

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 Utah Code 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 of record and not of record.

10 | ~~Section Paragraphs (7) and (8) 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 the  
15 | courthouse and the integrity of the judicial process. Court security is the joint effort of law  
16 | enforcement and the judiciary to prevent or control such problems as, disorderly  
17 | conduct, physical violence, theft, bomb threats, prisoner escapes, assassinations, and  
18 | hostage situations.

19 | (1)(B) ~~“Key manager”~~ ~~A key manager is means~~ a person authorized by ~~athe~~ court  
20 | executive or ~~the d~~Deputy ~~s~~State ~~c~~Court ~~a~~Administrator to issue, retrieve, activate, and  
21 | deactivate keys ~~and/~~or 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 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 construction  
27 | of court facilities are reviewed for compliance with The Utah Judicial System Design  
28 | Standards published by the administrative office.

29 | (2)(B) As a condition for ~~the justice court~~ certification ~~of a new justice court or the~~  
30 | ~~continued- or recertification of an existing justice court~~, the Council shall require the  
31 | justice court ~~shall to~~ file an acceptable local security plan with the ~~c~~Court ~~s~~Security  
32 | ~~d~~Director ~~and shall file, including any~~ amendments to the plan ~~with the Court Security~~  
33 | ~~Director~~ as amendments are made. The local security plan shall provide for the

34 presence of a law enforcement officer or constable in court during court sessions or a  
35 reasonable response time by the 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 cCourt sSecurity dDirector 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.

43 (3)(C) The cCourt sSecurity dDirector shall promulgate general security guidelines to  
44 assist 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 and  
49 implement a local security plan for each court ~~of record~~ facility within the district;

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

53 (4)(A)(iii) file an acceptable local security plan with the cCourt sSecurity  
54 dDirector; and

55 (4)(A)(iv) file amendments to the plan with the cCourt sSecurity dDirector 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 in~~ the judicial district ~~of any court level that~~  
59 regularly occupying the courthouse, including the justices of the Supreme Court, the  
60 judges of the Court of Appeals, district court judges, juvenile court judges, and all justice  
61 court judges who occupy the courthouse. Voting shall be without regard to court level.  
62 ~~As used in this subsection the term "judges of the district of any court level occupying~~  
63 ~~the courthouse" shall include all judges of the district court of the district and all judges of~~  
64 ~~the juvenile court of the district regardless of whether a particular judge occupies the~~  
65 ~~courthouse so long as at least one judge of that court level occupies the courthouse. The~~  
66 ~~term also includes the justices of the Supreme Court, the judges of the Court of Appeals~~  
67 ~~and all justice court judges who actually occupy 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 personnel.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

107 **(6) Court bailiffs.**

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

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

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

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

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

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

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

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

136 (6)(F)(iii) The bailiff shall search the interior of the courtroom and restricted areas  
137 prior to the arrival of any other court participants. Similar searches shall be

138 conducted following recesses to ensure the room is clear of weapons,  
139 explosives, or contraband.

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

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

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

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

152 **(7) Weapons generally.**

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

158 ~~(7)(B)(v) If permitted by a local security plan, court personnel and volunteers may~~  
159 ~~possess an otherwise legal personal protection device, other than a firearm, except~~  
160 ~~while appearing as a party to litigation.~~

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

163 **(8) Firearms.** ~~(7)(A)(ii)~~ All firearms permitted under this rule and a local security plan ~~(7)(A)(ii)(b)~~  
164 shall remain in the physical possession of the person authorized to possess it and shall not be  
165 placed in a drawer, cabinet, briefcase or purse unless the person has physical possession of the  
166 briefcase or purse or immediate control of the drawer or cabinet or the drawer or cabinet is  
167 locked.

168 ~~(8)(A)(ii)(a)~~ **Firearm security.** While in publicly accessible areas of the courthouse, all  
169 firearms shall: ~~and~~

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

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

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

177 ~~shall remain in the physical possession of the person authorized to possess it and shall not be~~  
 178 ~~placed in a drawer, cabinet, briefcase or purse unless the person has physical possession of the~~  
 179 ~~briefcase or purse or immediate control of the drawer or cabinet or the drawer or cabinet is~~  
 180 ~~locked; and~~

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

182 **(87)(B) Persons authorized to possess a firearm or other weapon.**

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

188 (87)(B)(i)(a) "law enforcement officer," as defined in Utah Code Section  
 189 53-13-103;

190 (87)(B)(i)(b) "correctional officer," as defined in Utah Code Section 53-13-  
 191 104;

192 (87)(B)(i)(c) "special function officer," as defined in Utah Code Section 53-  
 193 13-105;

194 (87)(B)(i)(d) "federal officer," as defined in Utah Code Section 53-13-106;  
 195 and

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

199 (87)(B)(ii) **Judges and court commissioners.** ~~A judge or law enforcement~~  
 200 ~~official and court commissioners,~~ as defined in Utah Code Section 53-5-711, may  
 201 possess ~~in a courthouse~~ a firearm and ammunition in a courthouse, if for which  
 202 the judge or ~~law enforcement official~~ court commissioner has a valid certificate of  
 203 qualification issued under Utah Code Section 53-5-711 and if possession is  
 204 permitted by the local security plan.

