



# OHIO BAILIFFS AND COURT OFFICERS MANUAL



MAXIMIZING EXCELLENCE

# **OHIO BAILIFFS AND COURT OFFICERS ASSOCIATION**

## **INTRODUCTION**

The Ohio Bailiffs and Court Officers Association has revised the manual which was first published in 1991 to continue its efforts to provide the best possible service to bailiffs and their courts throughout the state.

The material contained herein is not intended to replace or change the meaning of any existing state regulation or procedure. The contents are intended only to be recommendations of the Association.

This Manual contains information from numerous resources as found in the Resource Section of the Manual and it is provided **only** to serve as an information **guideline**.

The Manual is designed in two parts and each part is subdivided into sections.

Part I addresses the bailiff and the courts and Part II provides basic information on the Association so you know who we are and our purpose.

Dividing each part into sections allows each to be revised without impacting the structure of the entire manual. When a section is revised, the old section can be removed and the new section inserted in its place. Each section is individually numbered and contains the date of issuance. When revised, the date will be changed accordingly.

If you have any questions about the manual or its contents, please feel free to contact your region director, any officer of the Association, or the executive director. Information on those presently serving in these positions can be found by visiting the Association website at [www.ohiobailiffs.com](http://www.ohiobailiffs.com).

## **THE BAILIFF**

The bailiff is appointed by the Judge as specified in the following sections of the Ohio Revised Code [O.R.C.].

- Municipal Court – the Judge may appoint a bailiff and deputy bailiffs to serve the court [O.R.C. section 1901.32].
- Common Pleas Court – the Judge may appoint a criminal bailiff [O.R.C. section 2301.15].

While these sections do not specify the duties, responsibilities or qualifications of bailiff's, they do address several important provisions and it is recommended that you review them.

### Qualifications

The Judge will determine what qualifications are necessary for the position of bailiff and deputy bailiff based on the specific needs of the court. However, there are a few recommended qualifications which will assist the court and the bailiff with the performance of their duty.

- Minimum of twenty-one years of age.
- Possess a valid Ohio driver's license.
- Possess a high school diploma or GED.
- Hold a notary commission or be required to obtain one within the first year of employment.
- Prior experience as a law enforcement officer and/or court-related experience.
- Successfully complete the Court Officer/Bailiffs Basic Program provided by the Ohio Peace Officer Training Council.

It is also strongly recommended that a background investigation be conducted of anyone who is a candidate to be hired as a bailiff or deputy bailiff. It is important to the integrity of the court and the relationship of the court with the people it serves that only the most qualified individual be employed.

### Duties and Responsibilities

The duties and responsibilities of a bailiff vary with each court. It is important that the bailiff understands that the Judge determines the specific duties and responsibilities each bailiff will perform.

A bailiff is an officer and representative of the court. The bailiff is an important link between the court, other court officers, others who use and or visit the court and the general public. As a result, the bailiff has direct personal contact with attorneys, litigants, jurors and the public both in and out of court. The bailiff must:

- present a neat and pleasant appearance;
- be courteous and cooperative;
- assist in the smooth operation of the court's functions;
- be knowledgeable in all areas of the court's function; and
- be professional.

While some courts assign a bailiff to work in certain areas, his/her duties may include:

- security [facility, courtroom, personnel, prisoners, etc.];
- prisoner transportation;
- court organization and administration;
- schedule cases;
- jury management;
- court reporter; and
- execute civil and/or criminal process [evictions, levies, arrest warrants, etc].

These duties are not all inclusive but merely provide a sampling of what duties could be involved with being a bailiff. As previously mentioned, each Judge will have his/her own specific duties which he/she wants the bailiff to perform.

### Position Description

The duties and responsibilities of the bailiff should be set forth in what is referred to in the field of Human Resource Management as a Position Description. These have also been called job descriptions. The Position Description usually includes but is not limited to the following four [4] headings; subject, functions, duties and responsibilities and qualifications. The headings are listed below with an example/s:

*Subject:* Title of the position [Example: Bailiff, Deputy Bailiff, etc.]

