



WASHINGTON
COURTS

**DISTRICT AND MUNICIPAL
COURT JUDGES' ASSOCIATION**

BOARD MEETING

FRIDAY, NOVEMBER 15, 2013

**AOC SEATAC OFFICE
SEATAC, WASHINGTON**



WASHINGTON
COURTS

DMCJA BOARD MEETING
FRIDAY, NOVEMBER 15, 2013
12:30 P.M. – 3:30 P.M.
AOC SEATAC OFFICE
SEATAC, WA

PRESIDENT JUDGE DAVID SVAREN
A G E N D A

TAB

Call to Order

Minutes – September 22, 2013

1

Treasurer's Report – Judge Marinella

2

- A. Monthly Treasurer's Report for November 2013
- B. Policy for Payment of Dues when Vacant Positions Filled (full or pro-rata) – possible action
- C. DMCJA Bylaws Committee Report, March 27, 2013

Special Fund Report – Judge Steiner

3

- A. Recommendation if Any Action Needed to Move Special Fund to Another Bank, Credit Union, Investment Account

Legislative Committee Report – Judge Meyer

4

Future Security Changes Related to Court Information- Dirk Marler, AOC

Discussion

5

- A. Office of Trial Courts (OTC) – Judge Steiner and Judge Svaren
- B. Rules Committee Report on Court Security – Judge Garrow and Judge Robertson
- C. Data Dissemination – Stephanie Happold, AOC
 - 1. Policy Change for Juvenile Offender Records
 - 2. Records Retention Schedule
- D. YMCA Mock Trial Program Contribution Request – possible action

Liaison Reports

DMCMA MCA SCJA WSBA WSAJ AOC BJA

Information

6

- A. Recent Rules Committee Meeting Minutes – Judge Garrow
- B. Recent Legislative Committee Meeting Minutes – Judge Meyer
- C. Future Changes to Increase Security of Court Information – AOC

Other Business

7

- A. Tribal State Consortium Presentation – Judge Patricia Clark (Ret.)

Adjourn



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DMCJA Board of Governors Meeting
Sunday September 22, 2013, 9:00 a.m. – 12:00 p.m.
AOC SeaTac Office

MEETING MINUTES

Members:

Chair, Judge Svaren
 Judge Alicea-Galvan
 Judge Allen
 Judge Burrowes
 Judge Derr
 Judge Garrow (non-voting)
 Judge Jahns
 Judge Jasprica (non-voting)
 Judge Lambo (non-voting)
 Judge Logan
 Judge Marinella
 Judge Meyer
 Judge Olwell
 Judge Ringus (non-voting)
 Judge Robertson
 Commissioner Smiley
 Judge Smith
 Judge Steiner

Guests:

Judge Jeffrey Ramsdell
 Judge Tracy Staab
 Judge Susan Woodard

AOC Staff:

Ms. Judith Anderson
 Ms. Shannon Hinchcliffe
 Ms. J Krebs
 Ms. Vicky Marin
 Ms. Michelle Pardee
 Ms. Merrie Gough

President Svaren called the meeting to order at 9:03 a.m. and noted there was a quorum present.

ASSOCIATION BUSINESS

Minutes

M/S/P to approve August 9, 2013, minutes.

Treasurer's Report

Judge Marinella included a written accounting in the materials. With regard to the proposed policy to process mid-term dues, Judge Marinella will continue to work on this and submit a proposal for review at the November meeting.

M/S/P to approve the Treasurer's Report.

Special Fund Report

Judge Steiner reported that it has been difficult to transfer authority between officers when there is turnover. Judge Svaren has been trying to transfer authority as the custodian for several years and Bank of America has been very difficult to work with. Officers will look into finding alternative banking for the special fund.

M/S/P to approve the Special Fund Report.

ACTION

A. Rules Committee Items

1. SCJA Electronic Warrant Rule Proposal CrR 2.3 and CrR 3.2.1

Judge Garrow explained that the committee has worked with Judge Cozza and the SCJA for approximately a year to achieve parity in the proposed electronic warrant rules for both levels of court. The committee recommends submitting the current proposal for consideration by the Supreme Court Rules Committee, with a statement that the Board believes the rules to be congruent, despite the different word choices.

M/S/P to adopt the recommendation of the Rules Committee as written and send it to the Supreme Court Rules Committee.

2. ER 1101(c)(4) – Protection Order Rules

Judge Garrow explained that this is general housekeeping to include a new protection order which was created during the 2013 legislative session in the evidence rules.

M/S/P to adopt the recommendation of the Rules Committee and send it to the Supreme Court Rules Committee

3. Proposed GR 15 request sought by Data Dissemination Committee before proposal to JISC

Judge Garrow explained that this was a request for informal comment by the chair of the Data Dissemination Committee. Once the proposed rule is commented on it will be sent to the JISC for review. If the JISC approves it, it will be forwarded to the Supreme Court Rules Committee. Judge Garrow presented the memorandum of review and advised that the committee believed that it was an ambitious rule that contains provisions that are not harmonious with current case law.

M/S/P to adopt the recommendation of Rules Committee and send a letter, along with the memorandum and attachments to the Data Dissemination Committee.

4. CJC 2.2 Comment 4

Judge Garrow advised that the committee's recommendation falls in line with the recent comments of the ethics committee, which identifies concerns with the proposal.

M/S/P to adopt the committee's recommendations to not approve the changes and to provide those comments to the Supreme Court Rules Committee, as requested.

5. Proposed Changes to the Disciplinary Rules for Judges

Judge Garrow indicated that generally the changes in these proposed rules are for housekeeping purposes and the recommendation is to indicate no objections.

M/S/P to adopt the committee's recommendations to indicate no objections.

B. Presiding Judges Conference Budget Request

Judith Anderson came to the meeting to answer questions on behalf of the presiding judges' education committee ("PJ Ed") regarding the budget request, as Judge Larkin was not able to attend. Members expressed concern over setting the precedent of funding individual conferences and significantly supplementing judicial education. Some members discussed their appreciation for the committee's attempts to educate in lean economic times through webinars and adding individual presiding judge education sessions to spring conferences. However,

many agreed it was time to have an in-person conference where management teams (presiding judge and administrator) can attend.

There was additional discussion regarding the monetary requests to DMCMA and Superior Court Administrators. PJ Ed requested \$5,000 from DMCMA and did not formally request money from the Superior Court Administrators as it was determined they did not have the funding. The Superior Court Administrators did agree to give any leftover funds from their education budget to the conference. A member suggested that if SCJA and DMCJA both agreed to contribute money that they should increase the allocation to \$12,500 from each judicial association in order to cover both levels of administrators.

M/S/P to approve the request for \$10,000 and allocate the money within the 2014-2015 budget cycle for the presiding judges education conference upon the contingency that there is no cap on district or municipal court team attendance and this is a one time commitment. Further, if SCJA is willing to contribute \$12,500 the DMCJA will contribute \$12,500 in order to relieve the administrators of the request.

DISCUSSION

A. Review of DUI Sentencing Grid, etc. pattern forms

Ms. Merrie Gough and Judge Staab from the CLJ pattern forms subcommittee called into the meeting and talked about the package of pattern forms, including the DUI sentencing grids and sentencing attachments which memorialized the changes from the 2013 legislative session. Members gave feedback to the guests and requested that a form be created which shows the mandatory minimums without the mandatory assessments.

B. Judicial College Reception Annual Contribution (Judicial College)

M/S/P to make this an Action item

M/S/P to give \$400 from the judicial outreach line item for social activities at the 2014 judicial college. Judge Jahns abstained.

C. Joint Judicial College Reception Proposal (SCJA & DMCJA)

M/S/P to make this an Action item

M/S/P to give \$1,000 from the judicial outreach line item for a joint DMCJA/SCJA reception at the 2014 judicial college. Judge Jahns abstained.

D. Annual Review of DMCJA Dues

M/S/P to make this an Action item

M/S/P to keep the 2014 general dues the same for all level of judicial officers, and to set dues as part of the annual budget process.

M/S/P special fund assessment to Action item

M/S/P to not assess the special fund assessment in 2014.

E. Nominating Committee Members

M/S/P to make this an Action item

M/S/P the slate of nominating committee members which include Judge Derr as ex-officio Chair as Immediate Past President, Judge Glenn Phillips, Judge Steve Brown, Judge Linda Portnoy, and Judge G. Scott Marinella.

F. System Improvement Committee

Judge Svaren handed out an outline of the proposed committee's charge. Members agreed by consensus that the committee should be formed and start working based on these charges and the budget request approved in the May 2013 meeting for this purpose.

LIAISONS

JISC – Mrs. Cullinane (formerly Ms. Marin) reported briefly on the progress of the SC CMS project. Odessey [Tyler Technologies] has been selected as the vendor and the pilot courts for the first phase will be Lewis and Thurston Counties. The courts of limited jurisdiction will be represented by the managers in the accounting discussions of the SC CMS project. MCA has made a request through the IT Governance program for a case management system. The JISC will likely take up the issue in the near future and consider the scope of the current CLJ CMS request. The Data Dissemination Committee (DDC) formed a workgroup to look further at the DMCJA letter in addition to other feedback related to the records retention schedule. It is likely that this item will be taken up at the October or November JISC meeting.

SCJA – SCJA sent a similar recommendation regarding the proposed amendments to the CJC. With the recent AOC reorganization, the Office of the Trial Courts will be a separate standing entity. SCJA and DMCJA representatives will meet with Callie tomorrow at 5 p.m. to discuss the new Office.

AOC – Shannon explained that AOC is currently undergoing a reorganization and it is being rolled out in different forums, most recently at BJA and likely during the business meeting in some form at fall conference. She further explained that she will be transitioning out of the staff role for DMCJA and into the primary staff role for BJA. Michelle Pardee and J Krebs will be filling the role for DMCJA for Board and committee support during the transition.

BJA - Judge Ringus gave a re-cap of the September 20th meeting, at which Judge Lambo gave a short presentation on Judicial Assistance Services Program, the BJA decided to re-start the Long Range Planning process, Callie gave an overview of the AOC reorganization, and they discussed the timeline for GR 31.1 effective date.

STANDING COMMITTEE REPORTS

- A. Therapeutic Courts Committee – Judge Finkle sent an email for the materials and recently (Friday afternoon) sent a copy of the latest bill draft of proposed language for a therapeutic courts bill from the workgroup created by SB 5797.
- B. Legislative Committee – Judge Meyer reported that the committee is currently researching and vetting the proposals from members and there will be another committee meeting on October 11.
- C. Technology Committee – Judge Walden included the committee's minutes in the materials.
- D. Rules Committee – Judge Garrow included the committee's minutes in the materials.

OTHER BUSINESS

Meeting Adjourned at 12:05 p.m.



**WASHINGTON
COURTS**

District and Municipal Court Judges' Association

November 15, 2013

President

JUDGE DAVID A. SVAREN
Skagit County District Court
600 S 3rd Street
PO Box 340
Mount Vernon, WA 98273-0340
(360) 336-9319

President-Elect

JUDGE VERONICA ALICEA-GALVAN
Des Moines Municipal Court
21630 11th Ave S Ste C
Des Moines, WA 98198
(206) 878-4597

Vice-President

JUDGE DAVID STEINER
King County District Court
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Bellevue, WA 98004
(206) 205-9200

Secretary/Treasurer

JUDGE G. SCOTT MARINELLA
Columbia County District Court
535 Cameron St
Dayton, WA 99328-1279
(509) 382-4812

Past President

JUDGE SARA B. DERR
Spokane County District Court
Public Safety Building
1100 W Mallon Avenue
Spokane, WA 99260-0150
(509) 477-2959

Board of Governors

JUDGE SANDRA L. ALLEN
Ruston/Milton Municipal Courts
(253) 759-8545

JUDGE JOSEPH M. BURROWES
Benton County District Court
(509) 7535-8476

JUDGE JEFFREY J. JAHNS
Kitsap County District Court
(360) 337-7033

JUDGE MARY C. LOGAN
Spokane Municipal Court
(509) 622-4400

JUDGE SAMUEL MEYER
Thurston County District Court
(360) 786-5562

JUDGE KELLEY C. OLWELL
Yakima Municipal Court
(509) 575-3050

JUDGE REBECCA C. ROBERTSON
Federal Way Municipal Court
(253) 835-3000

COMMISSIONER PETE SMILEY
Bellingham Municipal Court
(360) 778-8150

JUDGE HEIDI SMITH
Okanogan County District Court
(509) 422-7170

To: President Svaren, DMCJA Officers; DMCJA Board of Governors;
From: G. Scott Marinella, DMCJA Treasurer
Subject: Monthly Treasurer's Report for November, 2013

Dear President Svaren, Officers and Members of the DMCJA Board of Governors,

The following is a summary of the total DMCJA accounts, expenditures and deposits, a well as an update regarding the finances of our association.

ACCOUNTS

US Bank Platinum Business Money Market Account
Fund Balance - \$100,318.70, as of September 30, 2013.

Bank of America Accounts
Investment Account - \$131,251.47, as of October 31, 2013.
Checking Account - \$2,576.97, as of October 31, 2013.

Total for all Accounts: \$234,147.14

EXPENDITURES

Total 2013/2014 adopted budget:	\$223,900.00
Total expenditures to date (11-12-13):	<u>\$ 24,381.26</u>
Total remaining budget as of November 12, 2013:	\$199,518.74

DEPOSITS

Total deposits 2013/2014:	\$1,125.00
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DMCJA 2013-2014 Budget

ITEM	COMMITTEE	Beginning Balance	Total Costs	Ending Balance
1	Access to Justice Liaison	\$500.00		\$500.00
2	Audit	\$2,000.00		\$2,000.00
3	Bar Association Liaison	\$5,000.00		\$5,000.00
4	Board Meeting Expense	\$30,000.00	\$4,409.01	\$25,590.99
5	Bookeeping Expense	\$3,000.00	\$1,275.00	\$1,725.00
6	Bylaws Committee	\$250.00		\$250.00
7	Conference Committee	\$3,500.00		\$3,500.00
8	Conference Incidental Fees For Members Spring Conference 2012 & 2013	\$40,000.00		\$40,000.00
9	Diversity Committee	\$2,000.00	\$24.30	\$1,975.70
10	DMCMA Education	\$5,000.00		\$5,000.00
11	DMCMA Liaison	\$500.00		\$500.00
12	DOL Liaison Committee	\$500.00	\$27.32	\$472.68
13	Education Committee**	\$8,500.00		\$8,500.00
14	Educational Grants	\$5,000.00		\$5,000.00
15	Judicial Assistance Committee	\$5,000.00	\$3,471.93	\$1,528.07
16	Legislative Committee	\$6,000.00	\$999.39	\$5,000.61
17	Legislative Pro-Tem	\$2,500.00		\$2,500.00
18	Lobbyist Expenses	\$1,000.00		\$1,000.00
19	Lobbyist Contract	\$55,000.00	\$6,000.00	\$49,000.00
20	Long-Range Planning Committee	\$1,500.00	\$441.82	\$1,058.18
21	MCA Liaison	\$1,500.00	\$373.26	\$1,126.74
22	National Leadership Grants	\$3,000.00	\$3,000.00	\$0.00
23	Nominating Committee	\$400.00		\$400.00
24	President Expense	\$7,500.00	\$451.16	\$7,048.84
25	Reserves Committee	\$250.00		\$250.00
26	Rules Committee	\$1,000.00	\$15.45	\$984.55
27	Rural Courts Committee	\$0.00	Not Funded	\$0.00
28	Salary and Benefits Committee	\$0.00	***Not Funded	\$0.00
29	SCJA Board Liaison	\$1,000.00	\$10.74	\$989.26
30	Technology Committee	\$5,000.00		\$5,000.00
31	Therapeutic Courts	\$2,500.00	\$532.06	\$1,967.94
32	Treasurer Expense and Bonds	\$1,000.00		\$1,000.00
33	Judicial Community Outreach	\$3,000.00	\$1,400.00	\$1,600.00
34	Uniform Infraction Committee	\$1,000.00		\$1,000.00
35	Regional Courts (ad hoc to 2015)	\$5,000.00		\$5,000.00
36	Professional Services	\$15,000.00	\$1,949.82	\$13,050.18
	TOTAL	\$223,900.00	\$24,381.26	\$199,518.74
37	TOTAL DEPOSITS MADE	\$1,125.00		
38	CREDIT CARD	-\$645.36		
	***funding will come from special funds			

DISTRICT AND MUNICIPAL COURT JUDGES' ASSOCIATION – DUES

Statute requires all district and municipal court judges be members of the District and Municipal Court Judges' Association. (See RCW 3.70.010).

Payment of regular dues and assessments, if any, are required to be an active member in good standing. (See Article III, Sec. 1(a) of Bylaws).

Annual dues paid by the judge are associated with the judge and if the judge is replaced mid-term, the successor judge must also pay dues. Annual dues paid by a governmental entity are associated with the position, and if the judge in that position is replaced mid-term, the dues shall be applied to the successor judge. (See Article IV, Sec. 4 of Bylaws).

To be consistent in the payment and receipt of dues, the following policy is hereby adopted:

1. A judge appointed or elected to a new position shall pay association annual dues in the full amount, for the year in which the district or municipal judge takes office.

2. If a judge is appointed or elected in mid-term, to a previously existing position, annual dues shall be pro-rated, on a monthly basis, with the newly appointed or elected judge to pay dues owing to the end of the year in which the district or municipal judge takes office.

ADOPTED _____, 2013.



DMCJA Bylaws Committee Report

Wednesday, March 27, 2013

MEETING MINUTES

Members:

Judge Gregory
Judge Hille
Judge Woodard
Commissioner Kipling

AOC Staff:

Ms. J Krebs

The Bylaws Committee was charged with proposing Bylaws amendments that address two specific areas: Executive Sessions and the Application of Dues. At its March 2013 meeting, the DMCJA Board agreed on the wording of the Bylaws amendment regarding Executive Sessions, but requested the Bylaws Committee to present alternative language for the provision related to Application of Dues. The proposal for the Executive Session provision and two alternatives for the Application of Dues provision are presented below.

- 1. Amendment re Executive Session** – A new Section 4, Art. VII is proposed to address concern over the omission of a Bylaws provision addressing executive sessions. The revised Article IV would read as follows (new language is underlined):

ARTICLE VII - Board of Governors

Section 1. Membership:

There shall be fourteen members of the DMCJA Board of Governors elected from the membership at large, of whom five (5) shall be officers, and nine (9) shall be board members and shall be designated as board positions one (1) through nine (9). Board membership shall at all times include at least three municipal court judges of whom one is part-time, three district court judges of whom one is part-time, and one commissioner or magistrate, and positions one (1) through seven (7) shall be designated respectively. Positions eight (8) and nine (9) shall be open positions.

If any position designated one (1) through seven (7) is not filled because there is no candidate for the position, then that position shall be filled by a qualified candidate by appointment by the President with ratification of the Board of Governors at the first Board meeting following the annual election.

If after any annual election there is not at least one member of the Board of Governors from a minority group and one member from each gender, the Board of Governors shall be increased to include such additional member or members by appointment by the President with ratification of the Board of Governors at the

first Board meeting following the annual election. The additional member or members so elected shall serve for a three-year term.

Section 2. Vacancies:

All vacancies in office shall be filled by a member of the Association appointed by the President with ratification of the Board of Governors.

Section 3. Meetings:

- (a) The Board of Governors shall meet at the call of the President, during the Annual Meeting, and at such other times as the President or a majority of the Board of Governors may deem necessary provided written notice is given to all members of the Board at least 10 days in advance. The Association may reimburse the Board of Governors their necessary travel expenses to attend any Board meeting, except in connection with the Annual Meeting.
- (b) A quorum for a meeting of the Board of Governors shall be one-half of its members.
- (c) The Board of Governors shall provide for at least on an annual basis, an audit of the books, records and accounts maintained by the Treasurer and the audit shall review the Treasurer's Annual Report.

Section 4. Executive Session:

Upon a majority vote, the Board of Governors may call an executive session to discuss matters involving security, personnel, appointment to open positions, potential litigation or other matters deemed confidential. A motion to enter executive session shall set forth the purpose of the executive session, which shall be included in the general minutes.

The Committee recommends that the DMCJA Board approve this proposed amendment to be presented to the membership for a vote.

2. **Amendment re Application of Dues** – A new Section 4, Art. IV is proposed to address the application of dues, specifically whether dues follow the judge or the position. During its March meeting, the DMCJA Board requested the Bylaws Committee present alternative language for two possible scenarios: (1) dues follow the judge, as has been DMCJA's custom, so if a judge is replaced midterm, the local jurisdiction must pay dues for the replacement judge, even if it paid dues for the original judge; and (2) application of dues depends upon who paid the dues: the judge or the local jurisdiction. When a judge's dues are paid by the local jurisdiction, the dues would be associated with the position but when a judge has paid his or her dues personally, the dues would be associated with that particular judge. Thus, if the local jurisdiction has paid and a judge is replaced midterm, the dues would apply to the replacement judge. If the departing judge paid his or her dues personally, the new judge would also be required to pay dues.

Two potential amendments are presented to address these alternatives. The only change is in the wording of the new Section 4 (new language is underlined):

ARTICLE IV - Dues

Section 1. Amount of Dues:

The annual membership dues of the Association for the calendar year shall be set by the Board.

Section 2. Method of Payment:

All dues shall be paid by February 15th of each year. If dues are not paid by said date, a demand for their payment shall be made to the judge.

Judges sitting in more than one court are responsible for ensuring that full dues are paid. The judge is responsible for apportionment of payments between courts in which the judge sits.

