;

195 (8)(B)(iii)(b) qualify as a Utah police officer firearms instructor in
196 accordance with Utah Administrative Code R728-502-9(4); or

197 (8)(B)(iii)(c) qualify as a retired law enforcement officer in accordance with
198 United States Code Title 18, Part I, Chapter 44, Section 926C.

199 (8)(C) **Appearing as a party.** A person permitted to possess a firearm under paragraph
200 (8)(B) shall not possess a firearm in a courthouse or courtroom if the person is
201 appearing as a party to litigation.

202 (8)(D) **Courtrooms.** Any person possessing a firearm in a courtroom shall notify the
203 bailiff or the judge.

204 (8)(E) **Firearm training requirements.** To requalify for a certificate issued under Utah
205 Code Section 53-5-711, judges and court commissioners shall annually complete and
206 pass a range qualification course for judges and law enforcement officials established by
207 the Department of Public Safety or a course established by any law enforcement agency
208 of the state of Utah or its political subdivision for the requalification of its officers.

209 (8)(F) **Costs.** The cost of firearms, ammunition, initial qualification, requalification, and
210 any other equipment, supplies or fees associated with a certificate of qualification issued

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

(9) Security devices and procedures.

(9)(A) **Metal detectors.** The use of metal detectors or other screening devices, where present, shall be used by the law enforcement agency responsible for security or bailiff services.

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

(9)(C) **Individuals in custody.** All persons in custody shall be kept in a holding cell, restrained by restraining devices, or supervised at all times while in a courthouse or courtroom, unless otherwise specifically ordered by the judge in whose courtroom the individual appears.

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

(9)(E) **Courthouse access control.** Only judges, court commissioners, court employees, security, and maintenance staff assigned to the courthouse will be granted access cards or keys and only to those areas of the courthouse to which the individual needs access. A court executive may approve access to a courthouse by judges, commissioners, and court employees not assigned to the courthouse, if the court executive determines access is appropriate under the circumstances. No access cards or keys shall be issued solely for convenience purposes. Any exceptions to this rule must be pre-approved, in writing, by the deputy state court administrator.

(9)(E)(i) **Access cards or keys.** Access cards or keys will be issued by a key manager only with the prior written authorization of a court executive or the deputy state court administrator. Detailed recording of all card and key transactions will be the responsibility of the key manager. Supervisors shall recover all issued keys and cards from court employees who are terminated, suspended or transferred or if loss of privileges is part of an adverse personnel action. Supervisors will return the cards or keys to the court executive who will

deactivate the access card. If the access card is not returned as required, the supervisor will immediately contact the key manager to deactivate the card.

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

(9)(E)(iii) **Security screening.** Court personnel with a valid court-issued identification card may bypass security screening at any facility where they have been granted access.

(9)(E)(iv) **Semi-annual review.** The court executive shall undertake a semiannual review of access card records to ensure that no unauthorized use is occurring.

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

(10) Transportation of persons in custody.

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

(10)(B) The transportation officer shall:

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

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

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

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

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

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

283 (10)(C) The law enforcement agency responsible for court security shall provide
284 assistance to the transportation officer as circumstances dictate.

285 *Effective: November 1, 2023*