

	<b>PALACIOS POLICE DEPARTMENT</b>	
	<b>Policy 11.1 Municipal Court Operations</b>	
	<b>Effective Date: 1/04/2021</b>	<b>Replaces: 02/07/2006</b>
	<b>Approved:</b>  <b>Milton Rivera, Chief of Police</b>	
	<b>Reference:</b> TBP: 11.01, 11.02, and 11.03.	

**I. POLICY**

Proper security and decorum in the municipal court are necessary for the administration of justice and for the protection of court personnel and the public. Regardless of the level of offense, court hearings can be emotionally charged and decorum must be maintained. The department provides officers to serve as bailiffs for the municipal court to ensure the security of the court and the protection of court personnel and visitors. The municipal court has jurisdiction only over Class C misdemeanor offenses. The majority of business conducted relates to traffic offenses.

**II. PURPOSE**

The purpose of this policy is to establish guidelines and procedures for the decorum and security of the municipal court.

**III. ORGANIZATION AND STAFFING**

- A. When the municipal court is in session, the police department is responsible for its security. The department is also responsible for emergency operation plans for incidents that might occur in the court.
- B. An officer is assigned as bailiff when the court is in session. The on-duty supervisor will ensure that the bailiff reports for court sessions as required. Only an officer who has been trained in bailiff operations and in this policy should serve as bailiff.

**IV. OPERATIONS (TBP: 11.01)**

- A. The assigned bailiff, who must attend all sessions of the court unless dismissed by the judge, has the following duties:
  - 1. To see that all defendants, witnesses, and observers are seated prior to the entrance of the officers of the court.
  - 2. To perform opening ceremonies of the court and announce the judge.

3. To enforce the rules of the court (posted at the entrance of each courtroom) and preserve order and decorum while the court is in session. The bailiff needs to be familiar with Court standing orders and endure their enforcement.
  4. To maintain proper procedures during jury trials, maintain the security of the jury room, and see to the needs of jurors and witnesses.
- C. During judiciary proceedings, the assigned bailiff may be directed by the presiding judge to place an individual under arrest. Whether or not to use physical restraints for such arrests is at the discretion and direction of the presiding judge.
- D. High-risk persons brought to the courtroom may be restrained as directed by the judge. The bailiff carries handcuffs during court sessions. Waist chains and leg irons are available in the bailiff's office.
- E. The bailiff also ensures the security of the court operations by the following:
1. Conducting daily inspections of the duress alarms prior to the time court convenes.
  2. Conducting daily inspections of the fire equipment.
  3. Conducting a physical inspection of the courtrooms prior to each session and after the last session of each day.
  4. Securing the courtrooms when the courts are not in session.
  5. Being familiar with the daily schedules of each judge in case special security is warranted.
  6. Making a walk-through of the building, and assisting with the security of the court clerk's office areas.
- F. The municipal court judge has indicated that only sworn law enforcement officers may be armed in the courtroom. Any other persons wishing to carry weapons in the courtroom must obtain express permission of the judge.
- G. The municipal court judge has ordered that no person appearing as a defendant or witness in the courtroom shall appear in any restraints unless so ordered by the judge. If prisoners are brought to the courtroom in restraints by law enforcement officers, the officers will have sufficient staff to control the individual and shall remove any restraints before the beginning of the court session.

#### **IV. COURT SECURITY PLAN**

- A. Facilities and equipment (TBP: 11.02)
1. The municipal court judge and court clerk have access to a telephone located in the courtroom.
  2. The bailiff is equipped with a portable police radio.
  3. A magnetometer may be obtained from the holding facility in the event its use is anticipated.

4. The bailiff has access to a flashlight in case of a power failure.
  5. A duress alarm is installed at the judge's bench.
  6. Fire extinguishers and flashlights are maintained in each courtroom, the court clerk's area, and the building lobby.
- B. Pre-session inspection. The bailiff arrives 30 minutes before the court convenes and determines that:
1. The courtroom is free of weapons and contraband;
  2. The duress alarms and telephones are in working order;
  3. Restraining devices are present and concealed;
  4. Emergency doors in the courtroom are free of obstructions;
  5. Lighting is adequate and emergency lights can be activated in the event of a power failure;
  6. All public entrances are open and free of obstructions; and
  7. All communications equipment is in working order.
- C. Courtroom operations
1. Judges enter and exit the courtroom through the entrance behind the bench.
  2. The public enters and exits the courtrooms only through the main doors leading into the gallery.
  3. Prisoners are brought into or taken out of the courtrooms only after all persons present are seated, or when the courtroom is empty.
  4. The bailiff remains in the courtroom at all times unless otherwise directed by the judge.
  5. Bailiffs and peace officers are the only persons authorized to carry weapons in the courtroom. If the bailiff believes a person may be carrying a weapon, a hand-held metal detector may be used to conduct a search. A person who refuses a search in this manner must leave the courtroom. During particular trials, or during periods of security concerns, the judge may request that all persons entering the courtroom be scanned for weapons.
  6. Contraband taken into the courtroom for evidence purposes remains in the possession of the testifying officer unless otherwise directed by the judge.
  7. At the discretion of the presiding judge, or at the discretion of the bailiff, briefcases and purses may be searched.
- D. Unusual occurrences
1. In the event of an unusual occurrence, the bailiff or ranking police officer assumes control and requests additional police, fire, or medical assistance as the circumstances require.
  2. Medical emergencies in the courtroom
    - a. A first-aid kit is kept in the judge's office and in the bailiff's office.
    - b. All requests for medical assistance or additional security are called in to 9-1-1 or to the dispatch center.