Section 3. Delinquency:

After May 1, a non-paying member shall not be a member in good standing or entitled to any rights or privileges of active membership and shall be so notified in writing by the Secretary-Treasurer.

Option A: The dues follow the judge:

Section 4. Application of Dues:

Dues are paid on behalf of a judge, not a position. If a judge is replaced in a position mid-term, dues shall be paid on behalf of the successor judge.

Option B: Application of dues depends on who pays them:

Section 4. Application of Dues:

Application of dues is dependent upon whether the dues are paid by the judge personally or by a governmental entity. If paid by the judge, the dues are associated with the judge and if the judge is replaced mid-term, the successor judge must also pay dues. If paid by a governmental entity, then the dues are associated with the position and if a judge is replaced mid-term, the dues shall be applied to the successor judge. The judge should clarify when the payment is made if the judge is paying personally or the governmental entity is paying the dues.

The Committee recommends that the DMCJA Board approve one of these proposed amendments, to be presented to the membership for a vote.

Regardless of the choice of provision, the Committee recommends that the Board establish a policy addressing prorating dues for judges who are appointed mid-term. A suggested formulation would be to prorate the dues based on the quarter year, so during January through March, the dues would be the full amount; April through June, the dues would be 75% of the full amount; July through September, the dues would be 50% of the full amount; and October through December, the dues would be 25% of the full amount.

Amendment re Application of Dues – A new Section 4, Article IV is proposed to address the application of dues, specifically whether dues follow the judge or the position. The DMCJA Board has considered alternatives and now proposes that the application of dues depends upon who paid the dues: the judge or the local jurisdiction. When a judge’s dues are paid by the local jurisdiction, the dues would be associated with the position but when a judge has paid his or her dues personally, the dues would be associated with that particular judge. Thus, if the local jurisdiction has paid and a judge is replaced midterm, the dues would apply to the replacement judge. If the departing judge paid his or her dues personally, the new judge would also be required to pay dues.

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Section 4. Application of Dues:

Application of dues is dependent upon whether the dues are paid by the judge personally or by a governmental entity. If paid by the judge, the dues are associated with the judge and if the judge is replaced mid-term, the successor judge must also pay dues. If paid by a governmental entity, then the dues are associated with the position and if a judge is replaced mid-term, the dues shall be applied to the successor judge. The judge should clarify when the payment is made if the judge is paying personally or the governmental entity is paying the dues.



Bank of America
Merrill Lynch

P.O. Box 15284
Wilmington, DE 19850

AG 2 0 384 804 030315 #002 AV 0,360

DMCJA SPECIAL FUND
C/O DAVID A SVAREN
PO BOX 340
MOUNT VERNON, WA 98273-0340

Customer service information

- ☎ Customer service: 1.888.852.5000
- 🌐 bankofamerica.com
- 📍 Bank of America, N.A.
P.O. Box 25118
Tampa, FL 33622-5118

Your combined statement

for September 01, 2013 to September 30, 2013

Your deposit accounts	Account/plan number	Ending balance	Details on
Business Interest Checking	[REDACTED]	\$6,365.20	Page 3
Business Investment Account	[REDACTED]	\$42,172.14	Page 5
Total balance		\$48,537.34	

Life's better when we're connected

Each time you share an expression of thanks for our troops using #troopthanks or at bankofamerica.com/troopthanks, Bank of America will donate \$1* to nonprofit organizations dedicated to helping our service members and veterans succeed here at home.

For every validated expression of thanks from May 18, 2013 to November 11, 2013, the Bank of America Charitable Foundation will donate a total of \$1 to Wounded Warrior Project and Welcome Back Veterans, up to a max of \$1,000,000 total. *\$0.01 per transaction. #TroopThanks

to gratitude



Your Business Interest Checking

DMCJA SPECIAL FUND

Account summary

Beginning balance on September 1, 2013	\$6,365.11	# of deposits/credits: 2
Deposits and other credits	0.10	# of withdrawals/debits: 1
Withdrawals and other debits	-0.01	# of days in cycle: 30
Checks	-0.00	Average ledger balance: \$6,365.15
Service fees	-0.00	
Ending balance on September 30, 2013	\$6,365.20	

Annual Percentage Yield Earned this statement period: 0.01%.

Interest Paid Year To Date: \$0.45.

Federal Withholding This Period: \$0.00

Deposits and other credits

Date	Description	Amount
09/06/13	Counter Credit	0.05
09/30/13	Interest Earned	0.05
Total deposits and other credits		\$0.10

Withdrawals and other debits

Date	Description	Amount
09/30/13	Federal Withholding	-0.01
Total withdrawals and other debits		-\$0.01

See what we're doing to help in your community



Connect with us on your favorite social networks

It's a great way to let us know how you help your community. Join us on Facebook at [facebook.com/bankofamerica](https://www.facebook.com/bankofamerica) and follow us on Twitter at our handle [@BofA_Community](https://twitter.com/BofA_Community) to join the conversation in your community.



ARW46BLT
SSM-05-13-0171.D



Your Business Investment Account

DMCJA SPECIAL FUND

Account summary

Beginning balance on September 1, 2013	\$42,171.64	# of deposits/credits: 1
Deposits and other credits	0.69	# of withdrawals/debits: 1
Withdrawals and other debits	-0.19	# of days in cycle: 30
Service fees	-0.00	Average ledger balance: \$42,171.65
Ending balance on September 30, 2013	\$42,172.14	Average collected balance: \$42,171.65

Annual Percentage Yield Earned this statement period: 0.02%.
Interest Paid Year To Date: \$6.32.
Federal Withholding This Period: \$0.00

Deposits and other credits

Date	Description	Amount
09/30/13	Interest Earned	0.69
Total deposits and other credits		\$0.69

Withdrawals and other debits

Date	Description	Amount
09/30/13	Federal Withholding	-0.19
Total withdrawals and other debits		-\$0.19



DMCJA Legislative Committee
November 15, 2013

COMMITTEE REPORT AND RECOMMENDATIONS FOR DMCJA BOARD OF GOVERNORS

The Legislative Committee is currently comprised of 13 judge members, 2 DMCMA liaisons, Melanie Stewart (lobbyist) and AOC staff. After soliciting legislative proposals from DMCJA members, the committee met three times in person to consider the proposals, conduct research and prepare the following recommendations.

REQUESTS FOR BOARD ACTION

1. Removal of Municipal Court Judges

Background: There is currently a disparity between the termination provisions for district and municipal courts, which can result in a city closing its court during the term of a municipal court judge. Amendments to RCW 3.50.810 and 35.20.010 to prevent cities from terminating a court during the judge's term would put municipal court judges on par with district court judges.

Proposed Language: See Attachment 1 [letter from Judge Larson]

Committee Recommendation: Approve sending the letter and any accompanying materials to the BJA for potential legislative action as a judicial branch issue.

2. Imposing Misdemeanor Jury Fees

Background: Courts of limited jurisdiction lack clear statutory authority to impose jury fees on defendants who have been convicted of a misdemeanor, although superior courts have this authority. RCW 10.01.160(2), which authorizes courts to impose certain costs, would be amended to reference new sections added to Chap. 3.66, 3.50, and 35.20 RCW that would authorize district and municipal courts to charge convicted defendants a jury fee.

Proposed Language: See Attachment 2 [draft language from Judge Meyer]

Committee Recommendation: Draft proposed legislation and find sponsors for draft bill.

3. Discover pass fee allocations

Background: Unlike other parking infractions, all revenue from discover pass parking violations is remitted to the state, with none to the local jurisdiction. The number of these infractions has grown exponentially over the last 2 years. District courts in primarily rural counties have been particularly impacted by the amount of staff time required to process these infractions.

Committee Recommendation: Work with Washington Association of Counties to develop and support draft legislation to ensure at least a fee split between the state and local jurisdictions.

ITEMS FOR BOARD INFORMATION

Vacation of Misdemeanors under RCW 9.96.060

Background: RCW 9.96.060 prevents vacation of a misdemeanor when a domestic violence protection order has been issued subsequent to the original conviction, without distinguishing between permanent and temporary orders.

Committee Recommendation: Develop the concept through proposed draft legislation and a letter describing the issue, and then contact a legal rights advocate such as Columbia Legal Services to see if they are interested in pursuing legislation on the topic.

ISSUES UNDER FURTHER REVIEW – (December Meeting)

Proposal to Amend Search Warrant Rules

WAPA is proposing legislation to allow magistrates to approve search warrant applications.

Therapeutic Courts (SB 5797) Workgroup

The Therapeutic Courts Workgroup may propose legislation.

Stalking and Anti-Harassment Statutes

Judge Prochnau of the SCJA may propose amendments to these statutes.

MATTERS REVIEWED AND CLOSED WITH NO FURTHER ASSOCIATION ACTION

Allowance of reimbursement fees for interpreters when defendants have the financial ability to pay

After review, it was determined that the proposed amendment could run afoul of the state and federal equal protection clauses.

Legislation to limit public access to CLJ misdemeanor probation files

After review, it was determined that now was not an appropriate time to pursue legislation regarding access to court files.

Modification of RCW 50.13.070 concerning subpoenas to the Department of Employment Security

After review, it was determined that this matter could be discussed with DES to see if a potential legislative proposal could be generated for the next session.

Decriminalization Failure to Appear for Jury Duty

After review, it was determined not to proceed with this proposal at this time.

ATTACHMENT 1

Memorandum

To: DMCJA legislative Committee
From: Judge David Larson
RE: Amendments to RCW 3.50.810 and RCW 35.20.010 – Termination of Court at end of Judge's Term
Date: October 14, 2013

SSB 5472 (see attached) was adopted in 2001 to provide that a city's contract for court services with a county could not be terminated until the end of the district court judge's term of office. The purpose of this memo is to provide a proposal that would clarify existing law and provide for parity between municipal and district court termination provisions.

The common thread that should influence the discussion should be about how we strengthen courts as a co-equal branch of government at all levels of court. We should not focus on past examples of how the law has been correctly or incorrectly applied or whether any abuses have or have not occurred. Rather, we should focus on the fact that right now local executive and legislative branches have what they perceive to be unchecked power to terminate a municipal court and contract with a district court or other municipal court at any time for any reason. Courts should be treated as a co-equal branch of local government by at least allowing the judge to complete his or her term of office before the court is terminated.

The current statutory scheme and case law supports the notion that a judge should be compensated to the end of his or her term of office, but it is the authority the office holds that gives us our independence as a judiciary, not a paycheck. The paycheck received after the court is terminated is of little importance if the powers granted by law are stripped from the judge mid-term.

The proposal is to treat municipal courts and district courts the same when it comes to termination by making it clear that termination can only occur at the end of the judge's term of office. The following language could be added as a new section in RCW 3.50.810:

"A municipal court may only be terminated at the end of the judicial term of the judge or judges of that court. Provided, that in courts with elected municipal court judges the judicial term includes the time period between the date the office is designated for election pursuant to RCW 29A.24.010 to the end of the four-year term that is the subject of the upcoming election. Provided further, that in the case of a judge appointed in a part-time court pursuant to RCW 3.50.040, the term of office shall include the time period between the date the appointment is

confirmed by the local legislative body to the end of the judge's four-year term of office as provided for in RCW 3.50.040."

The following language could be added as a new section in RCW 35.20.010:

"A municipal court may only be terminated at the end of the judicial term of the judge or judges of that court. Provided, the judicial term includes the time period between the date the office is designated for election pursuant to RCW 29A.24.010 to the end of the four-year term that is the subject of the upcoming election."

The proposed statutory changes are not a panacea, but they are a step in the right direction in preserving judicial independence and raising the esteem of the court as a co-equal branch of government.

Thanks.

Judge David A. Larson
Enc.

CHAPTER 68

[Substitute Senate Bill] 5472]

COURT SERVICES—TERMINATION

AN ACT Relating to courts of limited jurisdiction; amending RCW 3.50.810, 3.46.150, 39.20.010, and 39.34.180; and repealing RCW 3.46.155.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 3.50.810 and 1993 c 317 s 2 are each amended to read as follows:

(1) Any city having entered into an agreement for court services with the county must provide written notice of the intent to terminate the agreement to the county legislative authority not less than one year prior to February 1st of the year in which all district court judges are subject to election.

(2) Any city that terminates ((a municipal court under this chapter may not establish another municipal court under this chapter until at least ten years have elapsed from the date of termination)) an agreement for court services to be provided by a district court may terminate the agreement only at the end of a four-year district court judicial term.

(3) A county that wishes to terminate an agreement with a city for the provision of court services must provide written notice of the intent to terminate the agreement to the city legislative authority not less than one year prior to the expiration of the agreement.

Sec. 2. RCW 3.46.150 and 1984 c 258 s 210 are each amended to read as follows:

(1) Any city, having established a municipal department as provided in this chapter may, by written notice to the county legislative authority not less than ((thirty days)) one year prior to February 1st of ((any)) the year in which all district court judges are subject to election, require the termination of the municipal department created pursuant to this chapter. A city may terminate a municipal department only at the end of a four-year judicial term. However, the city may not give the written notice required by this section unless the city has reached an agreement with the county under chapter 39.34 RCW under which the county is to be paid a reasonable amount for costs associated with prosecution, adjudication, and sentencing in criminal cases filed in district court as a result of the termination. The agreement shall provide for periodic review and renewal of the terms of the agreement. If the municipality and the county are unable to agree on the terms for renewal of the agreement, they shall be deemed to have entered into an agreement to submit the issue to arbitration under chapter 7.04 RCW. Pending conclusion of the arbitration proceeding, the terms of the agreement shall remain in effect. The municipality and the county have the same rights and are subject to the same duties as other parties who have agreed to submit to arbitration under chapter 7.04 RCW.

(2) A county that wishes to terminate a municipal department of the district court must provide written notice to the city legislative authority at least one year prior to the date of the intended termination.

Sec. 3. RCW 35.20.010 and 1984 c 258 s 201 are each amended to read as follows:

(1) There is hereby created and established in each incorporated city of this state having a population of more than four hundred thousand inhabitants, as shown by the federal or state census, whichever is the later, a municipal court, which shall be styled "The Municipal Court of (name of city)," hereinafter designated and referred to as the municipal court, which court shall have jurisdiction and shall exercise all the powers by this chapter declared to be vested in such municipal court, together with such powers and jurisdiction as is generally conferred in this state either by common law or statute.

(2) A municipality operating a municipal court under this section may terminate that court if the municipality has reached an agreement with the county under chapter 39.34 RCW under which the county is to be paid a reasonable amount for costs associated with prosecution, adjudication, and sentencing in criminal cases filed in district court as a result of the termination. The agreement shall provide for periodic review and renewal of the terms of the agreement. If the municipality and the county are unable to agree on the terms for renewal of the agreement, they shall be deemed to have entered into an agreement to submit the issue to arbitration under chapter 7.04 RCW. Pending conclusion of the arbitration proceeding, the terms of the agreement shall remain in effect. The municipality and the county have the same rights and are subject to the same duties as other parties who have agreed to submit to arbitration under chapter 7.04 RCW.

(3) A city that has entered into an agreement for court services with the county must provide written notice of the intent to terminate the agreement to the county legislative authority not less than one year prior to February 1st of the year in which all district court judges are subject to election. A city that terminates an agreement for court services to be provided by a district court may terminate the agreement only at the end of a four-year district court judicial term.

(4) A county that wishes to terminate an agreement with a city for the provision of court services must provide written notice of the intent to terminate the agreement to the city legislative authority not less than one year prior to the expiration of the agreement.

Sec. 4. RCW 39.34.180 and 1996 c 308 s 1 are each amended to read as follows:

(1) Each county, city, and town is responsible for the prosecution, adjudication, sentencing, and incarceration of misdemeanor and gross misdemeanor offenses committed by adults in their respective jurisdictions, and referred from their respective law enforcement agencies, whether filed under state law or city ordinance, and must carry out these responsibilities through the use of their own courts, staff, and facilities, or by entering into contracts or interlocal agreements under this chapter to provide these services. Nothing in this section is intended to alter the statutory responsibilities of each county for the prosecution, adjudication, sentencing, and incarceration for not more than one year of felony

offenders, nor shall this section apply to any offense initially filed by the prosecuting attorney as a felony offense or an attempt to commit a felony offense.

(2) The following principles must be followed in negotiating interlocal agreements or contracts: Cities and counties must consider (a) anticipated costs of services; and (b) anticipated and potential revenues to fund the services, including fines and fees, criminal justice funding, and state-authorized sales tax funding levied for criminal justice purposes.

(3) If an agreement as to the levels of compensation within an interlocal agreement or contract for gross misdemeanor and misdemeanor services cannot be reached between a city and county, then either party may invoke binding arbitration on the compensation issued by notice to the other party. In the case of establishing initial compensation, the notice shall request arbitration within thirty days. In the case of nonrenewal of an existing contract or interlocal agreement, the notice must be given one hundred twenty days prior to the expiration of the existing contract or agreement and the existing contract or agreement remains in effect until a new agreement is reached or until an arbitration award on the matter of fees is made. The city and county each select one arbitrator, and the initial two arbitrators pick a third arbitrator.

(4) A city or county that wishes to terminate an agreement for the provision of court services must provide written notice of the intent to terminate the agreement in accordance with RCW 3.50.810 and 35.20.010.

(5) For cities or towns that have not adopted, in whole or in part, criminal code or ordinance provisions related to misdemeanor and gross misdemeanor crimes as defined by state law, this section shall have no application until July 1, 1998.

NEW SECTION. Sec. 5. RCW 3.46.155 (Termination of municipal department—Waiting period for establishing another) and 1993 c 317 s 1 are each repealed.

Passed the Senate March 9, 2001.

Passed the House April 5, 2001.

Approved by the Governor April 18, 2001.

Filed in Office of Secretary of State April 18, 2001.

CHAPTER 69

(Substitute Senate Bill 5925)

AGRICULTURAL INDUSTRIAL PROCESS WATER

AN ACT Relating to agricultural industrial process water; amending RCW 90.46.005, 90.46.010, 90.46.130, 90.14.140, 90.03.252, and 90.44.062; and adding a new section to chapter 90.46 RCW.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 90.46.005 and 1997 c 355 s 1 are each amended to read as follows:

The legislature finds that by encouraging the use of reclaimed water while assuring the health and safety of all Washington citizens and the protection of its

ATTACHMENT 2

RCW 10.01.160

(2) Costs shall be limited to expenses specially incurred by the state in prosecuting the defendant or in administering the deferred prosecution program under chapter 10.05 RCW or pretrial supervision. They cannot include expenses inherent in providing a constitutionally guaranteed jury trial or expenditures in connection with the maintenance and operation of government agencies that must be made by the public irrespective of specific violations of law. Expenses incurred for serving of warrants for failure to appear and jury fees under RCW 10.46.190, _____, _____ and _____ may be included in costs the court may require a defendant to pay. Costs for administering a deferred prosecution may not exceed two hundred fifty dollars. Costs for administering a pretrial supervision may not exceed one hundred fifty dollars. Costs for preparing and serving a warrant for failure to appear may not exceed one hundred dollars. Costs of incarceration imposed on a defendant convicted of a misdemeanor or a gross misdemeanor may not exceed the actual cost of incarceration. In no case may the court require the offender to pay more than one hundred dollars per day for the cost of incarceration. Payment of other court-ordered financial obligations, including all legal financial obligations and costs of supervision take precedence over the payment of the cost of incarceration ordered by the court. All funds received from defendants for the cost of incarceration in the county or city jail must be remitted for criminal justice purposes to the county or city that is responsible for the defendant's jail costs. Costs imposed constitute a judgment against a defendant and survive a dismissal of the underlying action against the defendant. However, if the defendant is acquitted on the underlying action, the costs for preparing and serving a warrant for failure to appear do not survive the acquittal, and the judgment that such costs would otherwise constitute shall be vacated.

New Chapters of 3.66, 3.50 and 35.20

Liability of convicted person for costs – Jury fee

Every person convicted of a crime or held to bail to keep the peace shall be liable to all the costs of the proceedings against him or her, including, when tried by a jury in the **district or municipal** court or before a committing magistrate, a jury fee as provided for in civil actions for which judgment shall be rendered and collected. The jury fee, when collected for a case tried by the **district or municipal** court shall be paid to the clerk and applied as the jury fee in civil cases is applied.



MUNICIPAL COURT
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September 20, 2013

To: DMCJA Rules Committee

From: Judge Rebecca C. Robertson

RE: Court Security Rule

Dear Committee Members,

In its ongoing effort to improve court security statewide, the DMCJA Board discussed whether a court rule addressing this issue would be viable. I was tasked with determining whether other courts have actual court rules that address security.

I have attached a *sample* of court rules from various courts nationwide that address court security. Some courts include very specific and detailed court security rules, while others simply require that every court have a court security plan in place.

It is unknown what, if any, impacts these differing rules have on their courts, politically or financially.

I would recommend that the Rules Committee first determine the scope of any proposed rule. A more general State rule requiring local jurisdictions to have a court security committee, standards, and rules could be proposed, which would leave local jurisdictions room to craft their own court security standards and rules according to their specific needs and budgets. Or, a much more detailed rule could be proposed that created standards and rules that would be applicable statewide.

Additionally, I would recommend that the Rules Committee and the Legislative Committee create a joint sub-committee to address court security so that we are not operating at cross purposes.

Regards,

A handwritten signature in black ink, appearing to read "Rebecca C. Robertson".