*Functions:* Broad statement of the functions of the position including to whom the position reports. [Example: The bailiff will provide security of the court facility, serve criminal and civil process, and assist the Judge in management of the courtroom. The bailiff will report to the Judge.]

*Duties & Responsibilities:* This area identifies the specific duties and responsibilities of the position. [Example: The bailiff shall be responsible for the following duties:]

- Complete a security check of the court facility prior to the opening of court each day.

- Lock all courtrooms when not in use.
- Sign in all persons appearing for court and ensure each is on the docket.
- Transport prisoners as directed.

*Qualifications:* This section sets forth the qualifications for the positions.  
[Example:]

- Possess a high school diploma or GED.
- Possess a valid Ohio driver's license.
- Have previous experience in law enforcement and/or the court system.

Again, these are merely examples and not an attempt to define or suggest what a bailiff's duties should be.

Bailiffs work very closely with their Judge while the Judge is both on and off the bench. The courtroom should be secure, clean and orderly and equipped with necessary supplies and equipment.

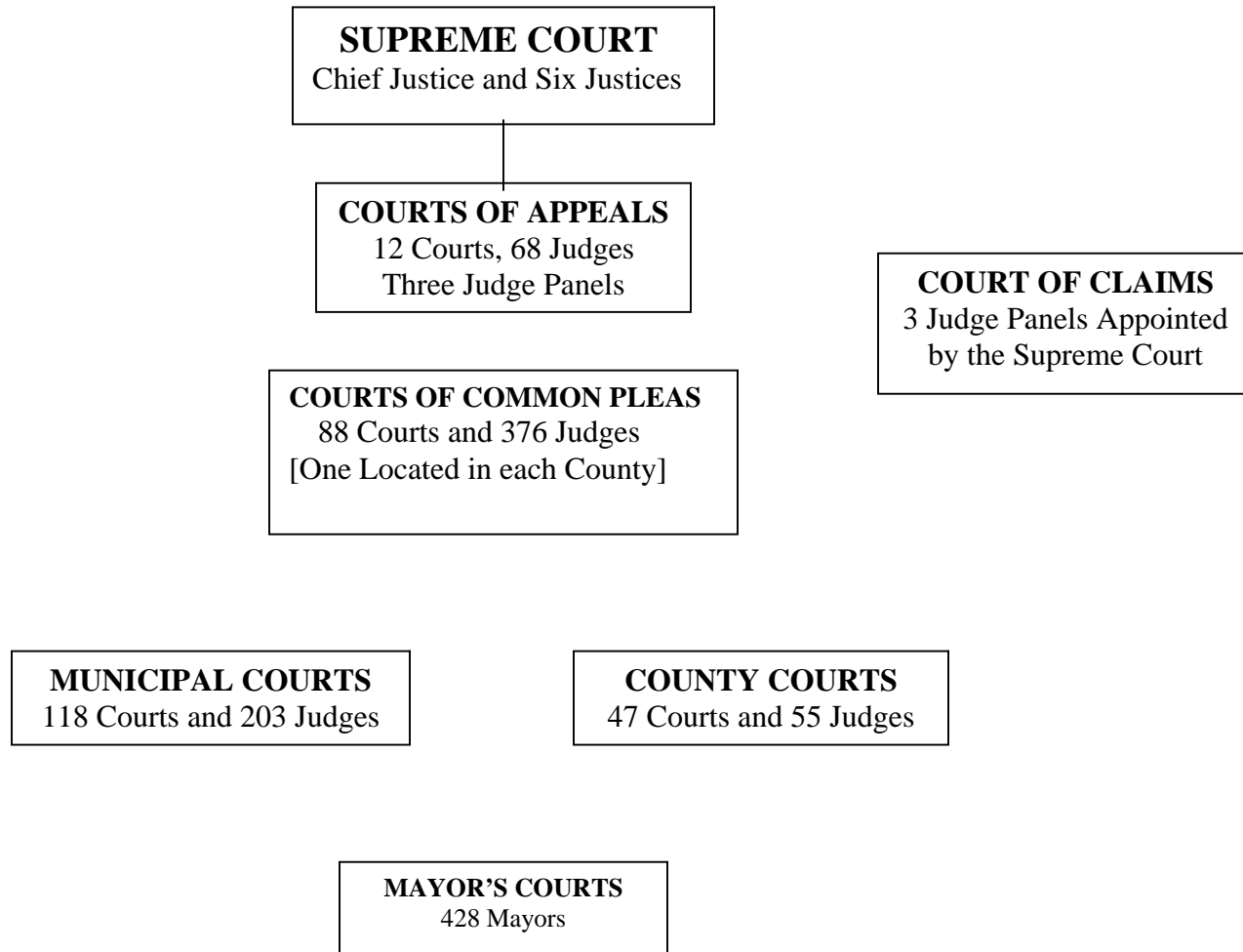
While court is in session, the bailiff is responsible for the maintenance of order and prevention of unnecessary noise or disturbances in and about the courtroom. Her/she is also responsible to see that no-one approaches the bench without the approval of the Judge.

