

Title	Court Security Plans (adopt Cal. Rules of Court, rules 10.172–10.173, and repeal Cal. Stds. Jud. Admin., std. 10.40)
Summary	The proposed rules would implement the provisions of Government Code section 69925, which directs the Judicial Council to provide the subject areas to be addressed in a court security plan and establish a process for the review of court security plans.
Source	Working Group on Court Security
Staff	Malcolm Franklin, Senior Manager Emergency Response and Security 415-865-8830, malcolm.franklin@jud.ca.gov
Discussion	<p>No rules currently implement the full provisions of Government Code section 69925, which directs the Judicial Council to provide the subject areas to be addressed in a court security plan and to establish a process for the review of court security plans.</p> <p>Although standard 10.40 addresses court security plans, its directions conflict with section 69925 requirements. Standard 10.40 instructs the trial courts to designate a peace officer as court security officer and have that individual prepare the court security plan, while section 69925 clearly specifies that the sheriff or marshal, in conjunction with the presiding judge, shall develop the plan.</p> <p>In addition, standard 10.40 does not specify practices for providing court security services or establish a review process for completed plans.</p> <p>Proposed rules 10.172–10.173 provide unambiguous direction based on the Working Group on Court Security’s research on best practices for court security. The rules also provide comprehensive information about the submission of court security plans to the Judicial Council and the plan review process.</p>
Attachment	

Standard 10.40 would be repealed, and rules 10.172–10.173 of the California Rules of Court would be adopted, effective July 1, 2008, to read:

1 **Rule 10.172. Court security committees**

2
3 **(a) Membership**

4
5 Each superior court must establish a standing court security committee,
6 chaired by the presiding judge or a judge designated by the presiding judge.
7 The committee must include representation from: (1) the court executive
8 officer or designee; (2) the office of the sheriff or marshal; and (3) the
9 facilities management office of the government entity, or entities, that hold
10 title to, or are responsible for, the facilities where the court conducts its
11 operations. The chair may appoint additional members from local
12 government management, including, without limitation, local fire protection
13 agencies, agencies that occupy portions of a court facility, and agencies other
14 than the sheriff that manage local corrections or state prison facilities. The
15 chair must designate for each court facility, a single contact person to
16 coordinate activities in the event of an emergency and to collaborate with the
17 court security committee.

18
19 **(b) Facility subcommittees**

20
21 A subcommittee may be established for each court facility. The committee
22 members must determine the composition of each subcommittee based on
23 the individual court’s circumstances.

24
25 **(c) Security command structure**

26
27 The court security committee must establish a courtwide Incident Command
28 System (ICS) that identifies a chain of command for decision-making
29 authority and provides procedures for controlling personnel, facilities,
30 equipment, and communications in the event of an emergency. The ICS for
31 each court must incorporate an ICS for each facility used by the court and
32 must identify representatives and plans of any nonjudicial agencies who
33 share the facility. An organizational chart detailing the ICS chain of
34 command should be included in the court security plan.

35
36 **(d) Self-assessment and audit report**

37
38 Not less than every two years, the court security committee must conduct an
39 assessment of court security with respect to all court operations. Assessments
40 may be conducted by court security personnel, court safety/security officers,

1 the Administrative Office of the Courts' Emergency Response and Security
2 unit, or other individuals as designated by the Court Executive Officer.
3 Assessments should identify security weaknesses and resource deficiencies.
4 A comprehensive review of the court's physical security profile and security
5 protocols and procedures must be included in the self-assessment.
6

7 **Rule 10.173. Court security plans**
8

9 **(a) Purpose**
10

11 This rule implements the provisions of Government Code section 69925,
12 which directs the Judicial Council to:
13

14 (1) Provide the subject areas to be addressed in a court security plan;
15

16 (2) Specify the most efficient practices for providing court security
17 services; and
18

19 (3) Establish a process for the review of court security plans.
20

21 **(b) Responsibility**
22

23 The presiding judge and the sheriff or marshal are responsible for developing
24 an annual or multiyear comprehensive countywide court security plan.
25

26 **(c) Scope of security plan**
27

28 Each court security committee must establish a comprehensive court security
29 plan that addresses each of the general security elements and the mutually
30 agreed-upon law enforcement security elements set forth in the Court
31 Security Plan Template contained in policy 14.01 of the Administrative
32 Office of the Courts' (AOC's) Trial Court Financial Policies and
33 Procedures Manual. Each plan should also address additional security issues
34 identified by the court security committee.
35

36 **(d) Submission of court security plan to Judicial Council**
37

38 On or before November 1, 2009, each superior court must submit a court
39 security plan to the Judicial Council. On or before February 1, 2011, and
40 each succeeding February 1, each superior court must report whether it has
41 made any changes to the court security plan, and if so, identify each change
42 made and provide copies of the current court security plan and annual self-
43 assessment/audit report. In preparing any submission, a superior court may

1 request technical assistance from the AOC's Emergency Response and
2 Security unit.