Judge Rebecca C. Robertson

Federal Way Municipal Court

KING COUNTY DISTRICT COURT
East Division – Bellevue Courthouse

Judge Janet E. Garrow

**585 112th Avenue SE
Bellevue, WA 98004
206-477-2100**

**Josie Jimenez
Court Manager**

TO: President David Svaren and DMCJA Board

FROM: Janet Garrow, DMCJA Rules Committee Chair

SUBJECT: Courthouse Security rule

DATE: October 9, 2013

The DMCJA Board requested the Rules Committee evaluate the efficacy of a General Court rule addressing the topic of courthouse security. The Rules Committee had a subcommittee work on the analysis of this approach. A copy of that memo and samples of court rules from various courts in the United States are attached.

Courthouses are frequently shared by a Court of Limited Jurisdiction, a Superior Court, a Clerk's Office and other users. Therefore, the Rules Committee believes it would be more effective to have a committee of interested stakeholders drafting a courthouse security rule. Because there is a likelihood that some security improvements in courthouses will require funding, it will eventually be important to include representatives of the executive and legislative branches in these discussions.

An initial workgroup for developing a courthouse security rule could include members of the DMCJA, SCJA, appellate courts, the Court Managers Association, Superior Court Clerks and AOC. It would be very helpful to have an individual with subject matter expertise in courthouse security as a member of this workgroup. Once that workgroup develops an initial rule proposal, it may be helpful to expand the workgroup to include other interested stakeholders [e.g., counties, cities, general public] to discuss the draft rule and receive their comments and input.

While DMCJA could certainly be the convener of this workgroup, and hope for the participation of the SCJA, appellate courts, CMA and others, it may be more effective to have the Board for Judicial Administration charter this work group and determine the membership. It will be a significant undertaking to develop a General Rule for courthouse security that the Supreme Court will adopt. However, adoption of such a rule can only lead to greater security and safety in the courthouses of this state.

Attachment

Wisconsin

appointed under SCR 75.02 (1) and a person authorized under SCR 75.02 (3) to the limited extent of that authorization.

(b) A circuit court commissioner should not routinely take matters under advisement. Every circuit court commissioner shall decide any matter within 30 days after the matter is submitted to him or her for decision. If the circuit court commissioner is unable to decide a matter within 30 days, he or she shall notify the chief judge not later than 5 days before the end of the 30-day period. The chief judge may extend the period to decide the matter for an additional 30 days or may require the circuit court commissioner to suspend all other assigned activities until the decision is filed in the court.

(d) The chief judge may withdraw temporarily or permanently the circuit court commissioner's appointment or authority to act if the commissioner fails to comply with par. (b).

COMMENT

In addition to possibly constituting judicial misconduct under sec 757.81(4), Stats, a judge's failure to comply with this rule may constitute contempt of the supreme court and result in the court's imposing a fine for noncompliance. See, *In re Hon. Charles E. Kading*, 74 Wis.2d 405, 246 N.W.2d 903 (1976).

SCR 70.37 Court of appeals: Deputy chief judge.

The chief judge of the court of appeals shall appoint a deputy chief judge to serve at the pleasure of the chief judge. The appointment of a deputy chief judge shall be in writing and filed in the office of the clerk of the court of appeals. The deputy chief judge shall provide assistance to the chief judge in administrative areas requiring the participation of a judicial officer. The chief judge may delegate any of the chief judge's duties and authority as chief judge to the deputy chief judge.

SCR 70.38 Court facilities.

(1) This rule is promulgated by the supreme court to promote communication among circuit courts, county officials, court planners, architects and contractors concerning court facilities issues. It recognizes the constitutionally appropriate participation of the circuit courts in addressing their facilities needs and priorities within the constraints established by funding limitations and

budget priorities. The rule is intended to assist counties and courts in making sound decision about the court facilities that serve the citizens of their Wisconsin communities.

The rules does not create a fixed standard. It is intended to be a statement of general purpose and procedure which establishes a flexible framework for courts' participation in decision-making regarding court facilities while recognizing the wide range of needs and circumstances which exist in counties across the state.

(2) In this rule, "court facility" means the courtroom, court chambers, the office and storage area of any court commissioner, court reporter, register in probate, juvenile clerk or clerk of court, the jury room, jury assembly areas, judicial staff areas, areas that may affect the security of a court, court staff and the public using a court, areas used for access to a court and any other facilities used in the operation of a court.

(3) The circuit judges shall promptly notify the chief judge of the judicial district, in writing, of the county's intent to remodel, construct or relocate any court facility or to relocate any court personnel.

(4) The circuit judges and the chief judge, in cooperation with appropriate county officials, shall review any proposals under sub. (3), together with any drawings or plans. The circuit judges and the chief judge shall participate in the planning process to ensure that the proposals under sub. (3) are consistent with current court facility standards, including those relating to functional design, audio-visual and acoustical adequacy and security of the courts and the public, and that they conform to the requirements of the Americans With Disabilities Act and other federal, state and local laws.

(5) The director of state courts shall provide technical assistance and advice on any proposals under sub. (3), within the resources available to the director's office.

(6) The chief judge shall review every new, remodeled or relocated court facility and grant or deny approval for its use, subject to review by the supreme court.

(7) No circuit judge or court staff may occupy a new, remodeled or relocated court facility until the court facility is approved under sub. (6).

(8) This rule is effective as to any remodeling,

construction or relocation commenced after September 1, 1992.

SCR 70.39 Security, facilities and staffing standards for courts.

(1) Definitions. In this rule:

(a) "Committee" means the security and facilities committee under sub. (3).

(b) "Court facility" has the meaning given in SCR 70.38 (2).

(c) "Presiding judge" is the judge appointed under SCR 70.265 or means the judge in a single branch circuit.

(d) "Should" is directory only, not mandatory, and connotes a duty or obligation to pursue a goal or objective.

(2) Applicability. The following standards apply to existing court facilities, to the construction, remodeling and relocation of court facilities and to the review and approval of court facilities under SCR 70.38 (4) and (6).

(3) Security and facilities committee. (a) The presiding judge for each county shall appoint a security and facilities committee composed of all of the following:

1. One circuit judge.
2. The chairperson of the county board.
3. The county executive.
4. The clerk of the circuit court.
5. A family court commissioner.
6. The district attorney.
7. The county sheriff.
8. One lawyer designated by the president of the local bar association. If there is no association, the presiding judge shall appoint a lawyer residing in the county.
9. One representative of a victim-witness support organization.
10. One representative of the criminal defense bar.
11. Such other persons as the committee considers appropriate.

A person specified in 2, 3, 4, 6 and 7 may designate a person for appointment to the committee in his or her place.

(b) In the absence of a presiding judge or if the presiding judge is unable to act, the chief judge of the judicial administrative district in which the county is located shall act on behalf of the presiding judge under this subsection.

(c) The committee shall coordinate the adoption of general court security and facilities policies. Day-to-day security decision and case-specific security measures shall remain within the discretion of the presiding judge. The presiding judge shall consult, as needed, with the sheriff and the court security officers specified in sub. (5) (a).

(d) The committee shall meet quarterly, with the initial meeting commencing not more than 60 days after the effective date of this rule. Each January and July, the committee shall submit to the planning and policy advisory committee under SCR 70.14 a written report of its progress in implementation of the standards in subs. (4) through (11).

(e) Beginning on March 31, 1996, and annually thereafter on or before March 31, the planning and policy advisory committee under SCR 70.14 shall file with the director of state courts office a written report of the efforts of the committees in implementing the standards set forth in subs. (4) through (11). The planning and policy advisory committee shall receive from, and make available to, the committees information concerning security and facilities plans implemented in other counties.

COMMENT

Nearly all studies and publications on court system security stress the need for an acknowledged and centralized focal point within the system to address security concerns. The committee with its broad membership, will meet this need well. The presiding judge of the county or, if there is none, the chief judge of the judicial administrative district is responsible for establishing the committee.

Wisconsin's 72 counties have court facilities of varying size, age and configuration, making it impracticable to establish detailed and uniform statewide standards on every aspect of security policy. Local conditions and local culture must be taken into account in any effort to make the court facilities safe for participants and the public. Local committees equipped to address local issues of security policy are a critical element in the overall success of those efforts. Further, the creation of a committee in each county will serve one of the overall goals of these standards - to heighten awareness of and sensitivity to security issues so that the judicial system's response to them is proactive, geared to prevention, not merely reactive, responding to violent, perhaps tragic, incidents.

(4) Security -- structure and design. (a) A court facility housing courtrooms should have a sectoring system that divides the building into the following 3 types of areas according to the nature of access to them:

1. Public areas where the general public has relatively free access.

2. Judge and court staff areas where generally only judges and their staffs and persons explicitly permitted access, such as jurors and attorneys, are allowed.

3. Prisoner areas where only prisoners and law enforcement personnel accompanying a prisoner are permitted.

COMMENT

Any new court facility should incorporate sectoring principles if it is to provide the most basic security that can be attained through structural design. Existing facilities present a wide range of structural variations that create obstacles to the use of sectoring principles. However, in many existing courthouses there are opportunities to achieve some sectoring that will improve security. In addition, remodeling projects undertaken for non-security purposes offer cost-efficient opportunities to enhance the overall sectoring of a courthouse.

Secure prisoner transport and holding areas that will eliminate any public access to prisoners until they are in a courtroom where other security precautions are present are critical to the safety of the public, attorneys, court staff, judges, law enforcement personnel and the prisoners themselves. The need for an area where attorneys can meet with their clients should be considered in the design.

Each committee should consider the need for feasibility of limiting building access points to improve screening effectiveness and to further sectoring principles. Such consideration should include the advisability of card-controlled doors and policies for the use of and access to the courthouse after regular business hours and on weekends.

(b) A courtroom should be constructed to include all of the following:

1. A single public entry that accommodates a security checkpoint for use as needed.

2. Entrances for judges and court staff that are adjacent to the bench and entrances for jurors that are as close to the jury box as possible.

3. Other access to the courtroom, such as windows or maintenance access, that inhibits unauthorized entry.

4. A judge's bench that is of a size and height to deter physical attacks and that has a built-in bullet-resistant barrier.

5. Lighting panels that are located in areas where only court staff have access to them.

6. Lighting that is supported by an emergency power source.

7. A clear separation between the spectator area and the area used by the participants in court proceedings.

COMMENT

Courtrooms have often been the site of violent and tragic incidents, and their design is an important aspect in preventing such occurrences. The personnel and equipment standards in this rule are also integral parts of the overall security strategy. In the American system of justice, most court proceedings are public and security concerns cannot unreasonably interfere with this principle. However, a design that ensures the opportunity for proper screening of those who enter the courtroom and the proper physical arrangement of those present will create a safer setting in which citizens may exercise their right to participate in or observe public judicial proceedings.

Because judges are the official representatives of the judicial system, they have often been the targets of violence. For this reason, judges should be afforded special protection. A bullet-resistant barrier should be installed in every courtroom to provide a place of increased protection in the event a weapon is displayed. The separation between spectator area and the participants' area should be sufficient to prevent spectators' physical contact with attorneys, litigants and jurors and to ensure the privacy of conversations between attorneys and their clients.

(c) A jury deliberation room should be located where the public cannot have contact with jurors as they move to and from the courtroom and should be designed to ensure their safety and the secrecy of their deliberations.

COMMENT

The sacred task entrusted to jurors must be safeguarded from those who would seek to intimidate or engage in reprisals. The secrecy of jury deliberations must be guaranteed. Each committee should consider adopting policies on protecting jurors following a trial, juror parking and other matters affecting juror safety.

(d) Any court facility used for court commissioner hearings should be designed in a manner that incorporates the security principles set forth in par. (b).

COMMENT

The extent to which court commissioners are used varies widely from county to county. In a county where a court commissioner handles criminal and traffic, divorce, small claims or juvenile proceedings, the dangers present while doing so are similar to those facing judges in their courtrooms. All too often, court commissioners are called upon to perform their roles in small, crowded rooms where they are in close proximity to litigants, witnesses and spectators, as well as to attorneys and judicial staff. The dangers must be recognized and reflected in the design of these areas.

Because of the wide variations between counties in the nature of the proceedings handled by court commissioners, uniform standards are not appropriate. The design of court commissioner hearing rooms and office areas and the types of security personnel and equipment needed should be considered by each committee, using the features of courtroom security for guidance and as a measurement in assessing their adequacy.

(e) A secure room in close proximity to locations where criminal, family, juvenile or domestic violence proceedings are conducted should be provided for victim and child witnesses waiting to appear in such proceedings.

COMMENT

This standard is a reflection of the statutory directives in secs. 950.04(6) and 950.055(2), Stats.

(5) Security -- personnel. (a) There should be no fewer than 2 properly trained, sworn officers acting as court security officers in each courtroom and each court commissioner hearing room when criminal, divorce, child custody and other family cases are before the court or when domestic abuse, harassment and child abuse injunction hearings are taking place. The judge or court commissioner may expressly direct otherwise. The judge or court commissioner in all other types of proceedings should be able to require the assignment of a court security officer to be present at particular proceedings. The committee should consider and adopt a policy concerning whether court security officers are to be armed and whether other law enforcement officers are permitted to have firearms in courtrooms.

COMMENT

There is a wide variety of titles applied across Wisconsin to various persons assisting in court proceedings. For purposes of these standards, court security officer refers to a sworn deputy sheriff whose principal function is to provide security in and about the courtroom. The court security officer is to be distinguished from the jury bailiff or court aide, who need not be a sworn officer and whose functions include such matters as working with juries and providing routine information and directions to the public and unrepresented litigants in connections with court proceedings. This standard is not intended to discourage the continued use of other categories of persons currently employed in individual counties.

Court security officers are the first-line personnel source of security in the courtroom. Their presence serves as a deterrent to violent outbursts and provides the ability to respond to incidents that may arise. In this respect, the open and obvious presence of uniformed officers is a solid working example of the basic court security principles designed to deter those intent on harm, detect those who have breached security and limit the damage caused by the breach.

While criminal court proceedings customarily present heightened security concerns, nationally it has been in family cases (divorce, juvenile and others) that many of the most violent courtroom incidents have occurred. This has often been explained by the emotional volatility of the participants in such

proceedings and the fact that a court security officer is rarely present during them. Domestic abuse injunction proceedings present situations in which extreme volatility is likely and Wisconsin has witnessed a tragic death and several injury incidents in courthouses in connection with such cases.

There is a difference of opinion whether court security officers or law enforcement officers appearing as witnesses should be permitted to carry firearms in the courtrooms. On the one hand, all necessary resources should be available to respond to an incident; on the other, the presence of firearms presents the danger of a gun being taken from an officer by an inmate or other person. The standard leaves the question to be resolved at the local level.

This standard encourages a cooperative working relationship among judges, sheriffs and others involved with court security. These individuals will be able to identify whether in their county there are ways to reduce the need for court security officers and the associated expense. The standard is a codification of the existing law on the presiding judge's authority set forth in *Stevenson v. Milwaukee County*, 140 Wis. 14 (1909).

(b) Court security officers should be properly trained in basic courtroom security techniques and should be thoroughly familiar with the policies adopted by the committee.

COMMENT

The courtroom setting presents unique challenges to the law enforcement officer. Any person regularly acting as a court security officer should be properly trained in this specialized field, in addition to general law enforcement training. Training would also be helpful for court aides who are assigned solely to assist juries or perform other duties not requiring a court security officer. It would be advisable that the director of state courts coordinate efforts to develop a basic, minimal program of such training for use statewide. It may be appropriate to incorporate this program with the Department of Justice Law Enforcement Standards program.

(6) Security -- equipment. (a) Each courtroom and court commissioner hearing room should have a silent alarm system connected to an appropriate law enforcement office that will provide the immediate response of an armed officer. The alarms should also be located in judges' chambers and staff areas, court commissioner office areas and any location in the courthouse where money is collected or stored or where there are other security risks. Each courtroom should be equipped with a telephone.

COMMENT

Silent alarm systems mounted in an easily accessible location in a courtroom are a minimal security device that should be installed in every existing courtroom. The system should be connected to an office that provides constant

monitoring during all regular hours of courtroom use. The alarms should be able to summon immediately armed law enforcement or court security staff to respond to the emergency prompting the alarm. It is advisable that alarms be installed in other locations having the potential for violent incidents and other breaches of security. While not an adequate substitute for a silent alarm system, telephones should be provided as a supplement. Telephones can also be used in medical emergencies and will facilitate telephone testimony and attorney appearances. Each committee should consider the use of surveillance cameras in some or all courtrooms or other areas of the courthouse.

(b) Court security officers should be provided with metal detection devices to be used if policies are adopted by the committee to screen persons entering courtrooms or courthouses.

COMMENT

Weapons brought into court facilities present the clearest threat to security. While in some counties local conditions and experience may warrant constant screening by metal detectors at entrances to court facility buildings, in other counties the need for such screening will be more sporadic. Other types of screening may be employed to supplement metal detection or as a satisfactory alternative, but each courthouse should be equipped for the use of metal detection when the need arises. Hand-held detection devices are effective and readily available at reasonable costs. Each committee should develop a policy on the type of equipment to be acquired, the criteria for when it is to be used and the methods for its use. This minimal step was recently endorsed by an unanimously approved resolution of the American Judges Association.

(c) Court security officers should be equipped with 2-way radios at all times.

COMMENT

Court security officers are the first-line providers of security in court facilities. To enhance their effectiveness, their ability to communicate and to summon assistance is critical. Two-way radios can also be useful for purposes unrelated to security, such as locating attorneys appearing in other courtrooms.

(d) Each building that houses a court facility should be equipped with a public address system that permits all of its occupants to be given notices and instructions during an emergency.

COMMENT

In addition to its obvious security benefits, such a system provides a means for general purpose announcements.

(e) The committee should consider the need for and feasibility of an external electronic perimeter surveillance system for each building that houses a court facility and should review other features of the building's exterior with security concerns in mind.

COMMENT

The dangers created by external features of a court facility building may be significant. Wide variations among counties as to their local needs and the designs of their courthouses render a uniform standard impracticable. Each committee should assess risk factors and consider solutions, electronic or otherwise, to minimize danger.

(7) Security -- policies and procedures. (a) The committee should propose a policy for adoption as a local rule under SCR 70.34 for the reporting of and response to threats made to judges, court commissioners and court staff or their families.

COMMENT

A systematic reporting procedure for threats to judges, court staff or their families should be established in each county. This serves the beneficial purpose of allowing persons other than the object of the threat to assess its seriousness, as there may be a tendency by the person threatened to minimize it as "part of the job." The policy should designate the person to whom threats are to be reported, establish the responsibility for investigation or other response and provide for the retention of records of all reported threats.

(b) The committee should review existing policies on money collection and storage and should adopt a program for the protection of the public's funds.

COMMENT

Clerks of court collect substantial amounts of money in the form of filing fees, fines and forfeitures, family support, etc. An enhanced protection program for these funds will not only safeguard the taxpayers' treasury but will also deter any efforts to engage in violence for financial gain.

(c) Each courtroom and other vulnerable area in a court facility should be searched for explosives or other dangerous instrumentalities before the commencement of court

proceedings each day.

COMMENT

The need for this regular practice is greatest in those counties where courtrooms are used for non-judicial purposes on evenings and weekends.

(d) The committee should adopt a policy for the handling and storage of firearms, other dangerous instrumentalities and contraband received as evidence during court proceedings.

COMMENT

Documents and other exhibits received during judicial proceedings must be safeguarded as part of the court record. Certain items of evidence present reasons for special attention to their handling during breaks, overnight in multi-day proceedings and following the conclusion of the proceeding in which they are introduced.

(e) The committee should develop a plan for dealing with disruptions at court proceedings, including trial and pretrial, involving particularly dangerous or disruptive criminal defendants.

COMMENT

Criminal cases involving an unusually volatile defendant or a defendant having associates with a propensity for violence present special security concerns. So, too, does a criminal defendant who becomes unruly and disruptive in the court proceeding in which he or she is involved. Given the wide variations in physical facilities among Wisconsin counties and the sporadic occasions when these problems will be faced, uniform standards to address them are not appropriate. Each county should have a plan for handling situations as they arise that properly addresses security concerns while at the same time ensuring that the defendant will be accorded the requisite due process.

(f) The committee should consider whether it can assist the municipal courts in its county in security matters.

COMMENT

Municipal courts generally are not located in the county courthouse



LR 01
COURTROOM SAFETY

No person (except for duly and regularly commissioned law enforcement officers of the State of Washington and other states of the United States of America not appearing on their own family law matter) shall be on the Fifth Floor of the Chelan County Regional Law and Justice Center, Juvenile Justice Center or Auditorium (when being used for court purposes) while armed with ANY firearm or taser or explosive device or any knife having a blade length of more than three inches or any billyclub, blackjack, truncheon or bat, nor shall any such person be in any of the fore-mentioned areas while possessing any gas gun or other device used for the spraying of tear gas, mace or other noxious chemical substance, nor any incendiary device.

Any person found having any of the articles or devices heretofore mentioned which are banned from the fifth floor of the Chelan County Regional Law and Justice Center, Juvenile Justice Center and Auditorium (when being used for court purposes) is subject to having such articles or devices seized by law enforcement officers, bailiffs on court order, or as otherwise directed by the Court.

Any person violating this rule shall be subject to punishment for contempt of court and prosecuted under RCW 9A.11.360.