- c. If the medical emergency involves a person who is in custody, the bailiff maintains security and requests medical assistance and additional police officers.
  - d. If the medical emergency involves a court participant or spectator, the bailiff maintains security of any prisoners that are present and provides any assistance possible. The bailiff contacts the DPS dispatch center via radio (or most appropriate available means) and requests the proper assistance.
  - e. If other police officers are present, the ranking officer assumes control and directs the actions of the bailiff, responding officers, and other personnel.
  - f. The city's fire department ambulance service or first responders provide emergency medical service.
  - g. The bailiff is responsible for all police reports necessitated by a medical emergency.
3. Fire evacuation plan
- a. Before the court convenes, the bailiff conducts a physical inspection to ensure that all doors are functioning and free of obstructions.
  - b. In the event of a fire in the courtroom or city hall complex, the bailiff assumes control of the courtroom evacuation.
  - c. Those persons present in the courtroom are instructed to exit through the nearest exit door and out the building through the nearest public entrance or exit.
  - d. All calls for fire emergencies are made to 9-1-1 or directly to the DPS dispatch center.
  - e. A fire evacuation chart is posted at the rear of the courtroom near the exit. (TBP: 11.03)
4. Bomb threats
- a. In the event of a bomb threat, the bailiff notifies police dispatch immediately.
  - b. The bailiff evacuates the court.
  - c. The bailiff ensures that the court administrator is notified of the situation.
5. Hostage Situations
- a. The judge sounds the duress alarm.
  - b. The bailiff notifies police dispatch, attempts to isolate the actor(s), and, if possible, evacuates and secures the area.
  - c. Field personnel are dispatched to establish and secure a perimeter until arrival of tactical personnel.
6. High-risk trials
- a. Persons in custody are not normally brought to the Court Building, and trial defendants are not in police custody; however, if a trial or arraignment should pose a possible threat to the judge, jury, or participants in a proceeding, the judge or prosecutor notifies the bailiff to take additional precautions.

- b. If the judge deems a trial to be high risk, the bailiff consults with the Chief of Police and assesses the need for further staffing.
7. Prisoner handling
- a. A prisoner being moved from the holding facility to the courtroom is taken through the rear courtroom entrance near the judge's bench. Normal foot traffic is halted until the prisoner is in the courtroom.
  - b. All adult prisoners are restrained during the movement to and from the courtroom. For short distances, detainees are handcuffed with hands behind the back until seated in the courtroom. Juveniles are not normally handcuffed unless they present a high risk of injury or extreme aggression.
  - c. Handicapped persons may be restrained as appropriate to the circumstances.
  - d. Once the person is in the courtroom, the bailiff removes the restraints before the jury enters.
  - e. The bailiff replaces the restraints after the jury departs.
  - f. The bailiff maintains a set of handcuffs on his/her person. The courtroom security kit also contains several spare sets of flex cuffs and handcuffs.
  - g. Should the prisoner need to be removed from the courtroom, movement is made through the rear entrance near the judge's bench. Or the entrance designated by the court with access to a holding facility.
  - h. The bailiff returns prisoners to the holding facility if their removal is for an extended time.
  - i. All prisoners are searched prior to their court appearance and upon their return to the holding facility.

## **V. ANNUAL REVIEW OF COURT OPERATIONS**

- A. An assigned bailiff and the court administrator conduct an annual security inspection of the municipal court facilities. If a structural change in the building occurs, an additional inspection is required. The inspection includes, but is not limited to, the existence, adequacy, and working condition of alarms, communications equipment, fire extinguishers, medical emergency items, emergency light sources, exterior lighting, emergency exits, and the emergency evacuation plan.
- B. The assigned bailiff and court administrator also review the fire evacuation and other emergency operations plans with all court employees. (TBP: 11.03)
- C. A copy of the inspection report and description of the training is forwarded to the municipal court judge and the Chief of Police.