205 ~~(7)(B)(iii) A court commissioner may possess in a courthouse a firearm and~~  
 206 ~~ammunition for which the court commissioner has a concealed weapons permit,~~  
 207 ~~but only if the court commissioner has obtained the training and annual retraining~~

208 ~~necessary to qualify for a certificate issued under Section 53-5-711 and if~~  
 209 ~~possession is permitted by the local security plan.~~

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

215 (8)(B)(iii)(a) qualify for a certificate issued under Utah Code Section 53-5-  
 216 711;

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

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

221 ~~(87)(CB)(ivii) **Appearing as a party.** A person permitted under subsections (i), (ii), (iii),~~  
 222 ~~or (vi) to possess a firearm under paragraph (8)(B) nevertheless shall not possess a~~  
 223 ~~firearm in a courthouse or courtroom if the person is appearing at the courthouse as a~~  
 224 ~~party to litigation.~~

225 (8)(D) Courtrooms. Any person possessing a firearm in a courtroom shall notify the  
 226 bailiff or the judge.

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

232 ~~(7)(B)(vii) The Court Security Director may possess in a courthouse a firearm~~  
 233 ~~and ammunition for which the court security director has a concealed weapons~~  
 234 ~~permit, but only if possession is permitted by the local security plan and the~~  
 235 ~~director has obtained the training and annual retraining necessary to:~~

236 ~~(7)(B)(vii)(a) qualify for a certificate issued under Section 53-5-711;~~

237 ~~(7)(B)(vii)(b) qualify as a Utah police officer firearms instructor in~~  
 238 ~~accordance with Utah Administrative Code R728-502-9(4); or~~

239 ~~(7)(B)(vii)(c) qualify as a retired law enforcement officer in accordance~~  
 240 ~~with United States Code Title 18, Part I, Chapter 44, Section 926C.~~

241 (87)(EG) Firearm training requirements. ~~(7)(C)(i)~~ To requalify for a certificate issued  
 242 under Utah Code Section 53-5-711, a judge and court commissioners shall annually  
 243 complete with a passing score and pass a range qualification course for judges and law

244 enforcement officials established by the Department of Public Safety or a course  
245 established by any law enforcement agency of the state of Utah or its political  
246 subdivision for the requalification of its officers.

247 | ~~(87)~~(~~FD~~) **Costs.** The cost of firearms, ammunition, initial qualification, requalification,  
248 and any other equipment, supplies or fees associated with a certificate of qualification  
249 | issued under Utah Code Section 53-5-711 shall be the responsibility of the judge or  
250 court commissioner and shall not be paid from state funds.

251 | **(98) Security devices and procedures.**

252 | ~~(98)~~(A) **Metal detectors.** The use of metal detectors or other screening devices,  
253 ~~w~~here present, shall be used by the law enforcement agency responsible for security  
254 or ~~#~~bailliff services.

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

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

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

272 | ~~(98)~~(E) **Courthouse aAccess cControl.** Only judges, court commissioners, court staff,  
273 ~~and~~ security, and maintenance staff assigned to the courthouse will be granted access  
274 cards sor #keys and only to those areas of the courthouse to which the individual needs  
275 access. A court executive may approve access to a courthouse by judges,  
276 commissioners, and court staff not assigned to the courthouse, if the court executive  
277 determines access is appropriate under the circumstances. No access cards or keys  
278 shall be issued solely for convenience purposes. Any exceptions to this rule must be  
279 pre-approved, in writing, by the dDeputy sState cCourt aAdministrator.

280 | ~~(98)~~(E)(i) **Access cards or keys.** Access cards or keys will be issued by a key  
281 manager only with the prior written authorization of athe court executive(~~s~~) or the  
282 dDeputy sState cCourt aAdministrator. Detailed recording of all card and #key



283 transactions will be the responsibility of the key manager. Supervisors shall  
284 recover all issued keys and /cards from court personnel who are terminated,  
285 suspended or transferred or if loss of privileges is part of an adverse personnel  
286 action. Supervisors will return the cards or /keys to the court executive who will  
287 deactivate the access card. If the access card is not returned as required, the  
288 supervisor will immediately contact the key manager to deactivate the card.

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

296 ~~(98)~~(E)(iii) **Security screening.** Court personnel with a court-issued identification  
297 card may bypass security screening only when they are assigned to that  
298 particular courthouse. Court personnel from other courthouses will be required to  
299 successfully pass through the security screening area before being allowed  
300 entry.

301 ~~(98)~~(E)(iv) **Semi-annual review.** The court executive will undertake a  
302 semiannual review of access card records to ensure that no unauthorized use is  
303 occurring.

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

308 ~~(109)~~ **Transportation of persons in custody.**

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

312 ~~(109)~~(B) The transportation officer shall:

313 ~~(109)~~(B)(i) remain present at all times during court appearances;

314 ~~(109)~~(B)(ii) be responsible for the custody of such persons;

315 ~~(109)~~(B)(iii) support the court bailiff in the preservation of peace in the courthouse  
316 and courtroom;

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

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

322 |                   (109)(B)(vi) return the person in custody to the proper place of confinement.

323 |                   (109)(C) The law enforcement agency responsible for court security shall provide  
324 |                   assistance to the transportation officer as circumstances dictate.

325 |                   *Effective: May/November 1, 20\_\_~~18~~*