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IN THE CIRCUIT COURT OF THE
SEVENTEENTH JUDICIAL CIRCUIT, IN
AND FOR BROWARD COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. I-01-B-3

IN RE: COURTHOUSE SECURITY

I. GENERAL PROVISIONS

WHEREAS, threats and acts of violence directed at the general public, witnesses, jurors, litigants, lawyers, court personnel and judges demonstrate the need for additional security at the county courthouse and at all courthouse satellites. Accordingly, the undersigned as Chief Judge of the Seventeenth Judicial Circuit of Florida hereby prohibits all persons, with the exception of those specifically enumerated in section II below, from carrying or possessing firearms, weapons or destructive devices, as defined in section 790.001, Florida Statutes (1991), in the county courthouse or any courthouse satellite (hereinafter collectively referred to as the "courthouse") in Broward County. Further, this court prohibits all persons from carrying or being in possession of any other device(s) or instrument(s) that could be used or perceived to be used as a physical threat to persons, or property, in the Courthouse/satellites in Broward County. Prohibitions may include but are not limited to pocket knives, ammunition, fireworks, caustic or flammable liquids. To enforce this prohibition the court, with the financial support of the Board of County Commissioners of Broward County, hereby authorizes the establishment of a court security detail. Further, the court empowers the security detail to stop all persons entering the courthouse, with the exception of those persons specifically enumerated in the section II below, and condition the right of entry upon the entrant's willingness to submit to a search of their person and/or personal effects to include purses, pocketbooks, briefcases, containers, packages, pagers, cellular phones and any other electronic device deemed necessary by the security detail. All persons refusing to submit to a search shall be denied access to the courthouse. Searches shall be conducted through the least intrusive means practicable. The purpose at the search is to insure the safety of the users and occupants of the courthouse. Nonetheless, discovery of illegal weapons, contraband as defined in section 932.701, Florida Statutes (1991), or other violations of criminal statutes will result in the immediate notification of law enforcement so that an arrest and seizure may be effectuated.

II. EXEMPT PERSONS

A. No law enforcement officer of any department may, ninety(90) days after the effective date of this Order, enter the Courthouse in possession of a firearm, unless the officer's employing department has in place in its departmental Policy and Procedures Manual, a requirement and disciplinary procedures preventing its officers from entering the Courthouse or any of its Satellites in the possession of a firearm, other than in the course and scope of the officer's official duties. Each Law Enforcement Department shall file with the Trial Court Administrator of the Seventeenth Judicial Circuit a certified copy of such policy and procedure prior to the entry of any of its law enforcement officers to the Courthouse or any of its Satellites.

B. The following shall be exempt from the prohibition against carrying firearms into the courthouse or any of its Satellites: (1) All Law Enforcement Officers of Broward County Sheriff's Office, All Law Enforcement Officers of any Broward County municipality, All Law Enforcement Officers of the State of Florida, whose primary assignment is within Broward County while engaged in their official duties. However, no Law Enforcement Officer may enter the Courthouse or any of its Satellites in possession of a firearm for any purpose other than in the course and scope of the officer's official duties. At no time may any Law Enforcement Officer possess a firearm within the Courthouse or any of its Satellites when off-duty or for any private or personal purpose.

All non-uniform and/or plain clothes law enforcement officers shall be required to present his/her official identification prior to entry into the courthouse. Any officer not presenting official identification shall be prohibited from possessing a firearm within the courthouse. Further, non-uniformed and/or plain clothes law enforcement officers shall be required to securely encase and conceal their firearms from public view. All uniformed officers shall securely encase their firearms in their service holsters. This exemption only applies to Law Enforcement Officers who are entering the Courthouse to fulfill their official law enforcement duties.

The Courthouse security shall be required to maintain a log for all non-uniform and/or plain clothes law enforcement officers in possession of a firearm and shall be required to cause all non-uniformed and/or plain clothes to register immediately upon entry to the Courthouse. The law enforcement officer's reason for entry to the Courthouse shall be recorded. Any Federal law enforcement officer, or any law enforcement officer of a department not in compliance with II(A) of this Order shall immediately report to the officer in charge of the Broward Sheriff's Office as designated by the Chief of the Broward Sheriff's Office Court Services Division or his/her designee. The Broward Sheriff's officer in charge may in his/her discretion allow that law enforcement officer to possess a firearm within the Courthouse or to require the firearm to be secured in a firearms locker.

C. When entering the courthouse/satellites, the following shall be exempt from the search requirement: (1) all Circuit and County Court Judges of the Seventeenth Judicial Circuit; (2) All Constitutional Officers of the State of Florida whose primary office is located within the Broward County Courthouse; (3) the Court Administrator; and (4) all full-time General Masters. Court Security shall not exempt any person who is exempt under provision 2(C), unless that person is personally known to the security officer or, if not personally known, the person presents his/her official identification.

III. NONEXEMPT PERSONS

A. No one shall be permitted to carry any weapon into the courthouse or its satellites unless the person is specifically exempted under section II(B), II(C) above.

B. All law enforcement officers who are authorized to carry firearms as part of their official duties, are prohibited from carrying a firearm into the courthouse or its satellites, when the law enforcement officer is a party to the proceeding and not appearing in an official capacity.

C. All law enforcement officers not employed by a Law Enforcement Agency situated within Broward County, all State of Florida Law Enforcement Officers not assigned to posts in Broward County and any Federal Law Enforcement Officer or member of any Broward County or Broward Municipal Law Enforcement Department which has not complied with provision II (A) of this Order, shall be required to present identification and to immediately report to the officer in charge of the Broward Sheriff's Office as designated by the Chief of the Broward Sheriff's Office Court Services Division or his/her designee. The Broward Sheriff's officer in charge may in his/her discretion allow that law enforcement officer to possess a firearm within the Courthouse or to require the firearm to be secured in a firearms locker. A gun locker, shall be provided near the front entry to the courthouse or any of its Satellites.

D. Prior to gaining entry into the courthouse, any person carrying a legally-authorized firearm or other weapon shall surrender the weapon to the security detail. The weapon shall be held under lock and shall be returned to the officer when leaving the courthouse.

IV. ADMISSION SEARCHES

A. Any person desiring to enter the courthouse or any of its Satellites shall enter through authorized entrances and shall pass through a magnetometer (metal detector).

B. Any person who activates the metal detector must empty his or her pockets and pass through the device a second time. If, after the second pass through, the metal detector is again activated, the person shall be subject to a security search to identify all objects which activated the metal detector.

C. Prior to passing through the metal detector, any person carrying a package, briefcase, container, purse, pocketbook, pager, cellular phone or any other electronic device

shall place such items on the X-ray conveyor belt and/or shall submit it to the security detail for visual inspection up to and including activation, if applicable.

D. Should the X-ray machine disclose what may be a weapon the container shall be subject to a manual search.

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E. The examiner shall not read any written material disclosed during a search.

F. If Illegal firearms, weapons, destructive devices or contraband, as defined above, are discovered during a search, the appropriate law enforcement authority shall be notified immediately so that an arrest and seizure might be effectuated.

V. LAW ENFORCEMENT WITHIN THE COURTHOUSE

A. Any person or persons engaged in any activity which is perceived to be a threat to the safety of persons or property within the Courthouse or its satellites, or which disrupts the official business conducted within the Courthouse or its satellites, or which constitutes a violation of a Florida Statute, Broward County ordinance or other municipal ordinance shall be subject to ejection from the Courthouse or its satellites upon order of a duly authorized law enforcement officer.

B. Any person or persons failing to immediately exit the Courthouse or its satellites upon order of a duly authorized law enforcement officer pursuant to V(A) of this order, shall be subject to arrest.

VI. PACKAGES AND LETTERS

A. All packages and letters entering the Broward County Courthouse or any of its Satellites shall either pass through a metal detector or be inspected. In the case of boxes of materials and supplies delivered through the courthouse loading dock, the inspection shall be to ensure that the

integrity of the carton has not been compromised. If a carton appears to have been opened and resealed, the carton shall be inspected to ensure that no firearms, weapons or destructive devices have been placed in the carton.

B. If illegal firearms, weapons, destructive devices or contraband, as defined above, are discovered during a search, the appropriate law enforcement authority shall be notified immediately so that an arrest and seizure may be effectuated.

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VII. NOTICE

The following notice shall be posted in a conspicuous place at all Courthouse entrances: "FOR THE PROTECTION OF THE PUBLIC, ALL PERSONS ENTERING THESE PREMISES MUST PASS THROUGH THE MAGNETOMETER (METAL DETECTOR). IF THE DETECTOR REGISTERS, THAT PERSON WILL BE SUBJECT TO A LIMITED SEARCH. ALL PACKAGES, BRIEFCASES, POCKETBOOKS OR OTHER ITEMS CARRIED BY A PERSON MUST BE OFFERED FOR INSPECTION IF SUCH PERSON WISHES TO ENTER THE BUILDING. ALL WEAPONS, INCLUDING LEGALLY-AUTHORIZED FIREARMS, MUST BE SURRENDERED PRIOR TO GAINING ENTRY INTO THE COURTHOUSE AND MAY BE RECLAIMED UPON LEAVING THE COURTHOUSE. ILLEGAL WEAPONS OR OTHER CONTRABAND DISCOVERED IN THE COURSE OF THESE SEARCH PROCEDURES WILL BE SEIZED."

DONE AND ORDERED in Chambers at Fort Lauderdale,
Broward County, Florida, this 29th day of March, 2001.

/s/DALE ROSS

Dale Ross, Chief Judge

* supersedes admin. Order I-97-B3 issued 10/1/97

The Supreme Court of Ohio

OPERATING GUIDELINES FOR THE ADVISORY COMMITTEE ON COURT SECURITY

These guidelines are issued by the Chief Justice of the Supreme Court and apply to the creation, organization, and operation of the Advisory Committee on Court Security to assist the Court in exercising the authority granted pursuant to Article IV of the Ohio Constitution.

These guidelines are intended to establish consistent standards and expectations in implementing this authority. While these guidelines may impose specific duties upon other persons, the Chief Justice may waive compliance with any guidelines to assist the exercise of that discretion.

These guidelines have not been adopted as rules pursuant to Article IV, Section 5 of the Ohio Constitution and should not be construed as requiring adoption.

SECTION 1.0. GENERAL GUIDELINES.

1.1. Creation.

There is hereby created by the Chief Justice the Advisory Committee on Court Security.

1.2. Duties.

The advisory committee shall provide ongoing advice to the Court and its staff regarding the promotion of statewide rules and uniform standards concerning the establishment and operation of court security programs in Ohio courts, including emergency preparedness programs; the development and delivery of services to Ohio courts on matters involving court security, including training programs for judges and court personnel; and the consideration of any other issues the advisory committee deems necessary to assist the Court and its staff regarding court security in Ohio courts.

1.3. Authority.

The advisory committee shall have no independent policy-setting authority.

SECTION 2.0. MEMBERSHIP.

2.1. Appointments.

The advisory committee shall consist of no more than twenty-four members appointed by the Chief Justice. The advisory committee and other interested parties may recommend to the Chief Justice persons for appointment who they believe will serve the purpose for which the advisory committee was created.

2.2. Nominations.

The Administrative Director of the Supreme Court shall solicit a minimum of two nominees from each individual or organization from which the Chief Justice seeks an advisory committee member nomination.

2.3. Composition.

Advisory committee membership should be broad based and multidisciplinary to represent a cross section of interests related to the subject matter of the advisory committee and reflect the gender, racial, ethnic, and geographic diversity of the state.

2.4. Chairperson and Vice-Chairperson.

The Chief Justice shall appoint one advisory committee member as the chairperson and one member as the vice-chairperson. The Chief Justice may appoint co-chairpersons, if appropriate.

2.5. Staff Support.

The Administrative Director shall assign one or more Court employees as may be necessary for the completion of the advisory committee's purpose. The Court employee shall assist the advisory committee as necessary, but shall at all times be considered an employee of the Court.

SECTION 3.0. TERMS AND VACANCIES.

3.1. Terms.

The term of an advisory committee member shall be for three years, provided that an initial appointment may be abbreviated and staggered to allow for a rotation of members. An advisory committee member shall be eligible for reappointment, but shall not serve more than two consecutive full terms. An advisory committee member shall be eligible for reappointment after serving two consecutive full terms, but only upon at least a one-year break in service. Abbreviated initial appointments and appointments to fill a vacancy shall not constitute a full term.

3.2. Judge, Magistrate, and Attorney Vacancies.

(A) Judge

If an advisory committee member who is a judge involuntarily leaves office by reason other than Article IV, Section 6(C) of the Ohio Constitution, the member shall be disqualified and a vacancy shall occur.

(B) Magistrate

If an advisory committee member who is a magistrate ceases to serve as a full-time magistrate with any Ohio court, the member shall be disqualified and a vacancy shall occur.

(C) Attorney

If an advisory committee member who is an attorney no longer practices in Ohio, the member shall be disqualified and a vacancy shall occur.

3.3. Filling of Vacancies.

Vacancies on the advisory committee shall be filled in the same manner as original appointments. An advisory committee member appointed to fill a vacancy shall hold the position for the remainder of the term.

SECTION 4.0. MEETINGS.

4.1. Manner.

The advisory committee may meet in person or by telephonic or other electronic means available to the Court.

4.2. Frequency.

The advisory committee shall meet as often as required to complete its work, provided the advisory committee shall meet in person a minimum of two times per year. The advisory committee may meet at the call of the chairperson or at the request of a majority of the advisory committee members.

4.3. Scheduling.

All advisory committee meetings shall be scheduled for a time and place so as to minimize costs to the Court and to be accessible to advisory committee members, Court staff, and the public.

4.4. Public Attendance and Notice.

All advisory committee meetings shall be open to the public, except in circumstances where the topic or issue being considered concerns the safety of judges and court personnel or the security of courts and courthouses. Public notice of all advisory committee meetings shall be provided on the Court's website.

4.5. Member Attendance.

For a fully effective advisory committee, an advisory committee member shall make a good faith effort to attend, in person, each advisory committee meeting. An advisory committee member who is unable to attend a meeting due to an unavoidable conflict may request the chairperson allow the member to participate by telephonic or other electronic means available to the Court. An advisory committee member participating in this manner shall be considered present for meeting attendance purposes. Should an advisory committee member miss three consecutive meetings, the advisory committee or the Court employee who staffs the advisory committee may recommend to the Chief Justice that the member relinquish the member's position on the advisory committee.

4.6. Minutes.

Minutes shall be kept at every advisory committee meeting and distributed to the advisory committee members for review prior to and approval at the next meeting.

4.7. Quorum.

There shall be a quorum of the advisory committee present when a majority of advisory committee members is present for the meeting, including those members participating by telephonic or other electronic means.

4.8. Actions.

At any advisory committee meeting at which a quorum is present, the advisory committee members may take action by affirmative vote of a majority of the members in attendance.

SECTION 5.0. SUBCOMMITTEES.

5.1. Creation.

The advisory committee may form such subcommittees it believes necessary to complete the work of the advisory committee. A subcommittee should consist of select advisory committee members and such other persons who the chairperson believes will assist in a full exploration of the issue under the review of the subcommittee.

5.2. Size.

A subcommittee should remain relatively small in size, not exceeding eight to twelve members, and have a ratio of advisory committee members to non-advisory committee members not exceeding one to three.

5.3. Application of Guidelines.

Guidelines 2.5, 4.1 through 4.4, 4.7, 4.8, 6.1, and 6.3 through 6.6 shall also apply to the work of a subcommittee.

SECTION 6.0. MISCELLANEOUS GUIDELINES.

6.1. Code of Ethics.

Advisory committee members shall comply with the Court's "Code of Ethics for Court Appointees." The Court employee who staffs the advisory committee shall provide each advisory committee member with a copy of the code following the member's appointment to the advisory committee and thereafter at the first meeting each year of the advisory committee.

6.2. Annual Report.

By January 31st of each year, the chairperson shall issue a report to the Chief Justice and the Justices of the Supreme Court detailing the activities and accomplishments of the advisory committee during the previous calendar year. The chairperson shall submit the report to the Administrative Director for publication on the Supreme Court's website and distribution to the Chief Justice and Justices.

6.3. Work Product.

The work product of the advisory committee shall be the property of the Court.

6.4. Budget.

The budget of the advisory committee shall be set by the Court through its internal budget process and as implemented by the office or section through which the advisory committee operates. The advisory committee shall have no authority to set its own budget.

6.5. Compensation.

An advisory committee member shall serve without compensation.

6.6. Reimbursement of Expenses.

An advisory committee member shall be reimbursed for expenses incurred in service to the advisory committee as permitted by the Court's "Guidelines for Travel by Court Appointees."

6.7. Dissolution.

The Chief Justice may dissolve the advisory committee at any time solely upon the discretion of the Chief Justice or upon the recommendation of the advisory committee indicating the advisory committee is no longer productive or has met the purpose for which it was created.

Effective Date: February 1, 2011

Amended: March 20, 2012

SCR CHAPTER 68

COURT SECURITY, FACILITIES, AND STAFFING

SCR 68.01 Purpose.

(1) This chapter is promulgated by the supreme court to promote communication among circuit courts, county officials, court planners, architects and contractors concerning court facilities issues. It recognizes the constitutionally appropriate participation of the supreme court and circuit courts in addressing their facilities and staffing needs and priorities within the constraints established by funding limitations and budget priorities. This chapter recognizes the court's authority to direct activities and policies of the director of state courts and of the judiciary. It is intended to assist counties and courts in making sound decisions about the court facilities that serve the citizens of their Wisconsin communities.

(2) This chapter does not create a fixed standard. It is intended to be a statement of general purpose and procedure which establishes a flexible framework for courts' participation in decision-making regarding court facilities while recognizing the wide range of needs and circumstances which exist in counties across the state.

(3) The standards in this chapter apply to existing court facilities, to the construction, remodeling and relocation of court facilities and to the review and approval of court facilities under SCR 68.03 (2) and (4).

COMMENT

SCR Chapter 68 is the culmination of an administrative rule petition filed by the Director of State Courts on behalf of the Planning and Policy Advisory Committee ("Petitioners") on June 30, 2011. Subsequent to the filing of the rule petition the Wisconsin Legislature enacted 2011 Wisconsin Act 35 (the "concealed carry" legislation) on July 8, 2011. The Petitioners advised this court that 2011 Wisconsin Act 35 was deemed beyond the scope of Chapter 68 and that this Chapter is not intended to address issues presented by 2011 Wisconsin Act 35 or regarding the constitutional right to bear arms.

SCR 68.02 Definitions.

(1) In this chapter:

(a) "Committee" means the security and facilities committee under SCR 68.05.

(b) "Court facility" means the facilities used in the operation of the circuit court including without limitation the courtroom, court chambers, the office and storage area of any court commissioner, court reporter, clerk of circuit court,

register in probate, clerk of juvenile court, family court counseling, the jury room, jury assembly areas, judicial staff areas, areas that may affect the security of a court, court staff and the public using a court, areas used for access to a court and any other facilities used in the operation of a court, where court proceedings are conducted or judicial staff is housed.

(c) "Presiding judge" means the judge appointed under SCR 70.265 or means the judge in a single branch circuit.

(d) "Should" is directory only, not mandatory, and connotes a duty or obligation to pursue a goal or objective.

(e) "Judicial officer" means a circuit court judge or court commissioner.

(f) "Sworn officer" means a deputy sheriff or police officer.

(g) "Court security officer" means a non-sworn officer whose principal function is to provide security in and about the courtroom and court facility.

(h) "Court aide" means a civilian who works with juries, provides routine information and directions to the public, and assists the court.

SCR 68.03 Remodeling, construction, or relocation of court facilities or personnel.

(1) The circuit judges shall promptly notify the chief judge of the judicial district, in writing, of the county's intent to remodel, construct or relocate any court facility or to relocate any court personnel.

(2) The circuit judges and the chief judge, in cooperation with appropriate county officials, shall review any proposals under sub. (1) together with any drawings or plans. The circuit judges and the chief judge shall participate in the planning process to ensure that the proposals under sub. (1) are consistent with current court facility standards, including those relating to functional design, audio-visual and acoustical adequacy and security of the courts and the public, and that they conform to the requirements of the Americans With Disabilities Act and other federal, state and local laws.

COMMENT

The technical requirements of the Americans with Disabilities Act are beyond the scope of these standards. Compliance with federal law requires certain accommodations to be included in all projects.

(3) The director of state courts shall provide technical assistance and advice on any proposals under sub. (1), within the resources available to the director's office.

(4) The chief judge shall review every new, remodeled or relocated court facility and grant or deny approval for its use, subject to review by the supreme court.

(5) No circuit judge or court staff may occupy a new, remodeled or relocated court facility until the court facility is approved under sub. (4).

SCR 68.04 Judicial Officer Authority.

Day to day security decisions and case specific security are within the discretion of each individual judicial officer. The judicial officer shall consult as needed, with the chief judge, the sworn officers, or the court security officers.

COMMENT

This provision confirms the authority of a presiding judge in his or her own courtroom. See, e.g., Stevenson v. Milwaukee County, 140 Wis. 14 (1909).

SCR 68.05 Security and Facilities Committee.

(1) The presiding judge for each county shall appoint a security and facilities committee composed of all of the following:

- (a) One circuit judge to serve as chairperson.
- (b) The chairperson of the county board.
- (c) The county executive, county administrator, or administrative coordinator.
- (d) The clerk of the circuit court.
- (e) The county sheriff.
- (f) The district attorney.
- (g) The Wisconsin State Public Defender.
- (h) A circuit court commissioner.
- (i) One lawyer designated by the president of the local bar association. If there is no association, the presiding judge shall appoint a lawyer residing in the county.
- (j) One representative of a victim-witness support organization.
- (k) One representative of the facilities/maintenance department.
- (l) Such other persons as the committee considers appropriate.

A person specified in sub. (b) – (g) may designate a person for appointment to the committee in his or her place.

(2) In the absence of a presiding judge or if the presiding judge is unable to act, the chief judge of the judicial administrative district in which the county is located shall act on behalf of the presiding judge under this subsection.