The bailiff and deputy bailiffs may administer oaths to witnesses and jurors and may receive verdicts in the same manner and form as the clerk or deputy clerks of court.

The bailiff and deputy bailiffs of municipal courts shall perform services similar to those performed by the sheriff for the court of common pleas as specified in O.R.C. section 1901.32(E).

Every police officer or police constable from within the court's jurisdiction is, ex officio, a deputy bailiff within the jurisdiction that they are commissioned as an police officer or constable as specified in O.R.C. section 1901.32(D).

## OHIO COURT STRUCTURE



Source: Ohio Judicial Conference Pamphlet

# OHIO COURT STRUCTURE

## APPELLATE COURTS

Supreme Court – The Supreme Court of Ohio has original jurisdiction in select cases; court of last resort on state constitution questions and questions of public or general interest; appeals from Board of Tax Appeals, Public Utilities Commission, and death penalty cases. Most cases come from the Courts of Appeals and other state bodies.

Courts of Appeals – When a party is dissatisfied with the outcome at the trial court, the party can appeal that decision to the appellate court in that region of the state. The court also hears appeals from the Board of Tax Appeals.

## TRIAL COURTS

Court of Common Pleas – This trial court is divided into four divisions:

General Division – Criminal and civil cases are heard here where judges determine the facts of a case and apply the appropriate rules of the law. The judge and/or a jury, after hearing the case, determine innocence or guilt.

Domestic Relations Division – Resolves cases involving issues such as divorce, dissolution of marriage, child custody, child visitation and spousal support.

Juvenile Division – This division resolves civil and criminal cases involving minors [under eighteen (18) years of age], civil cases of abuse and neglect, dependency and paternity.

Probate Division – Cases such as adoption, mental illness, institutional confinement, estates, trusts and wills are settled in this division. Probate courts also have jurisdiction over marriage licenses and certain eminent domain proceedings.

Municipal and County Courts – Counties, cities, villages and townships have these types of courts. These courts handle misdemeanor offenses, traffic cases, and civil action up to \$15,000 as well as conduct administrative hearings and preliminary hearing on felony cases. Cases in these courts can be resolved by trial to the judge and/or a jury.

Mayor's Court – Some cities, villages and townships have a Mayor's Court. These are not a court of record, do not have juries and handle local misdemeanor and traffic cases. Defendants may request their case be heard in the municipal or county court of jurisdiction.

Court of Claims – The judges are assigned by the Supreme Court to hear civil suits against the state for personal injury, property damage, contract, and wrongful death; and compensation for victims of crime. These are three judge panels and are appointed upon request.

