

**4.18 Security: Weapons in Courthouses
and Other Judicial Branch Facilities**

(Statewide Policy #5)

POLICY

I. General

1. Consistent with the requirements of this policy, no weapons are permitted in Courthouses or other Judicial Branch facilities with the following limited exceptions:
 - a. Weapons carried by uniformed and non-uniformed law enforcement, correctional, and probation and parole officers, or court security officers and constables authorized by the Justice of the Peace Court or the Court of Chancery in Sussex County, while engaged in official business, consistent with this policy.
 - b. Tasers may be carried by court security officers authorized by their court to carry a Taser, who have been properly trained and certified by Capitol Police or through the Justice of the Peace Court, or equivalent training program that meets criteria established by the Capitol Police.
 - c. Chemical agents (mace or pepper spray) may be carried by court security officers authorized by their court to carry a chemical agent, who have been properly trained and certified.
2. No law enforcement officer or other person entering a court facility for personal or non-official business is permitted to enter that facility while armed with any weapon.
3. WEAPONS POSSESSION BY ALL OTHER PERSONS IS PROHIBITED.

II. Service Weapons in Courthouses

1. Restrictions:

Consistent with the requirements of this policy, no service weapons are permitted in Courthouses or other Judicial Branch facilities with the following limited exceptions:

- Law enforcement officers attending court on official police business are permitted to wear their service weapons while in the courthouse;

- Non-uniformed law enforcement officers on official business are required to prominently display identification badges supplied by the Capitol Police while wearing their service weapons in the courthouse;
- Correctional officers attending court for the purpose of transporting inmates are permitted to wear their service weapons in the courthouse;
- Uniformed probation and parole officers attending court on official business are permitted to wear their service weapons while in the courthouse;
- Non-uniformed probation and parole officers on official business must secure their service weapons in the gun locker at the courthouse or in their vehicle if at a Justice of the Peace Court;
- Court security officers and constables authorized by the Justice of the Peace Court or the Court of Chancery in Sussex County who have met all training requirements and certifications through the Justice of the Peace Court training process are permitted to carry their service weapons as part of their uniformed duty in Justice of the Peace Court or Sussex Court of Chancery locations. Justice of the Peace Court uniformed personnel required to enter any other Judicial Branch facility on court business must have authorization from the Chief Magistrate to carry their service weapons in those facilities.

2. Training:

All personnel authorized to carry service weapons in a courthouse, including law enforcement, corrections and probation and parole officers, and court security officers and constables authorized by the Justice of the Peace Court or the Court of Chancery in Sussex County, must have completed the requirements established by the Delaware Council on Police Training (COPT) for both initial and annual weapons certifications, weapon retention, and use of deadly force training, through a COPT training program, or equivalent program that meets the COPT training requirements.

3. Equipment:

Holsters. All uniformed persons carrying a service weapon in a court facility must secure their firearm in a level III holster (minimum standard). All non-uniformed persons carrying a firearm in a court facility consistent with this policy must secure their firearm in a level II holster (minimum standard).

III. Courthouse procedure

All court facilities shall establish a sign in log for all law enforcement officers entering the courthouse. The log shall be developed and maintained by Capitol Police, and shall include information about the officer's name, department, time of entry, reason for entry, whether the

officer is on official or personal business, name of Court in which the officer is appearing, and the floor in the courthouse where they will be located.

At Justice of the Peace Court locations, law enforcement officers in a facility to conduct official business with the court shall be exempt from this procedure when an officer has a person in custody for presentment before the Court or when the officer is acting as a police prosecutor in Court proceedings. All other law enforcement officers shall sign a log maintained by Justice of the Peace Court security personnel.

IV. Definitions

Service weapon: Gun or firearm issued by an officer's court or law enforcement agency for their official use.

Weapon: An item designed for, or that may be used for, inflicting bodily harm or physical damage. For purposes of this policy, weapons shall include but not limited to: guns of any type, ammunition, fireworks, electronic control devices, martial arts weapons, knives or bladed instruments of any size, chemical agents, bludgeons and pointed objects such as letter openers. Furthermore, Capitol Police shall make the determination whether a specific item is a weapon and deny the item access to the Courthouse or Judicial Branch facility.

This policy shall become effective on May 18, 2015.