COMMENT

The creation of a committee which includes all of the designated persons is essential to achieve the overall goals of these standards. The purpose of this rule is to insure that the court system is proactive, geared to prevention, not merely reactive, responding to violent, perhaps tragic, incidents. Committees are encouraged to consider if it is appropriate to include a member of the public on the committee.

(3) The committee shall meet quarterly.

(4) The committee shall coordinate and develop general court security and facilities policies and key activities including:

(a) The submission of reports to the Planning and Policy Advisory Committee on security threats and incidents and on courthouse construction, remodeling and security innovations.

(b) A policy for the secure delivery of mail, other items, and supplies to all offices in court facilities.

(c) A policy for the issuance, control, and collection of keys and electronic access devices for each court facility, governing access before, during and after business hours.

(d) A policy to control access to court facilities for third party subcontractors and vendors.

(e) An annual training program, in coordination with the county sheriff, for all employees and staff.

(f) Procedures for a sworn officer/court security officer to patrol the halls and public areas.

(g) A policy regarding possession of firearms by law enforcement officers who appear as witnesses, litigants, or who are present on personal business in the court facility.

COMMENT

There is a difference of opinion whether sworn officers or law enforcement officers who appear as witnesses, litigants, or on personal business should be permitted to carry a firearm in court facilities.

(h) A list of prohibited items not allowed to be brought into the court facility.

(i) A notice to the public and employees regarding prohibited items not allowed in the facility and warning that persons entering the facility are subject to search.

(j) A procedure to calibrate screening equipment consistent with manufactures' directions.

(k) A plan for dealing with disruptions at court proceedings, including trial and pretrial, involving particularly dangerous or disruptive litigants.

(l) A policy for searching each courtroom or other vulnerable area for explosives or other dangerous instrumentalities before the commencement of court proceedings each day.

COMMENT

The need for this regular practice is greatest in those counties where courtrooms are used for non-judicial purposes on evenings and weekends.

(m) A preparedness plan for disasters impacting or affecting court operations in coordination with the local emergency management department.

(n) A procedure to review features of the buildings' exterior with security features in mind, such as an electronic surveillance system and external lighting.

COMMENT

The dangers created by external features of a court facility building may be significant. Wide variations among counties as to their local needs and the designs of their courthouses render a uniform standard impracticable. Each committee should assess risk factors and consider solutions to minimize danger.

(o) A policy for the monitoring and surveillance of all parking areas including public, employee, and other designated parking areas. The committee should consider establishing a policy governing motor vehicles in close proximity to the court facility and a policy to establish barriers preventing vehicular access to the facility.

COMMENT

The best practice is to prohibit vehicular parking close to the building but this standard may not be attainable in many counties.

(p) A juror safety policy.

COMMENT

Jurors must be safeguarded from those who would seek to intimidate or engage in reprisals. Juror safety issues may extend outside the court facility and beyond the time of trial.

(q) A system of recording, reporting, and responding to incidents occurring in court facilities.

(r) A system of recording, reporting, and responding to threats made to judicial officers and court staff and their families and others associated with the court as a local rule under SCR 70.34.

COMMENT

A systematic reporting procedure for threats to judicial officers, court staff or their families should be established in each county. This serves the beneficial purpose of allowing persons other than the object of the threat to assess its seriousness, as there may be a tendency by the person threatened to minimize it as "part of the job." The policy should designate the person to whom threats are to be reported, establish the responsibility for investigation or other response and provide for the retention of records of all reported threats.

(s) A procedure whereby each judicial officer may complete and submit a judicial profile to local law enforcement and provides annual updates.

COMMENT

The U.S. Marshals Service Judicial Profile provides a good template for judicial officers. It is important to note that this profile may be subject to the Wisconsin public records law, Wis. Stat. 19.31-39, and it cannot be guaranteed that all of the information collected in this profile can be kept confidential.

(t) A policy for periodic security audits.

COMMENT

The U.S. Marshals Service is an excellent resource on court security and has expertise to assist counties with security planning and evaluation of existing safeguards.

(u) A policy on money collection and safeguarding of money.

COMMENT

Clerks of court collect substantial amounts of money. An enhanced protection program for these funds will not only safeguard the taxpayers' treasury but will also deter any efforts to engage in violence for financial gain.

(v) A policy for the handling and storage of firearms, other dangerous instrumentalities and contraband received as evidence during court proceedings.

COMMENT

Documents and other exhibits received during judicial proceedings must be safeguarded as part of the court record. Certain items of evidence present reasons for special attention to their handling during breaks, overnight in multi-day proceedings and following the conclusion of the proceeding in which they are introduced.

(w) Consideration of whether the committee can assist the municipal courts in its county in security matters.

COMMENT

Municipal courts generally are not located in the county courthouse but convene in various public buildings. All courts share certain basic security concerns. If the committee is considering municipal court security or facilities the committee should consider appointing a municipal judge as a committee member.

SCR 68.06 Security: Structure and design.

(1) A court facility housing courtrooms should have a sectoring system that divides the building into the following 3 types of areas according to the nature of access to them:

- (a) Public areas where the general public has relatively free access.
- (b) Restricted access areas where generally only the following are permitted access: judicial officers, jurors and designated personnel.
- (c) Secure access areas where only prisoners and law enforcement personnel are permitted.

(2) ENTRANCES. (a) *Public Entrance*. A court facility should have a single entrance with appropriate screening mechanisms in place to screen persons, carry-in items and packages. Screening stations should be equipped with a magnetometer, x-ray for packages and carry-in items, duress alarms, and video surveillance.

(b) *Restricted Access Entrance*. All judicial officers and designated personnel should enter through a secure and separate entrance equipped with screening the same as the public entrance in sub (1).

(c) Entrances other than the public entrance should be secured and access limited.

COMMENT

Any new court facility should incorporate sectoring principles if it is to provide the most basic security that can be attained through structural design. Existing facilities present a wide range of structural variations that create obstacles to the use of sectoring principles. However, in many existing courthouses there are opportunities to achieve some sectoring that will improve security. In addition, remodeling projects undertaken for non-security purposes offer cost-efficient opportunities to enhance the overall sectoring of a courthouse.

Secure prisoner transport and holding areas eliminate any prisoner interaction with the public until they are in a courtroom and are critical to the safety of the public, court staff, and the prisoners themselves. The need for an area where attorneys can meet with their clients should be considered in the design.

(3) COURTROOMS. A courtroom should be constructed to include all of the following:

(a) A single public entry that accommodates a security checkpoint for use as needed.

(b) Entrances for judges and court staff that are adjacent to the bench and entrances for jurors that are as close to the jury box as possible.

(e) Other access to the courtroom, such as windows or maintenance access, that inhibits unauthorized entry.

(d) A judge's bench should be of a size and height to deter physical attacks, shall have a built-in bullet-resistant barrier of the highest threat level, and should provide a direct sight line to the public entrance.

(e) Court reporter and clerk stations shall be equipped with a built-in bullet-resistant barrier of the highest threat level.

(f) Lighting panels that are located in areas where only court staff have access to them.

(g) Lighting that enhances safety and is supported by an emergency power source.

(h) A clear separation between the spectator area and the area used by the participants in court proceedings.

COMMENT

Courtrooms have often been the site of violent and tragic incidents, and their design is an important aspect in preventing such occurrences. The personnel and equipment standards in this rule are also integral parts of the overall security strategy. In the American system of justice, most court proceedings are public and security concerns cannot unreasonably interfere with this principle. However, a design that ensures the opportunity for proper screening of those who enter the courtroom and the proper physical arrangement of those present will create a safer setting in which citizens may exercise their right to participate in or observe public judicial proceedings. A single public entrance to the courtroom makes it easier to screen those who enter, though building codes may require that there be a second means of egress from the courtroom. Construction of courtrooms without windows reduces the security threat from outside the building. When windows are included in courtroom design, care should be taken to shield courtroom participants from outside view.

Because judges are the official representatives of the judicial system, they have often been the targets of violence. Attacks on judges also endanger those working closest to them. A bullet-resistant barrier should be installed in every courtroom to provide a place of increased protection in the event a weapon is displayed. The separation between spectator area and the participants' area should be sufficient to prevent spectators' physical contact with attorneys, litigants and jurors and to ensure the privacy of conversations between attorneys and their clients. If a courtroom is used for proceedings which frequently draw an audience of hostile or contentious individuals, consideration should be given to erecting a physical barrier to the well area which permits spectators to hear and see the proceedings but not to have physical access to the litigation well.

(4) A jury deliberation room should be located where the public cannot have contact with jurors as they move to and from the courtroom and should be designed to ensure their safety and the secrecy of their deliberations.

COMMENT

Because of the importance of their impartial deliberations, jurors must be safeguarded from those who would seek to intimidate or engage in reprisals. The secrecy of jury deliberations must be guaranteed. Each committee should consider adopting policies on protecting jurors following a trial, juror parking and other matters affecting juror safety.

5) Any court facility used for court commissioner hearings should be designed in a manner that incorporates the security principles set forth in sub. (3).

COMMENT

The extent to which court commissioners are used varies widely from county to county. In a county where a court commissioner handles criminal and traffic, divorce, small claims or juvenile proceedings, the dangers present while doing so are similar to those facing judges in their courtrooms. All too often, court commissioners are called upon to perform their roles in small, crowded rooms where they are in close proximity to litigants, witnesses and spectators, as well as to attorneys and judicial staff. The dangers must be recognized and reflected in the design of these areas.

The design of court commissioner hearing rooms and office areas and the types of security personnel and equipment needed should be considered by each committee, using the features of courtroom security for guidance and as a measurement in assessing their adequacy.

(6) A secure room in close proximity to locations where criminal, family, juvenile or domestic violence proceedings are conducted should be provided for victim and child witnesses waiting to appear in such proceedings. Child and adult victims and witnesses shall be separated from alleged juvenile or adult offenders, their friends and family members.

COMMENT

This standard is a reflection of the statutory directives in ss. 950.04(1v)(e), 938.2965, and 967.10(2), stats.

SCR 68.07 Security: Personnel.

(1) COURTROOM. There should be no fewer than two sworn officers in each courtroom and each court commissioner hearing room when court is in session. The judicial officer may expressly direct otherwise.

(2) PUBLIC ENTRANCE STAFFING. The public entrance should be staffed by at least one sworn officer, armed with a triple retention holster and access to law enforcement band radio and other qualified court security officers as necessary. At least one sworn officer should be available to patrol the public areas and assist with public entrance staffing as needed.

COMMENT

The presence of sworn officers serves as a deterrent to violent outbursts and provides the ability to respond to incidents that may arise. In this respect, the open and obvious presence of uniformed officers is an example of basic court security principles designed to deter those intent on harm, detect those who have breached security and limit the damage caused by the breach. It is impossible to predict the type of case that might lead to a violent incident. Therefore, it is essential to provide court security for all types of cases. The National Center for State Courts' Steps to Best Practices for Court Building Security (2010) considers the presence of sworn officers at the public entrance an extremely important area of security that provides a foundation for the implementation of additional security measures throughout the court facility.

SCR 68.08 Security: Equipment.

(1) Each courtroom and court commissioner hearing room should have a duress alarm system connected to an appropriate law enforcement office that will provide the immediate response of an armed officer. The alarms should also be located in judges' chambers and staff areas, court commissioner office areas and any location in the courthouse where money is collected or stored or where there are other security risks. All alarms should be tested regularly.

(2) Each courtroom should be equipped with a telephone.

COMMENT

Duress alarm systems mounted in an easily accessible location in a courtroom are a basic security device that should be installed in every courtroom. The system should be connected to an office that provides constant monitoring during all regular hours of courtroom use. The alarms should be able to summon immediately armed law enforcement or court security staff to respond to the emergency prompting the alarm. It is advisable that alarms be installed in other locations having the potential for violent incidents and other breaches of security. Telephones can also be used in medical emergencies and will facilitate telephone testimony and attorney appearances. Each committee should consider the use of surveillance cameras in some or all courtrooms or other areas of the courthouse. However, a camera cannot take the place of a sworn officer in the courtroom. In considering whether to use cameras in addition to security personnel, the committee should determine whether there is adequate staffing to have camera views monitored in real time, the need for additional security officers to be nearby to respond to emergencies, and the advantage of having a recording of courthouse disturbances for evidence purposes.

(3) All officers providing security should be provided with portable metal detection devices.

(4) All officers providing security should be equipped with law enforcement communication equipment.

(5) Each building that houses a court facility should be equipped with a public address system that permits all of its occupants to be given notices and instructions during an emergency.

SCR 68.09 Court Facilities: Planning.

(1) The committee should immediately establish a design subcommittee for any contemplated reconstruction or significant remodeling of court facilities in the county. The committee shall consult with the chief judge. The subcommittee should invite participation by persons not on the committee, including the county public works director or comparable official, the district court administrator; a member of the county board and other persons the committee believes would be of assistance to the specific project.

while court is in session or at any recess shall not loiter or remain in the area adjacent to the courtroom or in any hallway. The atrium on the first floor is available for seating.

3.2 Judges - Elevator

Redacted

3.3 Judges - Entrance/Exit

Redacted

3.4 Enforcement

Security personnel shall enforce these rules in accordance with its contract with the parish, the Gretna Police Department and/or other agency charged by the sheriff and contracted with the parish to provide security in the courthouse shall provide security at all courthouse entrances and exits. In addition, they shall provide security in the hallways, other common areas of the courthouse (including Attorney-Client Conference rooms and the Attorney Lounge) and all secure locations of the building. Division and commissioner bailiffs shall provide security in their respective chambers and courtrooms. In addition, they shall periodically patrol the common areas (including any Attorney-Client Conference rooms) in and around the hallway and outside of said chambers in order to enforce these rules and to enforce quiet in the hallways. Nothing herein shall prohibit any duly certified peace officer with jurisdiction in this parish from assisting any Gretna Police Officer and/or bailiff in carrying out his duties.

Any attorney or person breaching the peace and or security is subject to all penalties prescribed by law as well as contempt of court sanctions.

4.0 GENERAL PUBLIC AREAS

4.1 General Public Area Conduct

A. No person shall:

1. *Loiter, sleep, sit, lie down nor conduct himself/herself in an unseemly or disorderly manner on the premises, including speaking loudly,*
2. *Interfere with or disturb the conduct of the court's business in any manner;*
3. *Eat or drink in the corridors of the premises or in the courtrooms;*
4. *Block any entrance to or exit from the premises or interfere in any person's entry into or exit from the premises;*
5. *Answer or receive any electronic communication on any personal cellular telephone or other device without specific authorization from a judge of this court.*

B. Notwithstanding, attorney's may meet briefly with clients and/or witnesses in the corridors outside of the courtrooms, although the use of attorney-client conference rooms is encouraged.

4.2 Attorney-Client Conference Rooms

The Attorney-Client Conference Rooms are assigned to specific divisions based on floor location and seniority of the judges on said floor. Each division is assigned one Attorney-Client Conference room on their respective floor. Any remaining rooms shall be assigned to the senior judges on that floor with a maximum of 2 assigned rooms per division.

The Attorney-Client Conference rooms are to remain locked. The assigned division shall retain the keys to their respective Attorney-Client Conference Room(s).

4.2.1 General Conference Room Conduct

A. No person shall:

1. *Loiter, sleep or conduct himself/herself in an unseemly or disorderly manner in the conference room(s);*
2. *Interfere with or disturb the conduct of the court's business in any manner;*
3. *Eat or drink in the conference room(s);*
4. *Block any entrance to or exit from the conference room(s) or interfere in any person's entry into or exit from the same*

4.2.2 Equipment and Supplies

Any equipment other than that provided by the Court is the responsibility of the user. The Court assumes no liability for use of or loss of any item(s) brought into the conference room(s). All user equipment shall be removed upon exiting the conference

Rule 83.2. Security.

The purposes of this Local Rule are to promote security for all persons who enter federal courthouses (or the portions of federal buildings occupied by the District Court), to protect the integrity of judicial proceedings, to facilitate legitimate use of electronic devices for communication or for the storage, retrieval, or presentation of information, and to comply with the mandates of the Federal Rules of Criminal Procedure and the policies of the Judicial Conference of the United States.

(a) Courthouse Security.

(1) *Screening and Search.* All persons entering a federal courthouse in this district and all items carried by them are subject to appropriate screening and search by a law enforcement officer. Persons may be requested to provide identification and to state the nature of their business in the courthouse. Anyone refusing to cooperate with these security measures may be denied entrance to the courthouse.

(2) *Photographs and Broadcasting.* Unless the court grants permission, no person may take photographs or use broadcast equipment within a federal courthouse. This prohibition does not apply to non-court federal agency tenants within their own space. When use is necessary, tenants must coordinate use of such equipment with the United States Marshals Service.

(3) *Weapons Prohibited.* No weapons are permitted in a courtroom, except:

(A) when carried by United States Marshals Service personnel or a person specifically authorized by the United States Marshals Service; or

(B) when they are used as exhibits. The custodian must render the weapon inoperative and present it for a safety check by United States Marshals Service personnel before introducing the weapon as an exhibit.

(4) *Other Prohibited Items.* Unless the court gives permission, use of the following are prohibited in a courtroom:

(A) cameras;

(B) video cameras;

(C) recording equipment;

- (D) dictaphones;
- (E) pagers;
- (F) cellular phones and smartphones;
- (G) personal digital assistants; and
- (H) computers and tablets.

(5) **Grand Jury Security.** The secrecy of the grand jury proceedings is a matter of preeminent concern. When a grand jury is convened, the surrounding area is restricted to law enforcement officers, participating attorneys, witnesses, and court employees. The United States Marshals Service and Court Security Officers may secure the floor of the grand jury session as necessary to preserve the secrecy and protect witnesses from any unwanted interference.

(b) Possession and Use of Electronic Devices.

Possession and use of electronic devices is prohibited except in accordance with this Local Rule.

(1) *Federal Rules and Judicial Conference Policy.* The Federal Rules of Criminal Procedure prohibit the taking of photographs in the courtroom during judicial proceedings or the broadcasting of judicial proceedings from the courtroom. Judicial Conference Policy states that courtroom proceedings in civil and criminal cases may not be broadcast, televised, recorded, or photographed for the purpose of public dissemination.

As technology advances, there are an ever-growing number of wireless communication devices that have the capability of recording and/or transmitting sound, pictures, and video. Many of these devices are also capable of wireless Internet access. In order to enforce the Federal Rules of Criminal Procedure and Judicial Conference Policy, this Local Rule sets forth the limitations on the use of electronic devices inside United States Courthouses within the District of Vermont.

(2) *Definition of Electronic Devices.* As used in this Local Rule, the phrase “electronic device” embraces all equipment (regardless of how it is powered or operated) that can be used for:

- wireless communication; or
- receiving, creating, capturing, storing, retrieving, sending, or broadcasting any signals or any text, sound, or images; or
- accessing the Internet or any other network or off-site system or equipment for communicating or for storing or retrieving information.

(3) *Possession of Electronic Devices.* Subject to court security screening procedures, court officials, law enforcement, members of the Bar of the United States District Court for the District of Vermont, and credentialed members of the media in possession of Media Identification Cards issued by the Clerk of the Court may bring electronic devices into the courthouse. Devices must remain in the possession of the permitted individual. Jurors will be allowed to bring their cell phones into a courthouse, however, all cell phones must be turned over to the Court Security Officers.

(4) *Use of Electronic Devices.* Subject to court security screening procedures and to other provisions of this Local Rule, authorized persons may use electronic devices in a non-disruptive manner in the common areas of the building. With the exception of court personnel, court reporters, Court Security Officers, and U.S. Marshals, **no electronic device may be used to record or photograph any judicial proceeding or courtroom for any purpose without express permission, in advance, from the presiding judge.**

(A) Counsel who wish to use electronic devices in any courtroom during and in connection with judicial proceedings must secure permission, in advance, from the presiding judge.

(B) Cell phones, pagers, and other electronic communication devices may not be activated inside courtrooms. Such devices may also not be used in any mode that uses any sound to alert the user to incoming communication.

(C) Except as authorized for the taking of the official record of judicial proceedings or grand jury deliberations by a court reporter or court

recording operator, no part of any judicial proceedings or any deliberations by a petit jury or a grand jury may be recorded, or transmitted.

(D) Petit Jurors may not use or possess any electronic device in a courtroom during judicial proceedings or in a jury room. On a case-by-case basis, access to a juror's cellphone may be allowed by the presiding judge for specific purposes, such as arranging transportation and child care.

(E) Grand jurors may not use or possess any electronic device during or in connection with any proceeding.

(F) Requests to bring mobile computing devices into a courtroom by a pro se party to a case will be allowed only upon application to and permission from the presiding judge.

(G) At the discretion of the presiding judge, in certain cases where the use of an overflow room is necessary for spectators and the media, the court may permit the use of closed-circuit television linking the courtroom with another location. The restrictions on the use of mobile computing equipment and cellphones as outlined in this Local Rule will apply to the overflow rooms.

(H) The court may allow the use of cameras and other equipment during ceremonial proceedings, including naturalization proceedings, mock trials, or a judge's investiture. Permission to bring this equipment into the courthouse for these proceedings can be arranged through the United States Marshals Service or the Clerk of Court.

(5) *Sanctions.* Unauthorized use of an electronic device during a court proceeding may be subject to contempt proceedings before the presiding judge or another judicial officer designated by the presiding judge. Any person violating this policy in a courtroom shall be immediately removed from the court and may lose the privilege of keeping an electronic device on their person while at the federal courthouses in the District.