## RESOURCE INFORMATION

### **CIVIL** **SUBJECT**

### **SOURCE**

#### Serving Process

- Who May Be Served
- Out-of-State Service
- Service of Publication
- Alternative Provisions for Service [Foreign Country]

Ohio Rules of Court – Rule 4.2  
Ohio Rules of Court – Rule 4.3  
Ohio Rules of Court – Rule 4.4  
Ohio Rules of Court – Rule 4.5

#### Forcible Entry and Detainer

- Plaintiff Filing Complaint
- Writ of Restitution

Ohio Revised Code Section 1923.01  
Ohio Revised Code Section 1923.05  
Ohio Revised Code Section 1923.14

#### Writ of Execution

- Immediate Levy Upon Goods and Chattels
- Debtor May Pay Execution Against Creditor
- Debtor May Post a Bond

Ohio Revised Code Section 2329.09  
Ohio Revised Code Section 2329.11  
Ohio Revised Code Section 2333.20  
Ohio Revised Code Section 2329.12

#### Alais Execution Against Unsold Goods

Ohio Revised Code Section 2329.14

#### Preference Between Writs of Execution

Ohio Revised Code Section 2329.10

#### Exempted Interest and Rights

Ohio Revised Code Section 2329.13

#### Notice of Sale of Goods on Execution

Ohio Revised Code Section 2329.13

#### Private and Public Sale of Goods of Execution

- Who Conducts the Auction
- Compensation and Expenses of Auctioneer

Ohio Revised Code Section 2329.15  
Ohio Revised Code Section 2329.151  
Ohio Revised Code Section 2335.021

**CRIMINAL  
SUBJECT**

Scheduling Cases

- Time Limitations
- Cases Outside the Time Period – Dismissal
- Extension of Time

**SOURCE**

Ohio Revised Code Section 2945.71  
Ohio Revised Code Section 2945.73  
Ohio Revised Code Section 2945.72

**JURY MANAGEMENT**

Ohio Voter is Eligible

Ohio Revised Code Section 2313.06

Jury List

Ohio Revised Code Section 2313.06

Exemptions

- Fireman
- Other Exemptions

Ohio Revised Code Section 737.26  
Ohio Revised Code Section 2313.36

Arrest for Failure to Attend

- Penalty

Ohio Revised Code Section 2313.29  
Ohio Revised Code Section 2313.30

Compensation for Juror

Ohio Revised Code Section 2313.34

Jury Control \*

Ohio Revised Code Section 1913.22

\*During Deliberations, the bailiff shall not enter the jury room. The bailiff shall not discuss the case with the jurors or allow them to discuss the case among themselves in his/her presence, especially outside the jury room. Questions and messages should be in writing by the jury foreman and conveyed by the bailiff to the judge.



## SECURITY SURVEY

*When we have a free path, we go forward. If we meet an obstacle, we go around it. If the object cannot be overcome, we retreat. When the enemy is unprepared, we surprise him. **If he is alert, we leave him alone.***

*Baader-Meimhoff Gang  
[Infamous German urban terrorist  
organization]*

For those of us who work in the courts it is a not a matter of if violence is going to happen, it is a matter of when it is going to happen.

The key to preparation is conducting a security survey which will identify the areas of vulnerability of the court.

“Civil and criminal courts adjudicate cases, penalize those found guilty of violating the law and protect the constitutional rights of those brought before them. Violence or the threat of violence, in the courtroom facility would have a profound negative impact on the court’s functioning. Accordingly, appropriate levels of security should prevail in the court facility and/or courtrooms to protect the integrity of court procedures, to sustain the rights of individuals before it, to deter those who would take violent action against the court or participants in court procedures and to sustain the decorum of the court. Security measures used should include those designed to maintain the physical security of the facilities and protect the judge, jury, and all other participants in the proceedings in court, as well as the public. These measures should be designed to intercept and remove individuals and items that may represent a threat to the peace, order and integrity of the court.” Court Security, Chapter 73, The Standards Manual of the Law Enforcement Accreditation Program, 4<sup>th</sup>. Edition, Commission on Accreditation for Law Enforcement Agencies, Inc, Fairfax, VA, 1999.

One of the things stressed in the Court Security Chapter referenced above is the need for a documented security survey.