3
4 **(e) Plan review process**

5
6 On receipt by the Judicial Council, submissions identified in (d) will be
7 evaluated for completeness by the AOC's Emergency Response and Security
8 unit. Annually, the submissions and evaluations will be provided to the
9 Working Group on Court Security. Any submissions determined by the
10 working group to be incomplete or deficient must be returned to the
11 submitting court for correction and completion. The working group must no
12 later than July 1 of each year submit to the Judicial Council a summary of
13 the submissions for the Judicial Council report to the Legislature.

14
15 **~~Standard 10.40. Court security~~**

16
17 **~~(a) Court security officer~~**

18
19 ~~Each trial court should designate a specified peace officer as Court Security~~
20 ~~Officer to be responsible to the court for all matters relating to its security,~~
21 ~~including security of courtrooms, buildings, and grounds. The peace officer~~
22 ~~designated as Court Security Officer should be the sheriff or the sheriff's~~
23 ~~designee, except that where local conditions dictate otherwise another peace~~
24 ~~officer may be designated. The Court Security Officer should be in~~
25 ~~operational command of all peace officers and others charged with a court~~
26 ~~security function while acting in that capacity and should be responsible for~~
27 ~~the adequacy of security equipment, the competence training and assignment~~
28 ~~of security forces, and the effective execution of the Court Security Plan~~
29 ~~described in (b).~~

30
31 ~~(Subd (a) amended effective January 1, 2007.)~~

32
33 **~~(b) Preparation of court security plan~~**

34
35 ~~Each court should require the Court Security Officer to prepare a Court~~
36 ~~Security Plan for its review and consideration. The Court Security Plan~~
37 ~~should:~~

38
39 ~~(1) Be the operational plan for achieving the desired level of security for~~
40 ~~courtrooms, buildings, and grounds, including the planned allocation of~~
41 ~~security forces and equipment;~~

1 (2) ~~Describe the place and functional assignment and the dress and arming~~
2 ~~of all security forces (e.g., bailiffs), and propose plans for maintaining~~
3 ~~courtroom decorum and safety within courthouses and grounds in high-~~
4 ~~risk situations; and~~

5
6 (3) ~~Include an evaluation of the court's security needs, and an assessment~~
7 ~~of the adequacy and effectiveness of the equipment and forces available~~
8 ~~to meet those needs.~~

9
10 ~~(Subd (b) amended effective January 1, 2007.)~~

11
12 ~~**(e) Adoption and review of Court Security Plan**~~

13
14 ~~Each trial court should adopt, reject, or request modification of the proposed~~
15 ~~Court Security Plan after giving due consideration to all local conditions~~
16 ~~affecting its security and to the effect of the plan on the conduct of trials and~~
17 ~~other proceedings. Each trial court should provide for a periodic review of its~~
18 ~~security plan and for a periodic assessment of the effectiveness of its~~
19 ~~execution.~~

20
21 ~~(Subd (c) lettered effective January 1, 2007; adopted as part of subd (b) effective July 1,~~
22 ~~1971.)~~

23
24 ~~**(d) Wearing of firearms in court**~~

25
26 ~~No trial court should approve a Court Security Plan that does not limit the~~
27 ~~wearing of firearms in the courthouse or courtrooms to peace officers and~~
28 ~~proscribe the wearing of firearms in such places by all other persons.~~

29
30 ~~(Subd (d) relettered effective January 1, 2007; adopted as subd (c) effective July 1, 1971.)~~

31
32 ~~**(e) Security of Courts of Appeal**~~

33
34 ~~Each Court of Appeal should review its security needs and, if necessary,~~
35 ~~should request personnel and equipment deemed necessary to maintain the~~
36 ~~desired level of security.~~

37
38 ~~(Subd (e) relettered effective January 1, 2007; adopted as subd (d) effective July 1, 1971.)~~

39
40 ~~Standard 10.40 amended and renumbered effective January 1, 2007; adopted as sec. 7 effective~~
41 ~~July 1, 1971.~~

Item W08-02 Response Form

Title: Court Security Plans (adopt Cal. Rules of Court, rules 10.172–10.173, and repeal Cal. Stds. Jud. Admin., std. 10.40).

- Agree** with proposed changes
- Agree** with proposed changes **if modified**
- Do not agree** with proposed changes

Comments: _____

Name: _____ **Title:** _____

Organization: _____

- Commenting on behalf of an organization**

Address: _____

City, State, Zip: _____

Please **write** or **fax** or [respond using the Internet](#) to:

Address: Ms. Camilla Kieliger,
Judicial Council, 455 Golden Gate Avenue,
San Francisco, CA 94102

Fax: (415) 865-7664 **Attention:** Camilla Kieliger

Internet: <http://www.courtinfo.ca.gov/invitationstocomment/commentform.htm>

DEADLINE FOR COMMENT: 5:00 p.m., Friday, January 25, 2008
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Your comments may be written on this *Response Form* or directly on the proposal or as a letter. If you are not commenting directly on this sheet please remember to attach it to your comments for identification purposes.

Circulation for comment does not imply endorsement by the Judicial Council or the Rules and Projects Committee. All comments will become part of the public record of the council's action.