

# **COURTHOUSE SECURITY POLICY**

## **Adopted 1/27/04**

### **1. PURPOSE**

Court Security is an effort to prevent and control such problems as verbal abuse or insult, disorderly conduct, physical violence, demonstrations, theft, fire, bomb threats, sabotage, hostage situations, prisoner escapes, kidnapping, and assaults.

The Tuscola County Board of Commissioners has selected the Tuscola County Sheriff's Office to provide security at the courthouse. The Sheriff's Office responsibility will primarily be at the front entrance of the courthouse. All other entrances shall be locked during normal business hours of the courthouse.

### **2. POLICY**

#### **2.1 GOALS**

The goal of an effective court security operation is to establish appropriate protective response for all persons who are using the building and are part of the judicial process. To achieve this goal, it is important to have clear written policies and procedures. This section provides general information and guidelines for developing both. It is also strongly recommended that each jurisdiction prepares or updates both an overall security procedural manual and instructions for bailiffs. The latter can be either a separate document or part of the broader manual, but the guidelines are necessary for a truly effective court security.

#### **2.2 CASE LAW ADDRESSING COURT SECURITY**

##### **2.2.1 Power of Court to Control Crowds**

- a. People v Greeson, 230 Mich 124; 203 NW 141 (1925)

When crowds in courtrooms by their size and conduct, interfere with the orderly conduct of a trial and due administration of law, the court has power and should adopt proper methods of repression.

##### **2.2.2 Who the Court Can Exclude**

- a. Detroit Free Press v Recorder Court Judges, 409 Mich 364, 1980); quoting EW Scripps Co. v Fulton 100 Ohio App 157,

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169; 125NE2d 896

In the interest of fairness, a court can exclude from the courtroom members of the public who are creating physical disturbances or causing potentially dangerous situations.

### 2.2.3 Transporting Prisoners

- a. People vs Wells 103 Mich App 455 (1981)  
A defendant may be handcuffed as a safety precaution when being transported between the courthouse and the jail.
- b. People v Panko 34 Mich App 297 (1971)  
In various circumstances a defendant may be shackled outside the courtroom to prevent escape.

### 2.2.4 Attendance and Conduct of Officers

- a. MCL 600.581;MSA 27A581 (see also OAG 5752, August 4, 1980)

Attendance of county sheriff or deputy at circuit court, probate court, and district court.

- b. People v Mangiapane 219 Mich 62; 188 NW 401 (1922)

It is proper for the prosecuting attorney, with the court's sanction, to station an officer outside the courtroom door to take the names of persons attending the trial, and search them to ascertain if they carry weapons.

### 2.2.5 Custody and Restraint of Accused; General Rule

- a. People v Shaw, 381 Mich 467 (1969)
- b. People v Cleveland Wells, 103 Mich App 455 (1981)

Defendant is entitled to appear in court without handcuffs and unshackled.

- c. People v Thomas, 1 Mich App 118: 134NW2d 352 (1965)

Trial court has discretion to have prisoner brought into court in shackles when precaution is necessary to prevent violence or escape.

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d. People v Cleveland Wells 103 Michigan App 455 (1981)  
...In various circumstances a defendant may be shackled outside the courtroom to prevent escape.

e. People v Duplissey, 380 Mich 100 (1968)

Ordinarily the shackling and manacling of a defendant during a criminal prosecution should only be permitted to prevent escape of a prisoner or to prevent him from injuring bystanders and officers of the court, or to maintain a quiet and peaceful trial.

f. People v Kerridge, 20 Mich App 184; 173 NW2d 789 (1969)

Trial judge was justified in ordering the defendant shackled and gagged during period he insisted on shouting obscenities. Robbery defendant who was uncooperative and tried to leave the courtroom on numerous occasions, who through repeated instances of hostility and abuse and other actions, repeated his determination not to stand trial.

g. People v Anderson 389 Mich 155; NW2052d 461 (1973)

Handcuffing defendant and subjecting him to security precautions does not constitute prejudicial error.