A security survey is a complete inspection, evaluation and analysis of a facility, intended to uncover security flaws in the facility, in plans/policies/procedures utilized in the security function and in the utilization of personnel and equipment.

No one standard security plan will meet the needs of every court because each operates in a different environment including but not limited to its function, facility, location, personnel, and resources.

## **THE SURVEY**

### **Objective of a Security Survey**

All security surveys should have three primary objectives:

- Assess the facility's current security status.
- Identify existing security deficiencies.
- Recommend improvement [facility, equipment, personnel and procedures] to eliminate and/or reduce conditions that create opportunities for security incidents to occur thus making it more difficult for an individual or group to interrupt or threaten the operations of the court and those who use the court.

### **Elements of a Survey**

Physical Security – A detailed analysis of the current external and internal security activities to include but not limited to inspections of:

- surrounding area;
- security lighting;
- doors;
- locks;
- windows;
- alarms systems; and
- environmental design.

Operational Plans, Policies and Procedures Security – An evaluation of “how” the court currently functions by reviewing current operating plans, policies and procedures, i.e. key access, receiving items into the facility, accountability for weapons utilized as evidence, parking, etc.

Personnel Security Assessment – The examination of the process for handling threats which might be encountered by employees, family members and those who use the court facility.

Information Security – This involves an assessment of the level of control over all forms of printed material and communications [verbal, fax, and date] as well as computer system/network security and records, documents, correspondence and plans.

### **Surveyors**

Security surveys should include an on-site security survey of the facility and its operations by a combination of at least one of following:

- Consultant – A consultant can provide a professional evaluation and analysis of their findings. The report of an outside expert often carries more weight with funding bodies than similar reports provided by court staff. Consultants may cost several thousand dollars.
- U.S. Marshal's Service – The service will provide assistance by their experts to local courts upon request and as their resources allow. Requests can be made through the local Marshal's office. There is no cost to the court to conduct the survey.
- The Supreme Court of Ohio – Several state court administrative offices as well as the Security Division provide assistance and you should contact The Supreme Court of Ohio to determine what support is available in your jurisdiction.
- In-house Survey – Select a survey team consisting of people who have the most experience in both security and court operations. The team should include a member of the local law enforcement agency in which the court is located as well as a judge, the court administrator and/or the person in charge of security in the court. Providing representation from both offices will be more likely to result in cooperation from various departments not only within the court facility but within the community.

### **Preventative Security**

Court security is an ongoing process that requires proactive rather than reactive behavior. The security planner should work to prevent or minimize future security incidents much as life guards are employed to prevent future drowning. Both have done their jobs well when the occurrence they are employed to prevent never happens.

### **Survey Parameters**

#### Security Committee

- Establish a committee consisting of those persons who are absolutely essential to the success of the court security program. The committee should be a real working committee so it must be small enough to be manageable. Resist the temptation to include members of the bar association or the public as a public relations plot. As a rule of thumb, if a person is open minded and can provide valuable input either for or against an idea, concept, etc., they should be on the committee; if they can only make the project extremely difficult and unpleasant, they should not be on the committee.
- The committee should meet and develop specific goals taking into consideration, not only the present state of the court system, but also expected growth and any changes in volume or nature of the caseload.

Survey Employees and Facilities [Maintain a list of all those needs the security program should address.]

- Survey all personnel – Many times clerks and secretaries are aware of security problems that are not reported through official channels.

- Record Problems – Security officers should begin recording security problems they encounter and establish a single location for the collection of the data. Requiring officers to complete an incident log and incident report form are several ways that data can be maintained.