(6) *Media Identification Card.* A non-transferable Media Identification Card allows members of the media who have been issued such cards to possess electronic devices for use in designated areas within the courthouse. Media Identification Cards will be valid for three years unless requested and issued for the duration of a particular event or case. Cards will be issued to approved members of a recognized media provider who have a

need for an identification card in order to fulfill their various assignments. Media Identification Cards will not be granted to individuals who are employed in the business, advertising or circulation departments.

Application instructions, requirements and an application form for Media Identification Cards are available at any Clerk's Office location or from the court's website, www.vtd.uscourts.gov.

Rule 1.09 – Divisions of the Court

- I. The Court of Common Pleas of Montgomery County, Ohio, consists of four divisions: the General Division, the Domestic Relations Division, the Probate Division, and the Juvenile Division. The Judges elected and/or appointed to each division shall be responsible for the business and administration of their respective division and may adopt rules for their respective division.

Rule 1.11 – Facilities

- I. Passageways behind the courtrooms, related facilities and the service elevator will be used by jurors, grand jurors, and employees of the Court. Attorneys and others may use such facilities only upon obtaining permission from a Judge or a member of the Judge's staff.

Rule 1.12 – Court Security

Adopted 6/19/95; Effective 7/1/95

- I. COURT SECURITY ADVISORY COMMITTEE:
 - A. The Court shall appoint a Court Security Advisory Committee to implement the Ohio Court Security Standards promulgated by the Supreme Court of Ohio. The Committee shall be comprised of representatives of the Courts, the Sheriff of Montgomery County, members of the Board of County Commissioners or their designees, the bar, and other related groups. The Committee shall work with and assist other Courts' Security Advisory Committees.
- II. SECURITY POLICY AND PROCEDURE MANUAL:
 - A. The Court shall adopt, pursuant to this rule, a Security Policy and Procedures Manual to ensure consistent, appropriate and adequate security procedures. The manual shall include a physical security plan, routine security operations, a high risk trial plan, and emergency procedures (fire, bomb, disaster, hostage, etc.) A copy of this manual shall be made available to all persons assigned to the Court so as to ensure understanding and compliance.

Rule 1.13 – Court Administrator

- I. This Court may appoint an administrator who will function as the chief non-judicial officer of the Court and will provide general supervision of Criminal Justice Services (Probation Services), Court Services (Jury, Caseflow and Pretrial Services), and Court Administrative Services to include, but not limited to, computer, budgetary, and human resource services.

Santa Barbara County Superior Court

Chapter Six - COURT FACILITIES; ACCESS & SECURITY

The Sheriff of Santa Barbara County is designated Court Security Officer ("CSO" for the Court. The CSO shall provide court security services within and about the perimeter of all Court facilities, prisoner transportation services, prisoner escort services, bailiff services, and the execution of court orders and bench warrants requiring the immediate presence of a defendant or witness in court pursuant to Government Code section 26671.4 and in compliance with Government Code sections 69920 et seq., and the CRC.

(Amended effective 07-01-09; previously amended effective 01-01-99; adopted 07-01-98)

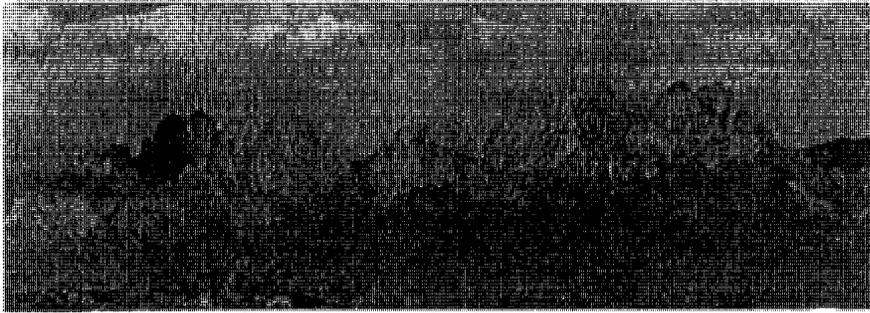
601 SECURITY PLAN

The Court Security Officer shall prepare, periodically review and revise, a Court Security Plan ("Plan"), for consideration and approval by the Court Security Committee created pursuant to CRC 10.173 and Government Code section 26671.6. The Plan shall be submitted for approval of a majority of the judges of the Court and shall comply with the requirements of Government Code section 69925 and CRC 10.172.

(Amended effective 07-01-09; previously amended effective 01-01-99; adopted 07-01-98)



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Welcome to Third Judicial District Court

The Third Judicial District Court is a state court of general jurisdiction located in Las Cruces, New Mexico. The Court encompasses the same geographic area as Doña Ana County, it is bordered by the Twelfth Judicial District (Otero and Lincoln Counties), the Sixth Judicial District (Luna, Grant and Hidalgo Counties) and the Seventh Judicial District (Sierra, Catron and Socorro Counties). See a MAP of the state Judicial Districts.

The Court has jurisdiction over criminal cases, domestic relations (divorce, child support and custody, domestic violence), probate cases, children's court (abuse and neglect of children, juvenile delinquency, adoptions) and all general civil cases (auto accidents, contract disputes, real property disputes, violation of civil rights). There are eight District Court Judges, one Child Support Hearing Officer and one part-time Domestic Violence Special Commissioner, who hear cases. Please see the Judges page for more information.

Chief Judge Douglas R. Driggers is the Administrative Authority of the Court. He is assisted by the Court Executive Officer, who is the Clerk of the Court.

Mission of the Court

The Third Judicial District Court has two related but distinct functions:

First, The Court delivers speedy, accurate, impartial, and legally correct decisions and judgments to resolve legal disputes between and among individuals, private organizations, business entities, and State and local government.

The Court carries out this core constitutional function through a variety of means including jury trials, bench trials, treatment Court programs, mediation, and alternative dispute resolution.

The Court strives for accessibility to all persons and entities whether represented by counsel or pro se (where that is authorized) while adhering closely to the principles of due process and equal protection of the law.

Second: The Court maintains current, accurate and readily accessible records of every case brought before it. Such records are maintained with strict adherence to the statutes and Court rules that govern the creation and maintenance of such public and nonpublic records.

Finally: In all that it does, the Court makes efficient use of all public resources provided to it by the citizens and residents of the State of New Mexico and is accountable at all times to the public through its representatives for the use of those resources.

Courthouse Security and Protocol

All persons entering the Third Judicial District Courthouse are subject to security screenings. No weapons of any kind (including penknives or key chains) are permitted in the building. Cell phones may be permitted in the Courtroom but

Notices From the Clerk

Court Closed July 4th July 3, 2013

E-Filing of Civil Cases Mandatory Starting April 15, 2013 April 12, 2013

Court will be Open on President's Day February 18, 2013

Norman E. Osborne Appointed CEO Jan. 9, 2013 January 9, 2013

View all notices >>

Hours of Operation

The Court operates Monday through Friday from 8:00 am to 12:00 noon, and from 1:00 to 5:00 pm. The Court is closed from 12:00 to 1:00 pm, daily.

The Court is not open on official holidays. The holiday calendar can be found HERE. Reminders of when the court will be closed are posted at the main entrance and other locations in the court as a public service.

Financial Transactions

Routine financial transactions can only be made until 4:00 pm daily. No financial transactions are accepted after 4:00 pm except in emergencies which affect someone

must remain off or set to vibrate. Phones ringing in courtrooms may be seized by security personnel and may not be returned immediately.

Parties are expected to act and dress appropriately in Court. Short shorts, tank tops, ball caps and sunglasses should not be worn in the Courtroom. Parties should refrain from chewing gum while their case is being litigated. Use of tobacco products is prohibited inside the Courthouse.

bonding out of jail or other such critical matter.

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- (3) Docket and Minute Books - La. Code Civ. Proc. arts. 254 and 256.
- (4) Costs of transcription, maximum and minimum court reporter fees - La. R.S. 13:961, et seq.

CHAPTER 5 COURTROOM USE, ACCESSIBILITY, AND SECURITY

Rule 5.0 Courtroom Use

The name of the judge assigned to a particular courtroom shall be prominently displayed outside the courtroom in a manner deemed appropriate by the court. The clerk of court shall maintain a list of all courtrooms, their locations, and the judges assigned to each.

Adopted April 1, 2002, effective April 1, 2002; amended November 20, 2009, effective January 1, 2010.

Rule 5.1 Accessibility to Judicial Proceedings

(a) The facilities, services, and programs of the court shall be readily accessible to persons with disabilities. Attached as Appendix 5.1A is a form that may be used to request reasonable accommodations extended under the ADA. Attached as Appendix 5.1B is a form that may be used to request an interpreter. Attached as Appendix 5.1C is a form that may be used as an interpreter's oath.

(b) In addition to the above requirements, courts having fifty or more employees shall develop, promulgate, and maintain a problem-resolution process and designate a responsible court officer or employee to coordinate access to court programs and services by persons with disabilities and to resolve complaints regarding lack of access for such persons.

Adopted April 1, 2002, effective April 1, 2002; amended November 3, 2008, effective January 1, 2009; amended November 20, 2009, effective January 1, 2010; amended April 20, 2010, effective June 1, 2010.

Rule 5.2 Courtroom Security

The sheriff or his or her designated deputies shall provide security for the courtrooms, chambers, judicial offices, and hallways within the courthouse. Security procedures shall be approved by the chief judge of the district court or other court.

Adopted April 1, 2002, effective April 1, 2002; amended November 20, 2009, effective January 1, 2010.

CHAPTER 6 COURTROOM DECORUM AND THE CONDUCT OF ATTORNEYS AND JUDGES

Rule 6.0 The Opening of Court

The bailiff shall open each session of court with an appropriate recitation and order, such as the following:

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 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.

Section (7) on weapons shall not apply to trial exhibits.

Statement of the Rule:

(1) Definitions.

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

(1)(C) Presiding judge. As used in this rule, 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.

(2)(B) As a condition for the certification of a new justice court or the continued certification of an existing justice court, the justice court shall file an acceptable local security plan with the Court Security Director and shall file amendments to the plan with the Court Security Director 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 of record 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 of the district of any court level regularly occupying the courthouse. Voting shall be without regard to court level. As used in this subsection the term "judges of the district of any court level occupying the courthouse" shall include all judges of the district court of the district and all judges of the juvenile court of the district regardless of whether a particular judge occupies the courthouse so long as at least one judge of that court level occupies the courthouse. The term also includes the justices of the Supreme Court, the judges of the Court of Appeals and all justice court judges who actually occupy the courthouse.

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

(4)(D) The local plan shall clearly delineate the responsibilities between 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 appears 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 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 by 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.

(7)(A) Weapons generally.

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

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

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

(7)(A)(ii)(b) 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; and

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

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

(7)(B)(i) 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, if possession is required or permitted by the officer's appointing authority and the local security plan, and if the officer presents valid picture identification:

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

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

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

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

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

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

(7)(B)(iii) A court commissioner may possess in a courthouse a firearm and ammunition for which the court commissioner has a concealed weapons permit, but only if the court commissioner has obtained the training and annual retraining necessary to qualify for a certificate issued under Section 53-5-711 and if possession is permitted by the local security plan.

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

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

(7)(C) Firearm training requirements.

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

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

(8) Security devices and procedures.

(8)(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/bailiff services.

(8)(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.

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

(8)(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.

(8)(E) Courthouse Access Control. Only judges, court staff, and security and maintenance staff assigned to the courthouse will be granted access card/keys and only to those areas of the courthouse to which the individual needs access. 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.

(8)(E)(i) Access cards or keys will be issued by a key manager only with the prior written authorization of the court executive(s) or Deputy State Court Administrator. Detailed recording of all card/key transactions will be the responsibility of the key manager. Supervisors shall recover all issued keys/cards from court personnel who are terminated, suspended or transferred or if loss of privileges is part of an adverse personnel action. Supervisors will return

the cards/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.

(8)(E)(ii) 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 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.

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

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

(8)(F) 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 for the purpose of proselytizing inside a courthouse.

(9) Transportation of persons in custody.

(9)(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.

(9)(B) The transportation officer shall:

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

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

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

(9)(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;

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

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

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

PART 9:

POLICY AND PROCEDURES REGARDING
THREATS AGAINST THE JUDICIARY AND
SECURITY INCIDENTS IN THE COURTS

900 Threats are written or oral declarations of an intention to inflict injury or pain upon individuals employed by or involved in the court system. Any threat shall be treated as serious.

901 Security incidents are episodes of conduct in the courts in which the health or safety of participants or the property of the courts or others are put at risk.

902 All threats and security incidents are to be immediately reported personally or by telephone to the court security officer.

903 Court Security Officer

The sheriff is directed to designate an officer to serve as a court security officer. The court security officer shall be responsible for:

- Referring and investigating all threats and security incidents;
- Assisting in training of court personnel in handling threats and security incidents; and
- Making recommendations to maximize court security in the future.

904 Training

Upon hiring, every employee (including elected officials) shall be trained in the policies and procedures of handling threats and security incidents, including the use and completion of the report form.

Refresher training shall be scheduled for all court employees on at least a yearly basis. All training shall be coordinated by the judges, clerk of circuit court, and court security officer. To the extent possible, such initial and refresher training should include the following:

- The court's policies and procedures concerning threats and security incidents;

- The physical layout of the courts and escape routes from courtrooms and court offices;

- Recognizing when a threat is made;

- Responding to a bomb threat;

- Responding to a hostage situation;

- Techniques in remaining calm and avoiding panic during a stressful or potentially dangerous incident;

- Techniques in responding to threats and security incidents in such a manner as to defuse the danger of the situation without placing the individual at physical risk;

- Techniques in enhancing a person's personal safety either in the courts or elsewhere;

- Telephone protocol when a threat is being made over the phone;

- Handling irate and abusive individuals in person or over the telephone;

- Knowing when to contact law enforcement because of immediate concerns with a "panic button" rather than by telephone;

- Handling threats that are made away from the courthouse;

- Gathering evidence for potential prosecutions;

- Using the threat/security incident report form; and

- Role playing activities in order to familiarize the employee with the process of recording and reporting threats.

905Threat/Security Incident Report Form (BC-147)

A record shall be made of all threats and security incidents on the threat/security incident report form. Such record shall be made contemporaneously with the event being recorded or as soon after as possible but in no event later than 48 hours after the incident. The original report shall be transmitted to the court security officer. If deemed appropriate, a copy may be maintained in the court offices affected. The court security officer will distribute copies to the district court administrator and the administrative supervisor.

906“Panic Buttons”

The panic button shall be used only in those cases where there is immediate dangerous or life-threatening activity that needs the presence of law enforcement officers. The sheriff shall instruct officers acting under the sheriff to treat a panic button call as a dangerous or life-threatening activity in progress.

907Telephone Threats

a.All court employees shall keep a copy of the threat/security incident report form immediately at hand beside all telephones on which calls from outside the courts can be received.

b.To the extent possible, while the person making the threat is still on the telephone, the report form should be completed. If not possible, the form should be completed as soon as practical while all information is still fresh in the mind.

908 Review of Security Incidents

The court security officer, district court administrator, and administrative supervisor will meet quarterly to review any incident reports filed and will make a report to the Brown County circuit court judges, county executive, sheriff, and public safety chairperson.

909 Report to PPAC

Security facilities committee shall make a quarterly report to PPAC.

for Montana District Court,” as well as the policies adopted by the District Court Council.

Compensation of court approved attorneys shall be at the rate of sixty dollars (\$60) per hour for time expended in Court and for time reasonably expended out of Court on the case, excluding commuting time. Attorneys shall also be reimbursed for extraordinary expenses reasonably incurred in such representation, provided they are documented by original receipts and submitted with a Ravalli County or State of Montana claim warrant, but any such expenses shall not include general office overhead expenses. Claimed expenses in excess of three hundred dollars (\$300) shall be incurred only after authorization of the Court.

- E. Appointed attorneys are expected to review and follow the Performance Guidelines for Criminal Defense Representation published by the National Legal Aid and Defender Association (http://www.nlada.org/Defender/Defender_Standards/Performance_Guidelines).

The District Court expects assigned counsel will professionally and promptly respond to orders of and inquiries by the Court. Counsel shall exhibit a similar professional responsiveness and timeliness in their client contact. The District Court encourages counsel to provide adequate staffing for their offices to fulfill these responsibilities.

The District Court anticipates assignment of qualified co-counsel in capital cases, as well as other complex felony cases. Any assigned counsel may file a request for co-counsel. Any request by assigned counsel for adequate funds for retaining an expert witness or private investigator shall be supported by motion and brief, specifically detailing the basis for the request.

Rule 27. REMOVAL TO SMALL CLAIMS COURT

All actions for recovery of money or specific personal property where the amount in controversy is not in excess of Three Thousand Dollars (\$3,000.00) shall be subject to removal to small claims court in the discretion of the Court pursuant to Section 3-10-1004, MCA.

Rule 28. COURT SECURITY

- A. **Weapons.** No unauthorized person entering the Judicial Wing of the Ravalli County Courthouse may be in possession of firearms (concealed or otherwise), ammunition, knives, chemical spray devices, explosives, explosive devices, or other dangerous weapons. All persons are subject to search of their person and belongings by security personnel to detect the presence of weapons. No concealed weapon permits apply within the county courthouse. All armed out of county law enforcement agents shall check in with the Ravalli County Sheriff's office before entering the courtroom.
- B. **Food and Drink.** No person may possess or consume food or beverages in the courtroom except by prior leave of Court. Water will be supplied to counsel, litigants, jurors and court staff by the Clerk of Court.

- C. **Contact by Prisoners or Detainees.** Absent specific permission from the Court, no person other than detention center staff, court security or counsel of record may have physical contact with or communicate with in-custody prisoners or pre-trial detainees at any time said persons are in the Courtroom or being transported to or from the Courtroom. Consultation between in-custody persons and clients should occur outside the Courtroom before or after Court sessions.
- D. **Responsibility of Parties.** In any case where a party believes or reasonably should believe a potentially violent physical situation may arise, that party, through counsel or *pro se*, shall notify court staff and the court security officer sufficiently in advance so that appropriate security measures can be taken.

Rule 29. POSTPONEMENT OF TRIALS OR HEARINGS

- A. **Absence of Witness or Evidence.** Pursuant to Section 25-4-501, MCA, a motion to postpone or continue a trial on the grounds of absence of a witness or evidence shall be made upon affidavit showing:
 - (1) the nature and materiality of the expected testimony or evidence;
 - (2) that diligent effort was timely made to secure the witness or the evidence; and
 - (3) that reasonable grounds exist for the production of the witness or evidence if postponement or continuance is granted.

If the testimony or the evidence would be admissible upon the trial and the adverse party stipulates that it shall be considered as actually given on the trial, there shall be no postponement or continuance unless, in the opinion of the Court, a trial without the witness or evidence would work an injustice on the moving party.

- B. **Expense Penalty.** Any litigant and/or legal counsel responsible for late postponement of a trial or contested hearing previously set on a day other than regular law and motion day (late postponement being defined as a postponement requested within two (2) business days of the time of commencement of the trial or hearing) shall be assessed a penalty equal to any court expenses or expenses of the adverse party thereby needlessly incurred. The Court reserves the authority to waive or reduce such penalty in the interests of justice.

Rule 30. PROBATE FEES

Attorney fees in informal probate matters will not be routinely fixed by the Court, unless there is a disagreement between the attorney and the personal representative. Should there be a disagreement, either party may present the matter to the Court after giving proper notice and a hearing shall be conducted thereon.

Rule 31. SUBSTITUTION OF JUDGE

All motions for the substitution of a judge shall be accompanied by the required filing fee at the time of filing, pursuant to Sections 3-1-804(1)(d) and 25-1-201(1)(p), MCA, otherwise the motion shall be stricken.

(1) Sheriff and Bailiff Preserve Order. The Sheriff or law enforcement officers, county security officers, and bailiff shall preserve order in the courtroom without special direction from the court, and may be armed.

(2) Courtroom Security. Commissioned peace or law enforcement officers, county security officers or bailiffs present in court shall be chargeable with maintaining courtroom security, under the direction of the judge, and pursuant thereto shall be permitted to possess firearms.

(3) Arms and Weapons Prohibited. No person, other than a county security officer, bailiff or commissioned peace or law enforcement officer, shall possess in court, or any area within the court's authority to prohibit or designate, any firearm or weapon, as defined by statutes relating to courtroom security, except as provided in this rule, unless such firearm or other weapon is or will be offered as an exhibit.

(4) Recording and Photography. The broadcasting, televising, recording or photographing of proceedings shall be allowed only with the approval of the court.

(f) Appearances-Business by Mail or Messenger.

(1) Appearances. All appearances before the court shall be by a party pro se, by an attorney admitted to practice in the State of Washington, by a legal intern authorized under A.P.R. 9, or by an attorney entitled to appear in a matter under A.P.R. 8(b).

(2) Presentation by Mail. Any order, finding, judgment or other document requiring the signature of a judge or commissioner may be presented by mail under the following conditions:

(A) Signature on Pleadings. All such documents shall bear the personal original signature of counsel or party pro se presenting the same, and the endorsement of approval or waiver of notice of presentation signed by all non-presenting parties not previously adjudged in default, or their attorneys.

(B) Covering Letter-Request for File. All such documents shall be accompanied by a covering letter of explanation personally signed by the presenting party pro se or an attorney and shall request the clerk to deliver the file to the judge or commissioner, if deemed appropriate.

(C) Return Envelope. A self-addressed envelope bearing sufficient pre-paid postage for the return of any requested conformed copies shall be enclosed; and if not, all such copies may be discarded. If no such envelope is enclosed,

Rule 1954. Judicial security.