### 2.3 COURTHOUSE SECURITY PROCEDURES

Beginning on October 9, 2000, the following procedures will be implemented for access into the Tuscola County Courthouse between 8:00 AM and 4:30 PM Monday thru Friday:

1. All entry and exit for all persons, including persons, including the public, employees, attorneys, and law enforcement will be through the front door of the County Courthouse only. In addition, the front doors will be the main exit doors as well. All other doors would be emergency exit doors only.
2. All persons shall be cleared through the security station, consisting of the walk through metal detector and belt x-ray machines. All hand-carried items including brief cases, purses, bags, etc. shall be processed through the x-ray, NO WEAPONS OF ANY KIND.

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INCLUDING SMALL JACKKNIVES, KEY RING KNIVES, ETC. SHALL BE ALLOWED INTO THE BUILDING. Employees are prohibited from bringing any persons into courthouse at any other entrance unless approved ahead of time by courthouse security.

3. A locked drawer will be provided at the security station for the public to lock items not allowed in the building until they leave.
4. Police Officers will be required to present valid identification.
5. There will be no tunnel access between the Courthouse and the Sheriff's Office except county employees and prisoners under guard. The tunnel door shall be closed and locked during normal business hours.
6. The rear door and basement rear door are emergency exit doors only. As such, the doors shall be alarmed at all times and NOT used by anyone as a point of entry. This does not preclude someone from making advance arrangements to use the doors as an exit.
7. Beginning in the year 2000, security cameras will installed at the front entrance, rear entrance, tunnel, and basement entrance. They will be monitored at the security entrance.
8. When leaving at the end of their assigned shifts, deputies will be instructed to lock and secure the courthouse thereby restricting access only to authorized employees.
9. Arrangements must be made, IN ADVANCE, to have the deputies stay beyond the end of their assigned shift to provide security.
10. There is a "card entry system" for the rear doors and tunnel door of the courthouse. Each department Head will be issued two (2) cards. Under normal circumstances, they will be used ONLY during hours when the courthouse is closed. The security officers shall approve all exceptions in advance.
11. PLEASE REMEMBER THAT GOOD SECURITY IS INCONVENIENT! It is the aim of the Sheriff's Office to ensure that our Courthouse is a safe, secure and pleasant place to work and do business.

2.4 CIRCUIT COURT OF TUSCOLA COUNTY ADMINSTRATIVE ORDER  
NO. 1999-02

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### **2.4.1 Weapons in the Courthouse**

To insure the safety of all people using the courts and related offices in the courthouse building, there will be a prohibition of the carrying of weapons within the courthouse. This prohibition will apply to all people, including attorneys, regardless of whether they have a GENERAL CONCEALED WEAPONS PERMIT; however, this order does not apply to law enforcement officers, sheriff's deputies, and/or other individuals who, by statute, are allowed to carry weapons as part of their duties and who are in the course of their employment.

See attached copy of Administrative Order 1999-02 issued by the Honorable Patrick R. Joslyn, Circuit Judge, dated May 28, 1999.

### **2.5 GENERAL EMERGENCY RESPONSE PLAN**

The Tuscola County Court Administrator and the Tuscola County Emergency Management Director will develop the GENERAL EMERGENCY RESPONSE PLAN. The emergency manual sets forth the model procedures and responsibilities for responding to certain emergencies. While not every conceivable emergency can be planned for, it is feasible to identify major possibilities and to consider the best general approach to dealing with them. The plan shall define the following areas:

1. Command, Control, and Communications
2. Plan Exercises
3. Training
4. Evacuation
5. Accommodation for the Physically Handicapped
6. Emergency Evacuation
7. Fire Emergency Plan
8. Telephone Bomb Threat or Suspected Mail Bomb
9. Natural Disaster
10. Medical Emergency
11. Escape
12. Disaster Recovery