(a) The president judge of each judicial district shall establish a local standing court security committee. The duties of the local standing court security committee shall be to:

(1) make recommendations to the president judge on protocols, policies and procedures necessary to protect the public, court personnel and court facilities in the event of an emergency;

(2) communicate the approved protocols, policies and procedures identified in Rule of Judicial Administration No. 1954(A)(1) to all court employees;

(3) review and assess all security incident reports specified in Rule of Judicial Administration No. 1954(B) and recommend to the president judge appropriate actions; and

(4) develop and recommend to the president judge training programs for court employees on safety and security awareness.

Official Note

When forming local standing court security committees, president judges should consider a variety of court and county employees as well as public officials whose positions, experience and authority would benefit court security decisions. While not an exhaustive list, the president judge may consider: a member of the county executive branch, the district court administrator, a magisterial district judge, an individual responsible for county and court records, an individual responsible for courthouse security, a courthouse facility or risk manager and a member of county or local law enforcement.

(b) The president judge shall ensure that all reporting requirements of the Pennsylvania Judicial Incident Reporting System (“PAJIRS”) are completed by the district court administrator or his or her designee no later than the close of business on the day that any reportable action occurs.

(c) The president judge shall ensure the completion of court facility security assessments as identified in the Unified Judicial System Court Safety and Security Manual and as prescribed by the Court Administrator.

(d) The president judge shall establish court security protocols, policies and procedures to be implemented in the event of an emergency, including, but not limited to: fire, natural disaster, “white powder” or other human-made emergency or disaster, and escaped prisoner and hostage situations. The president judge shall ensure that all employees receive training on how and when to implement such protocols, policies and procedures. All policies and procedures identified in this Rule shall be reviewed and updated annually.

Comment

Rule 1954 addresses court security and formalizes the creation of local standing court security committees. These committees, which have existed in every judicial district since at least 2005, are appointed by the president judges. They make recommendations to the president judge on protocols, policies and procedures which should be implemented to protect the public, court personnel and court facilities in the event of an emergency, and the president judge must establish such security protocols, policies and procedures for the judicial district. In addition, each local standing court security committee is charged with reviewing court security incident reports collected through PAJIRS, which was implemented in 2005 for magisterial district courts and 2007 for common pleas courts, and making appropriate recommendations to the president judge based on those reports. Finally, Rule 1954 directs the president judges of Pennsylvania's judicial districts to complete and annually update court facility security assessments.

It is hoped that a significant natural or man-made emergency never impacts Pennsylvania. However, through the framework provided in Rules 1950—1954, should an emergency occur, Pennsylvania Courts will be prepared to provide at least minimum services, including all essential court functions, both during and after the emergency, to better protect and serve Pennsylvania's citizens.

Source

The provisions of Rule 1954 are adopted December 28, 2009, effective immediately, 40 Pa.B. 218.

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Rule 9.2 - No person, including a judge of a court of record of this state, magistrate of a court of record of this state, employee of this court, bailiff or deputy bailiff of a court of record of this state, county prosecutor, assistant county prosecutor, or a secret service officer appointed by a county prosecutor shall knowingly possess, have under their control, convey, or attempt to convey a deadly weapon, firearm, or dangerous ordnance onto the premises of the Cuyahoga County Courthouse ("Court House").

Any person that possesses a valid license to carry a concealed firearm as issued under R.C. 2923.125 or the reciprocity provision contained in R.C. 109.69, and conveys or attempts to convey a firearm in the Court House, shall immediately inform the Cuyahoga County Sheriff ("Sheriff") of the individual's possession of a concealed firearm and shall be instructed by the Sheriff of the general prohibition against the possession of any deadly weapon, firearm, or dangerous ordnance within the Court House. The Sheriff shall not take possession of any firearm carried by a properly licensed person, but shall require that the licensee leave the Court House and further instruct the licensee to safely secure the firearm outside the Court House. Admittance of the licensee shall be permitted once the firearm has been safely secured outside the Court House and the licensee passes the security screening procedure as contained in the "Security Policy and Procedures Manual/Plan" as implemented by this court on June 29, 1995.

A peace officer or an officer of any law enforcement agency of the State of Ohio or another state, a peace officer or an officer of a political subdivision of the State of Ohio or another state, or an officer or agent of the United States of America, who is authorized to carry a deadly weapon, firearm, or dangerous ordnance, that possesses or has under that individual's control a deadly weapon, firearm, or ordnance, and who is acting within the scope of that individual's duties at the time of possession or control, shall immediately inform the Sheriff of the possession of the deadly weapon, firearm, or ordnance to the Sheriff prior to entering the Court House. The Sheriff shall secure the surrendered deadly weapon, firearm, or dangerous ordnance within the secured "gun lock boxes" located at the street level entrance and rear parking garage entrance to the Court House. The deadly weapon, firearm, or dangerous ordnance shall be returned to the individual upon leaving the Court House. This Local Rule of Court is not applicable to the Sheriff, Deputy Sheriffs, or a Cuyahoga County Central Services/Protective Services Officer while they are on official duty within the Court House.

The Sheriff shall post signs, at the street level entrance and the rear parking garage entrance to the Court House, which contain the following language: "Unless otherwise authorized by law pursuant to the Ohio Revised Code and Local Rule of Court, no person shall knowingly possess, have under the person's control, convey, or attempt to convey a deadly weapon, firearm, or dangerous ordnance onto the premises of the Cuyahoga County Court House. THE CARRYING OF A CONCEALED FIREARM OR THE OPEN CARRY OF A FIREARM, WITHIN THE CUYAHOGA COUNTY COURT HOUSE, IS PROHIBITED BY LOCAL RULE OF COURT AS AUTHORIZED BY OHIO REVISED CODE § 2923.123(C)(6)."

RULE 20

COURT SECURITY

The Tenth District Court of Appeals of Ohio is charged with dispensing justice, resolving disputes, and protecting the constitutional rights of those who appear before the Court.

Accordingly, appropriate levels of security should exist in the Court to protect the integrity of Court procedures, protect the rights of individuals before it, deter those who would take violent action against the Court or litigants, sustain the proper decorum and dignity of the Court, and assure that Court facilities are secure for all those who visit and work there.

Therefore, pursuant to Rule 5 of the Rules of Superintendence for the Courts of Appeals, the Court establishes as follows:

The Court has appointed a Court Security Advisory Committee, consisting of one representative of each of the following groups: judges, court administration, Board of County Commissioners, and other groups as deemed appropriate by the Court.

The Court has implemented a local Security Policy and Procedure Plan which plan has addressed the Ohio Court Security Standards adopted by the Supreme Court of Ohio on October 17, 1994.



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Court Security and Decorum

No weapons are allowed in the Regional Justice Center. This includes guns, knives, and other illegal weapons. Visitors carrying these items into the Regional Justice Center are subject to detention and arrest.

Visitors to the building are subject to screening for weapons and illegal items. At the screening equipment visitors must remove all metal and place it in a basket for screening. Belts also must be removed.

Smoking is not allowed inside the building. Also, there is no eating, drinking, or chewing gum in any courtroom. Smoking is permitted in designated areas on each floor.

Proper courtroom attire is required. No shorts or tank tops are allowed in the courtroom, shoes are required. T-shirts, which show offensive slogans or pictures, are not allowed. Hats should be removed before entering the courtroom.

While in the courtroom, sit quietly when Court is in session. Do not talk or whisper. The Court proceedings are being transcribed by a court reporter and noise can interfere with the preparation of this important record.

Avoid bringing children to court. If it is necessary to do so, please monitor their behavior so they remain quiet at all times. If they are quiet, children are allowed in the courtroom, but parents may be asked to leave the courtroom if their child becomes noisy or unruly.

All beepers, cellular telephones, and electronic devices must be turned off before entering the courtroom. Avoid reading newspapers, or books in the courtrooms, particularly if your use of such material may be a distraction to others.

Translate this page	
Spanish	<input checked="" type="checkbox"/>
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Regional Justice Center
200 Lewis Avenue
Las Vegas, NV 89155

Family Courts and Services Center
691 N. Pecos
Las Vegas, NV 89155

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Nineteenth Judicial Circuit Court of Lake County, Illinois
Serving the Citizens of Lake County, IL

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Lake County Courthouse Security Brief

**ATTENTION
Visitors and Employees**

According to the National Institute for Occupational Safety and Health (NIOSH), justice, professional and public establishments are at high-risk for workplace violence. They claim, "Employees in these high-risk establishments and occupations need to be aware of the risk for homicide and take steps to ensure a safe workplace." In an effort to make the facility safer for all county employees and visitors, the Sheriff's Office will secure all entrances to the building.

For the safety and well being of every employee and visitor to the facility, every person who enters the building will be screened through the magnetometers and items x-rayed. This process is no different than that of passing through airport security and will not pose significant delays in entering Lake County Court and Administration facilities. However, in an effort to make the transition as smooth as possible, **please review the list of items that will not be permitted** into the facility. The Sheriff's Office realizes that the implementation of magnetometers and x-ray units may cause some delay in entering the building, but by being prepared for the change, you can help ease the process.

The prohibited items listed are not intended to be all-inclusive and is updated as necessary. To ensure everyone's security, the screener may determine that an item not on the prohibited items list is prohibited. In addition, the screener may also determine that an item is dangerous and therefore may not be brought through the security checkpoint.



Sheriff Mark C. Curran Jr.

Each week, an average of twenty people are murdered and 18,000 are assaulted while working or on duty in the United States (NIOSH, 1996)

A study by the U.S. Department of Justice found that 1 in every 6 violent crimes occurs at work

The following items WILL NOT be allowed in the Lake County Court Complex and the Lake County Administrative Building

Knives

- Pocketknives.....any size
- Kitchen knives
- Razor knives
- Safety razors
- Box cutters
- Carpenter knives
- Coupon razor cutters
- Penknives
- Razor blades.....any type
- Switchblades
- Or any spring activated knives
- #38 Can openers

Sprays (Pressurized)

- Hair sprays
- Mace sprays
- Pepper sprays
- Or any pressurized container that is flammable.....any size

Glass Objects

- Glass bottle drinks

Electronics

Cameras, Video tape recorders and Cell Phones are prohibited from use in the Courtrooms unless expressly waived by the trial court.

Other Objects

- Screwdrivers
- Scissors.....any type
- Pliers.....any type
- Wrenches.....any type
- Wire cutters
- Kitchen forks
- Kitchen spoons
- Laser pointers
- Fingernail clippers **with files**
- Fingernail files
- Nails.....any type
- Screws.....any type
- Letter openers
- Can openers (Church Key)
- Knitting needles
- Flashlights (not to exceed 3 inches)
- Metal Comb Picks

Locks (any size)

- Key Type
- Combination Type

Weapons

- Firearms.....any type *
- Ammunition.....any type *
- Handcuff keys.....any type *
- Fireworks (explosives)

Contact Us

Nineteenth Judicial Circuit
Court Admin, 1st Floor
18 N County Street
Waukegan, IL 60085-4359

Phone: (847) 377-3600
TDD: (847) 360-2975

Contacts by Divisions

- Frequently Called:
- Juror Info (847) 249-5979
 - Circuit Clerk(847) 377-3390
 - Law Library (847) 377-2800

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- Court Reporters - Transcripts
- Court Security Brief
- Facilities Information
- Judges of Lake County
- Law Library
- Lists (Mediators, etc.)
- Local Court Rules
- Useful Web Links

From: "Nutting, Jan" <Jan.Nutting@courts.wa.gov>
Date: October 1, 2013, 3:06:44 PM PDT
To: "DMCJA@LISTSERV.COURTS.WA.GOV" <DMCJA@LISTSERV.COURTS.WA.GOV>
Subject: [DMCJA] Notice of Data Dissemination Policy Change

The message below is sent to you at the request of Stephanie Happold, Data Dissemination Administrator for the Administrative Office of the Courts. Thank you for your attention.

Greetings,

On September 6, 2013, the Judicial Information System Committee amended the JIS Data Dissemination Policy to exclude dissemination of juvenile offender records on the AOC publicly-accessible website and in any bulk distribution of JIS records authorized by Supreme Court rule GR 31(g), except those permitted for research purposes. This amendment affects the Public SCOMIS Criminal Index (PSCI), the Public SCOMIS Civil and Criminal Index (SINDEX), and the "search case records" webpage on the AOC public website.

Starting October 13, 2013, PSCI and SINDEX subscribers will no longer receive juvenile offender records data. AOC will soon notify current subscribers of this change, and of their contractual obligations to update any files which contain PSCI or SINDEX information and to remove the cases no longer provided in the AOC updates.

The tentative date for restricting access to juvenile offender records on the AOC "search case records" webpage is also October 13, 2013. If the implementation date changes, AOC will notify the courts of the new date. The approved revisions to the data dissemination can be found here: [Data Dissemination Policy](#).

If you have any questions please feel free to contact Stephanie Happold, AOC Data Dissemination Administrator, at 360-705-5315 or at Stephanie.happold@courts.wa.gov.

This e-mail has been sent to everyone in the DMCJA@LISTSERV.COURTS.WA.GOV mailing list. To reply to the sender, click Reply. To reply to the sender and the mailing list, click Reply All.

You can remove yourself from this mailing list at any time by sending a "SIGNOFF DMCJA" command to LISTSERV@LISTSERV.COURTS.WA.GOV.

These were the original rules/policy with notes added regarding the "DV" & "Permanently retain" flags and retain all cases at least 5 years.

Retention of Records Summary

Case Type	Cause Code	Retention	Notes:	
			IT, IN	Finding / Judgment Codes Included
CV-Civil	DVP, HAR, SXP, STK	Never Purge	<ul style="list-style-type: none"> > All retention periods begin after case is closed > Case is retained based on the longest retention period for any violation on the case > Retention not based on a finding of Amended (AM) It is based solely on issues with findings other than AM > See Plea / Sentencing codes at Inside Courts website for code descriptions 	
CV-Civil	Any other	10 years & 4 months		
SC-Small Claims PR - Parking (VRV)	Any	5 years		
Finding / Judgment Types	Casetype of Charge			
	C.T, CN	PC, CF		
Guilty / Committed	Never purged	Never purged	5 yrs	AS, BF, C, P, G, GO, GS, GV, GR, PI, RP, GY, GZ
Not Guilty / Not Committed	10 yrs	10 yrs	5 yrs	NG, NC
46.63.070 Deferred Finding (IT only)	NA	NA	7 yrs	CD, DD
Dismissed - Incompetency, or Not Guilty - Insanity	Never purged	Never purged	5 yrs	D, DO, DW with reason code of IC; or NS
10.05 Deferred Prosecution	Never purged	Never purged	5 yrs	GO, GD; or D, DO, DW with dismissal reason code of DP
Dismissed for all other reasons	10 yrs	5 yrs	5 yrs	D, DO, DS, DW, or OD, with a dismissal reason code of blank or anything other than IC, DP, or FD
Vacated	Never purged	Never purged	N/A	V
Domestic Violence Flag	15 yrs	15 yrs	15 yrs	Applies to cases where a violation has a DV flag = Yes, and finding/judgment is not guilty, dismissed, or transferred
Retain Case Flag	Never purged	Never purged	Never Purged	A new flag will be available in JIS to designate that a case should be retained regardless of any other rule. Case will be retained as long as flag = Yes.
Case Transferred	5 yrs	5 yrs	5 yrs	BO, CV, or D with a reason of FD

The system will determine retention based on overall casetype & cause code

The system will determine retention based on casetype and disposition of each charge as well as looking for DV flag and Retain Case flag

Casetype = IT, IN, CT, CN, PC, CF

November 7, 2013

Honorable David A. Svaren
District and Municipal Court Judges' Association
Skagit County District Court
600 S 3rd Street
PO Box 340
Mount Vernon, WA 98273-0340

Dear Judge Svaren:

Since July, the JISC CLJ workgroup has met regularly to analyze the remaining issues and to provide recommendations to the JISC on the retention of JIS court records for CLJs. At the October 25 JISC meeting, the CLJ workgroup informed the JISC that the workgroup members were unable to unanimously agree on a policy that would satisfy all concerns. The workgroup presented six options and asked the JISC to provide direction so the workgroup could bring back a proposed policy for the December 6 JISC meeting. Instead, the JISC discussed the options and voted on the policy at the October 25 meeting. The JISC decided that the records would be destroyed as originally proposed by the Data Dissemination Committee, with the following exceptions:

- Criminal cases with a Domestic Violence (DV) flag are retained for 15 years; and
- Case data is retained for five years until the Judicial Needs Estimate work is resolved and then the retention for the applicable cases will be three years; and
- Judges are allowed to flag individual cases for permanent retention subject to a set of criteria to be established by the DMCJA and then approved by the DDC and the JISC. The guidelines would be published by the AOC in its Data Destruction Policy.

During the JISC meeting, Judge Rosen and Judge Heller were directed to provide guidance to the DMCJA on the individual case flagging criteria. Therefore, with Court Administrator Aimee Vance, we now provide the following recommendations:

- In flagging individual cases for permanent retention, judges should consider these non-exclusive factors:
 - Defendant criminal history;
 - Nature of the current crime;
 - If the case involves any mental health issues;
 - If the case involves any substance abuse issues;
 - If the Defendant has a high risk of repetitive contact with the court system;
 - If the alleged crime was sexual in nature;
 - If the Defendant has a history of repetitive contact, or has the potential of repetitive contact, with the alleged victim; and
 - If domestic violence was involved.

Judge Svaren
November 7, 2013
Page 2

- Judges should consider these factors with the knowledge that the dismissed record is not a record of conviction and therefore, if retained, it may have negative consequences for the Defendant in acquiring employment or housing.
- Flagging of individual cases, especially those that are dismissed, should be considered the exception and not the norm in judicial proceedings.
- If a judge decides that a case should be flagged, findings supporting the flag must be put on the record and docket entries must show the criteria used in making that decision.
- A flag may be removed from a case upon good cause shown. The record and docket entries must reflect the reasons as to why the case was un-flagged.

The CLJ Workgroup hopes it has provided a good starting point for the DMCJA in establishing the guidelines for judges to use when flagging individual cases. In order to meet all the schedule deadlines and properly vet the proposed criteria per JISC direction, it is requested that the DMCJA provide the individual case flagging guidelines to the Data Dissemination Committee by February 15, 2014. If you have any questions, Judge Heller and Judge Rosen are available to discuss the policy and the proposed criteria presented in this letter.

Sincerely,

Judge James R. Heller
Pierce County District Court

Judge Steven Rosen
Seattle Municipal Court

Aimee Vance, Administrator
Kirkland Municipal Court



October 16, 2013

Honorable David Svaren
Washington District and Municipal Court Judges Association
PO Box 41170
Olympia, WA 98504-1170

Dear Judge Svaren:

Thank you for your organization's continuous support of the YMCA Mock Trial program. Your ongoing funding is critical to ensuring teens have the opportunity to gain a deep understanding of the judicial system and grow as citizens and members of our democratic community.

This year we have an incredible opportunity to increase the amount of financial assistance provided to Mock Trial participants statewide. A generous contributor – someone just like you – is matching new and increased gifts! I hope you will take advantage of this opportunity by increasing your gift this year.

I also want to make sure you mark your calendar for **Friday and Saturday, March 28 – 29 for the YMCA State Mock Trial State Championship**. We have 44 volunteer spots for presiding judges throughout the event. A formal volunteer request will go out after the first of the year, but please start sharing this opportunity with your colleagues today!

For 65 years the Youth Legislature and Mock Trial programs have been fostering the growth and development of Washington teens. Together we can ensure that the generations to come can find their voice and understand the power they have to make our communities stronger, more sustainable and thriving places to live.

Please join us by contributing \$2500 today! Together we can make a change for the better!

Sincerely,

Judge Robert Lewis
Clark County Superior Court
Mock Trial Program Chair

CC: Shannon Hinchcliffe & Michelle Pardee

Youth & Government
Mail PO Box 193, Olympia, WA 98507
Physical 921 Lakeridge Way SW, Olympia, WA 98502
P 360.357.3475 F 360.753.4615 youthandgovernment.org



Youth & Government
Mail PO Box 193, Olympia, WA 98507
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WASHINGTON
COURTS

DMCJA Rules Committee

Thursday, August 22, 2013 (12:00 p.m. – 1:00 p.m.)

Via Teleconference

MEETING MINUTES

Members:

Chair, Judge Garrow
Vice Chair, Judge Dacca
Judge Bender
Judge S. Buzzard
Judge Grant
Judge Heller
~~Judge Portnoy~~
~~Judge Robertson~~
~~Judge Steiner~~
~~Judge Szambelan~~
~~Ms. Linda Hagert, DMCMA Liaison~~

AOC Staff:

Ms. J Krebs

Judge Garrow called the meeting to order at 12:03 p.m.

The Committee discussed the following items:

1. July 2013 meeting minutes

The July 2013 Rules Committee meeting minutes were approved as presented. Judge Bender and Judge Dacca abstained.

2. Proposed amendments to the Disciplinary Rules for Judges, proposed by the Commission on Judicial Conduct and proposed amendments to Code of Judicial Conduct 2.2 Comment 4 and 2.6 Comment 1A, proposed by the Access to Justice Board

The Committee considered two separate proposals to amend the Code of Judicial Conduct: the Commission on Judicial Conduct (CJC) is proposing changes to the Disciplinary Rules for Judges (DRJ) and the Access to Justice (ATJ) Board is proposing changes to Comment 4 to Rule 2.2 and Comment 1A to Rule 2.6. Judge Bender, Judge Dacca and Judge Grant reviewed the proposals and presented a memo to the Committee.

The changes proposed by the CJC are housekeeping measures, primarily intended to bring the DRJ in line with the Washington State Constitution. The Subcommittee recommends that the DMCJA Board express no opposition to the proposal.

The ATJ Board has promulgated two amendments to the Judicial Canons, and one entirely new Comment to an existing Canon. These changes are designed to codify the judicial obligation to provide a meaningful hearing for pro se litigants and to provide some "cover" to judges who make reasonable accommodations for pro se litigants. The Subcommittee stressed that access

to the courts for pro se litigants is essential and that judges play a central role as stewards of and gatekeepers to the justice system, but are concerned that the amendments as proposed are overly prescriptive and may require judges to take actions in violation of countervailing ethical and legal requirements. The Subcommittee's memo provides more detailed comments. The Committee voted to forward the Subcommittee's memo to the DMCJA Board as the Rules Committee's recommendation. Judge Bender will revise the memo for presentation to the DMCJA Board.

3. Discussion related to proposed amendments to search warrant and probable cause determinations

The SCJA has proposed amendments to the Superior Court rules related to search warrant and probable cause determinations, consideration of which has been postponed to September 30, 2013. The Rules Subcommittee was able to reach agreement with Judge Cozza of the SCJA regarding language acceptable to both associations. Judge Garrow prepared revisions to the CLJ rules that incorporate the agreed-to language and presented these to the Committee. The Committee voted unanimously to forward the proposed amendments to the DMCJA Board with a recommendation that they be submitted to the Supreme Court Rules Committee.

4. Proposed amendments to GR 15 by the JISC Data Dissemination Committee

The JISC Data Dissemination Committee (DDC) has circulated draft amendments to GR 15, but has not yet submitted a proposal to the Supreme Court. Judge Garrow and Judge Staab agreed to form a Subcommittee to work on the issue, and met with Judge J. Heller and Judge Rosen, who are members of the DDC. The amendments are intended to address recent legislation, but the Subcommittee does not agree with all the proposed changes and recommends that informal comments and marked-up draft, which were presented to the Committee, be provided to the DDC by the DMCJA Board. Judge Garrow will accept comments from Committee members on the proposal until August 29, and will then forward the memo and recommendations to the DMCJA Board.

5. Proposed amendment to ER 1101(c)(4), Applications for Protection Orders, in response to ESHB 1383

Judge Garrow presented a draft GR 9 Cover Sheet and proposed minor amendment to ER 1101(c)(4) to the Committee. This is a housekeeping item, necessitated by recent legislation. The Committee did not discuss this item during the meeting, but a majority of Board members subsequently voted by email that the Cover Sheet and proposed amendment should be forwarded to the DMCJA Board with a recommendation that they be submitted to the Supreme Court Rules Committee.

6. Other Business & Next Meeting Date

The next Rules Committee meeting will be held on Thursday, September 26, 2013 at noon via conference call.

There being no further business, the meeting was adjourned.



WASHINGTON
COURTS

DMCJA Legislative Committee Meeting
Friday, September 20, 2013 (1:30 p.m. – 3:00 p.m.)
SeaTac AOC Office

MEETING MINUTES

Members:

~~Chair, Judge Samuel G. Meyer~~
~~Judge Scott K. Ahlf~~
Judge Stephen Brown
Judge Brett Buckley, Acting Chair
~~Judge D. Mark Eide~~
Judge Douglas J. Fair
~~Judge Michelle Gehlsen~~
Judge Corinna Harn
Judge David Larson
~~Judge Susan Mahoney~~
Judge Marilyn G. Paja
Judge Glenn Phillips
~~Judge Heidi E. Smith~~
Judge David A. Steiner
Judge Shelley Szambelan

Guests:

Ms. Linda Baker, DMCMA
Ms. Kathy Seymour, DMCMA
Ms. Melanie Stewart

AOC Staff:

Ms. Shannon Hinchcliffe
Ms. J Krebs

CALL TO ORDER

Judge Buckley called the meeting to order and led introductions.

STATE OF THE LEGISLATURE

Melanie gave a brief overview of the state budget projections for next year.

DMCJA LEGISLATIVE PROPOSALS FOR 2013

A. Review of RCW 9.96.060 and vacate of misdemeanor when a temporary, but not permanent, DV order has been issued subsequent to the original conviction

Judge Fair gave a review of the materials and his recommendation. The Committee determined that the statute could benefit from clarification but as this could be a policy issue, it would be more appropriate for another group, such as WAPA, WACDL or an anti-domestic violence advocacy group, to pursue it. The Committee agreed to (1) work with the Office of the Code Reviser to prepare language to propose to another group; and (2) send a letter to one or more external agency identifying the potential need for clarification and including the proposed language.

B. Review of removal of a municipal court judge by an executive or legislative branch prior to expiration of his or her four-year term

Judge Larson presented a memo that discussed instances of cities that closed their municipal courts during a judge's term. Judge Larson recommends that legislation be introduced so that municipal and district courts would have parity with regard to termination. The Committee felt that this is an important issue of judicial independence, so it would be good to work with BJA. It would be helpful to know what Judge Ringus's position is, and whether he would be supportive of this proposal. Judge Larson and Judge Harn will work together to draft an amended statute for review by the Committee at the next meeting.

C. Misdemeanor jury fees

It appears that district and municipal courts lack statutory authority to impose jury fees when trying misdemeanors. Judge Meyer will bring a proposal forward at the October meeting to address the issue.

D. Discover pass fee allocations

Under current statute, all fees received for Discover Pass violations are remitted to the state, with no amount going to the local courts that process these tickets. A few courts in the state, including Grays Harbor and Skamania District Court, have so many of these tickets to process that it is disruptive of court processes and a drain on limited court resources. Judge Brown has reached out to other judges affected by the problem and will meet with county representatives, as well as Melanie Stewart, to discuss possible ways to approach the issue. Judge Brown will present draft language providing for a split of the funds at the October meeting.

E. Review the need of legislation to limit public access to CLJ misdemeanant probation files

Judge Harn will ask Judge Mahoney to have a proposal ready for the October 11th meeting.

F. Allowance of reimbursement fees for interpreters when defendants have financial ability to pay

Judge Szambelan stated that a current statute allows a trial court to assess interpreter fees but it was found to be unconstitutional because these fees cannot be collected for interpreters for the hearing-impaired. Based on this report, the Committee agreed to recommend the proposal not go forward. A letter will be written to Judge Steele closing out the request.

G. Modification of RCW 50.13.070 concerning subpoenas to the Department of Employment Security

Judge Paja stated that current law requires a judge, rather than an attorney, to sign subpoenas to the Employment Security Department (ESD), and this takes up a great deal of a judge's time. She suggested that the statute be amended to allow an attorney to sign the subpoena, on a form that is approved by ESD. It was decided to discuss the proposal with ESD, as well as Columbia Legal Services and Northwest Justice Project, to see if they have any concerns. ESD would potentially benefit from this system, especially if model forms were prepared for them to be included in the amended statute.

H. Decriminalizing Jury Duty

Judge Larson stated that non-compliance with juror summons has been and continues to be a major issue for trial courts in Washington. Currently, failure to report for jury duty is a misdemeanor and judges are reluctant to charge someone with a crime for missing jury duty, so it is unenforced. Many other states make failing to appear for jury duty an infraction, and he presented a similar proposal. He is not insisting on the exact language but would like to see if there is support for the concept. The Committee agreed to recommend to the DMCJA Board that the policy be considered, and Judge Larson may pursue it individually. It may also be presented to the DMCJA BJA representatives for discussion.

Impaired Driving Specific Suggestions

I. Review authority to issue search warrants for blood draws when the draw takes place outside of city limits

Judge Philips stated that under *State v. Davidson*, existing rules and statutory authority, it is acceptable for a judge to issue process for a search warrant outside his or her jurisdiction if the court would have jurisdiction to hear the underlying issue. This addresses his concern and he would not recommend pursuing a legislative fix.

J. Review of 2ESSB 5912 for clarification on reference to Chapter RCW 10.21

Melanie will take this issue to the statute and law committee.

OTHER BUSINESS

1. Judge Harn stated that she would like the Committee to consider making a push to have DISCUS updated sooner rather than later. The fact that the recent shooting in Washington DC involved an offender from Washington State may provide a good opening. The courts of limited jurisdiction bring in the great majority of money for the courts, which deserves some consideration. The Committee would like to ask the DMCJA Board to reach out to the JISC and representatives to see if this can become a greater priority.

INTERIM WORKGROUP REPORTS

Impaired Driving Workgroup – The Committee has been discussing the potential for sobriety checkpoints as well as the new 24/7 pilot program. The next meeting is October 15.

Therapeutic Courts – as a result of SB 5797, a collaborative workgroup was formed and there are three DMCJA members, Judge Finkle, Judge Hayes and Judge Jorgensen. None are members of this committee, so Judge Meyer spoke with Judge Finkle about the progress of the group. They have met a few times since their origination and Judge Clarke of SCJA and Judge Finkle are co-chairs. They have discussed a proposal for “regional” therapeutic courts which would allow courts by geographical location, regardless of court level, to work cooperatively through agreement to provide therapeutic courts. Judge Finkle relayed that they are trying to ensure local court autonomy in decision making.

Meeting Adjourned at 3:00 p.m.

Next Meeting: Friday, October 11, 1:30 p.m.-3:30 p.m. at SeaTac AOC.



November 5, 2013

TO: Court Customers; All Court Levels, All Customer Groups
FROM: Callie T. Dietz, State Court Administrator
RE: Highlights of future changes to increase security of court information

Since you became aware of the security breach earlier this year, AOC has been working diligently to review our current IT systems and to implement changes necessary to make our data secure. Included among the improvements made are the hiring of a full time Court IT Security Officer, implementing a broad-based IT security team that meets weekly to review and prioritize security measures and contracting security reviews to make targeted improvements. I want to assure you that security of court information and systems is a primary concern for AOC. All changes being implemented are the result of extensive security reviews by experts that have been underway since early 2013.

Unfortunately there is no way to continue these efforts without involving our court customers. Some background improvements to security have already been implemented. These include adding protective software, implementing new hardware devices to our infrastructure, and changing security policies. These we were able to accomplish with little or no disruption to your regular use of technology. However, advanced security measures which will directly affect you must be put into place over the next several months. We want to make you aware of changes that will impact users of systems such as SCOMIS, JABS, ACORDS, and other applications so that you will know about the changes before they are implemented. More details will be sent before each change takes effect, but we felt it was important to give a high level overview of the coming security updates.

New Password Rules

In order to increase the strength of passwords, AOC will soon require that all users include upper and lower case letters and at least one number. Special characters may also be used. Password lengths will remain at eight (8) characters. Once this change is implemented, users will begin applying the new rules the next time they renew their passwords.

Inside Courts Session Time-Outs

Beginning in early 2014, our Inside Courts servers will begin to log out users after a specified period of inactivity. This will provide protection for unattended computers and terminals. Users will also be required to log in to JIS systems at least once daily, and cookies will be erased at the end of each session.

JABS Authentication

JABS provides access to significant amounts of sensitive judicial information. In a longer term effort, the log on process for the Judicial Access Browser (JABS) will be strengthened. There will be new minimum eight (8) character password requirements, and inactive sessions will automatically be disconnected. As we close potential security problems with JABS, AOC is making every effort to simplify the log on process for JABS users.

Security Awareness Training

Employees of AOC and the Appellate Courts will be required to complete security awareness training before the end of this year. Other JIS users will be required to agree to revised terms and conditions in order to use the systems.

Conclusion

AOC understands that our customers value early notification of changes. We regret that the changes will cause inconvenience for our customers. However, we know you understand that the judicial information systems are subject to the same security threats as all other business and government systems. We must take appropriate measures to reduce our vulnerabilities. Hackers continue to mature in their ability to penetrate our defenses and we must provide well managed security protection to our systems and data. More information will be coming out in the next few weeks about the timing and details of the changes being made to safeguard confidential judicial data and systems. We are committed to providing as much information, as early as possible, so that our customers are aware and prepared for the additional layers of security. We appreciate your understanding and patience as we strengthen the security of judicial information.

cc: Vonnie Diseth, CIO/AOC Information Services Division Director
Dirk Marler, AOC Judicial Services Division Director
Ramsey Radwan, AOC Management Services Division Director
Wendy Ferrell, AOC Judicial Communication Manager
Beth Flynn, State Court Administrator Executive Assistant
Mellani McAleenan, Associate Director, Board of Judicial Administration
Jane VanCamp, AOC Human Resources Associate Director

Tribal and State Court Dialogue:

Interest in a Tribal-State Court Consortium in Washington

At the 55th Washington Judicial Conference, September 23, 2013, 11 tribal court judges, 17 state court judges, and nine others gathered to discuss the potential for establishing a tribal-state court forum that will facilitate collaboration between tribal and state courts in Washington State. Chief Justice Barbara Madsen and Justice Jane Smith welcomed the participants and reminded them of Court Rule 82.5, which was passed in 1995 to clarify jurisdictional issues and improve services to the members of our communities. Judge William Thorne, Retired Utah State Appellate Court, and Fred Fisher, Casey Family Programs, facilitated a discussion on the importance of developing relationships and building trust in order to lay the foundation for tackling larger, more complex efforts. Washington is seen as a leader around the country, particularly around tribal state relations.

What current efforts are in place, what communication is happening now?

Participants shared the following concrete examples of existing efforts statewide to establish and maintain on-going collaboration and communication.

Full Faith and Credit: Tribes located within Snohomish, Kitsap, and Spokane Counties operate with full faith and credit. CPOs are issued in tribal court and filed with county court and can be viewed and enforced by any law enforcement agency across the state.

Collaborative Training: Ongoing collaboration around domestic violence. The Women's Spirit Conference is put on by tribal judges and supported by the Gender and Justice Commission.

Culturally Responsive Sentencing: In Grays Harbor, even though there are Mandatory Minimum Sentences for DUI, if someone is a member of the Quinault Nation they are allowed to serve their sentence in their community.

Ongoing Local/Jurisdictional Collaborative Efforts:

- Gender and Justice Committee has had at least two tribal judges as members for the past five to six years, demonstrating ongoing commitment.
- Kalispel Tribe operates the CASA program for the state and for the tribe.
- A judge from the state court sits on the Quinault tribal bench once a month.
- The Tulalip Tribe started a pilot project with Snohomish County related to juvenile justice/truancy. There are a lot of solutions being considered, including having shared jurisdiction with tribal and state judges sitting on each other's benches.
- In Yakima the truancy officers have developed a collaborative relationship with prosecutors. Yakima Tribal Court has a goal to collaborate with the state courts.
- King County is working through the ICWA Continuum seeking to improve compliance.
- The Snohomish County Clerk comes to meetings at Tulalip. Attending the tribe's Law and Justice meeting helps, which also includes law enforcement attendance.

Interest in participating in a consortium and ideas for structure:

Overall the attendees expressed great interest in participating in a tribal-state court consortium to improve services to the communities by sharing and leveraging resources. Looking at the whole of our justice system, includes state and tribal courts.

Interest in creating a local and state collaboration:

There are good examples of local collaboration which have been in place for a number of years. Cross sharing of information on the particulars of these unique local tribal-state collaborations would be useful to disseminate to tribal and state court judges across the state. In addition, local jurisdictions are identifying issues that are in need of resolution locally that would benefit greatly from a unified or standardized approach across the state.

What are the local issues that need to be addressed? What are the issues that if they were addressed statewide would help you solve local issues?

Participants identified a variety of specific issues and concerns that are in need of solutions locally where there is shared jurisdiction across the state. Locally, tribal and state court judges are taking unique and creative steps to resolve these issues and concerns and there are lessons to be learned from these unique local approaches that have application statewide. Addressing these issues on a statewide basis, would provide more uniformity and consistency in the approaches taken and provide the opportunity for evaluating the outcome of judicial practice when it comes to cross-jurisdictional concerns. Among these are:

- Truancy
- Domestic Violence- enforcement, access to services
- Sharing criminal histories, criminal history background checks for care givers
- Resources for family law and juvenile offender services such as psychological, family assessments, visitation supervision.
- Chemical dependency treatment for the urban Native American population
- Coordinate services for victims not covered by VAWA
- Full faith and credit
- Mental Health Services
- E-noticing in ICWA cases
- Child support agreements
- UCCJEA legislation that gives the authority for state and tribal court judges to share information.
- More localized and consistent training sessions offered to tribal and state judges
- Indian Law curriculum at the state court judge's conference
- New state court and tribal court judges attend new judges school together

Next Steps

Based upon the conversation described above, participants made a decision at this convening that includes the following elements:

- 1) Move forward with the development of a tribal-state judicial consortium
- 2) Responsibility for chairing the consortium will be shared between tribal and state judges
- 3) Membership in the consortium will be an equitable balance between tribal and state judges.

Participants identified the following immediate steps to develop the Washington Tribal-State Judicial Consortium.

- Have this kind of discussion on a regional basis—more input, more suggestions, inclusion of those not present at this meeting. Use the services of the people in attendance at this meeting (state and tribal) to have this discussion statewide.
- Distribute a list of tribal/state court counterparts statewide: Who are the tribes, judges, contact information.
- Develop a LIST SERV of tribal court judges for communication
- Send summary of this meeting to state and tribal court judges to inform them of the productive discussions and share ideas for next steps.
- Group will meet again to develop a concrete proposal about what the consortium looks like (how to determine equitable representation, how members are selected)
- Justices Madsen and Smith will send a joint letter to judges on this meeting and the decision to move ahead with the development of a consortium. Include Executive Director of Governor's Office on Indian Affairs.
- Judges Patricia Clark, Theresa Pouley, and Mark Pouley will provide leadership between now and the next meeting.
- Identify a staff person to coordinate and connect people

RULE 82 .5
TRIBAL COURT JURISDICTION
(Adopted September 1, 1995)

(a) Indian Tribal Court; Exclusive Jurisdiction.

Where an action is brought in the superior court of any county of this state, and where, under the Laws of the United States, exclusive jurisdiction over the matter in controversy has been granted or reserved to an Indian tribal court of a federally recognized Indian tribe, the superior court shall, upon motion of a party or upon its own motion, dismiss such action pursuant to CR 12(b)(1), unless transfer is required under federal law.

(b) Indian Tribal Court; Concurrent Jurisdiction.

Where an action is brought in the superior court of any county of this state, and where, under the Laws of the United States, concurrent jurisdiction over the matter in controversy has been granted or reserved to an Indian tribal court of a federally recognized Indian tribe, the superior court may, if the interests of justice require, cause such action to be transferred to the appropriate Indian tribal court. In making such determination, the superior court shall consider, among other things, the nature of the action, the interests and identities of the parties, the convenience of the parties and witnesses, whether state or tribal law will apply to the matter in controversy, and the remedy available in such Indian tribal court.

(c) Enforcement of Indian Tribal Court Orders, Judgments or Decrees.

The superior courts of the State of Washington shall recognize, implement and enforce the orders, judgments and decrees of Indian tribal courts in matters in which either the exclusive or concurrent jurisdiction has been granted or reserved to an Indian tribal court of a federally recognized tribe under the Laws of the United States, unless the superior court finds the tribal court that rendered the order, judgment or decree

- (1) lacked jurisdiction over a party or the subject matter,
- (2) denied due process as provided by the Indian Civil Rights Act of 1968, or
- (3) does not reciprocally provide for recognition and implementation of orders, judgments and decrees of the superior courts of the State of Washington.

Pardee, Michelle

From: Odegaard, Paula
Sent: Friday, August 09, 2013 3:03 PM
To: 'SUPERIORJUDGES@LISTSERV.COURTS.WA.GOV';
'SUPERIORCOMMISSIONERS@LISTSERV.COURTS.WA.GOV';
'DMCJA@LISTSERV.COURTS.WA.GOV'; SUP DL - JUSTICES; All Div-2 Judges; Div-1
Judges; DIV3_ALL_JUDGES
Cc: Bricker, Cindy
Subject: Invitation to Tribal/State Court Collaboration Meeting

The following invitation is being sent on behalf of Chief Justice Barbara A. Madsen and Justice Jane Smith.

As you are aware, the annual state Judicial Conference is scheduled for September 22 – 25, 2013, in Wenatchee. This year, in addition to the education and social events, we would like to invite you to participate a meeting on Monday, September 23, from 5:30 p.m. – 7:30 p.m. to discuss enhancing collaboration between tribal and state courts. Specifically, we are interested in learning whether there is an interest in developing shared practices and protocols and what you think might be a good way of doing this. Judge Theresa Pouley and Judge Patricia Clark have been taking the lead on this effort and are interested in hearing your thoughts and suggestions.

We know these discussions have been occurring for some time. In 1992, Court Rule 82.5 (enclosed) was passed in an effort to clarify some of the jurisdictional issues. This was the culmination of a group of tribal and state court judicial officers working together and coming to agreement on what could improve the services to the members of our communities. We know good things have been occurring and yet, as in most things, it is good to “check in” to see how we are doing and what progress we have made. In addition, over 20 years later and with the passage of the Tribal Law and Order Act and the changes to the Violence Against Women Act, we believe it is the perfect time to meet again.

We have coordinated the meeting to coincide with the Annual Judicial Conference, and in preparation for attending the meeting, would encourage you to participate in the following educational sessions devoted to tribal issues: *Indian Child Welfare Post Baby Veronica* and *Emerging Issues of Nations in Transition*.

We are hoping you are interested and able to attend this meeting. Please **RSVP by September 7, 2013**, to Ms. Cindy Bricker at Cindy.Bricker@courts.wa.gov or 360-705-5306.

Thank you for your commitment to serving our communities and we do hope to see you in September.

Sincerely,

Chief Justice Barbara Madsen

Chief Justice Jane Smith

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