### Survey Security Zones

- Exterior Area – Includes the area from the outer wall of the facility to the furthest point an attack or disruption could be launched against the court or persons involved in court proceedings. Consider problems of:
  - Crowd control
  - Parking lot safety for judges, court personnel, jurors, witnesses, victims and defendants;
  - Prisoner transportation from remote facilities;
  - Off-site protection of judge and other court personnel and their families;
  - Snipers;
  - Demonstrators; and
  - Architectural conditions of the building, i.e. landscaping, fencing, building shape, and proximity to other structures, lighting, sidewalk, and street.
- Perimeter – Includes the outer walls, windows, roof, doorways and other points of egress and ingress to the facility.
  - Limit the number of doorways. A basic concept in planning security systems is to prevent the introduction of weapons and/or destructive devices into the court environment by careful perimeter screening. The most efficient and effective way to do this is to limit the number of doorways to one. One doorway not only reduces the entry points but reduces the number of staff and screening devices necessary to control this point. The more entry points there are the more personnel and equipment necessary to control them.
  - Doors and windows should be locked and monitored by electronic alarms.
  - Windows accessible from ground level should have glass panes replaced with polycarbonate sheets.
  - Assess whether access can be gained by breaking through common walls or through roofs.
  - Secure improvised entry points, i.e. heating and air conditioning duct work, manholes, steam and utilities tunnels, sewers, skylights or fire escapes.
  - Provide separate entrances for the public, prisoners and judges/magistrates.
  - Maintain documented control of all keys.
- Public Areas – All areas within the facility open to the general public except the courtroom.

- A uniformed and radio equipped security officer should be assigned to patrol all public access areas of the court facility. The officer should also be prepared to respond to emergency situations not only in the courtroom but anywhere within the court facility.
  - A systematic search procedure should be developed and public areas should be searched daily for bombs, weapons and contraband. Drop ceiling, planters, bottoms of benches and chairs, ashtrays and public washrooms are all common hiding places. These searches should be documented and a plan formulated for whenever an explosive device or ordinance is discovered.
  - Stairwells and cul-de-sacs should be alarmed and inspected and tested at least weekly. The results should be documented.
  - Fire exits which cannot be locked should be equipped with crash bar, alarms and monitored by closed circuit television [CCTV] surveillance cameras.
  - Furniture and furnishings should be of substantial construction so that they are not easily moved and/or used as a weapon. Any objects which can be used in whole as a weapon or broken into a weapon/s should be removed.
  - Convex security mirrors or CCTV should be used to monitor blind spots.
  - Security personnel should be provided with by-pass keys for elevators.
  - Doorways between public areas and private areas should be locked.
  - Unattended bags, boxes and packages should be considered potential bombs and treated accordingly.
  - If permissible under local rules, consideration should be given to restricting the use of cameras and recording devices to specific areas of the court facility. News interviews immediately outside a courtroom can become very disruptive. A pressroom or area designated for interviews will help maintain order around courtrooms.
- Courtrooms – Includes that area of the court facility designated for the purpose of litigating complaints whether criminal or civil which are presided over by a judge or magistrate. This area has the greatest potential for violence as it is where defendants and victims meet, where issues of divorce and custody come to a head and where gang members meet to support comrades charged with crimes.
    - Judges should have a separate entrance into and out of the courtroom. The entrance should be located so the judge can quickly level the courtroom and/or court without passing through public areas. The best location for the door is immediately behind the bench and should open into a private area.
    - An uniformed trained security officer equipped with a radio should

be assigned to each courtroom. The officer's duties should be clearly defined. Prisoner transport and prisoner control should be the responsibility of separate personnel whose sole job is monitoring the prisoner.

- A systematic search procedure should be established with particular care given to the area around the counsel tables and spectator area and any area where prisoner may be seated. Look for item taped to the bottom of chairs and tables. The search should be conducted before the courtroom is opened to the public, and whenever it is left unattended, i.e. after lunch break or lengthy recesses. All inspections should be documented.
- Courtrooms should be locked when not in use.
- Courtroom security officers should not assume a sense of security since everyone entering the court facility passes through a security control point. The officer should still be observant of and pay close attention to anyone entering the courtroom with bags, boxes, or packages or if dressed in clothes which could conceal a weapon and which are inappropriate for the weather. The officer should inform the judge and request an order to conduct a search of the individual away from the courtroom.
- Court security personnel who are in direct contact with prisoners should not be armed with firearms.
- When circumstances indicate the need for armed security in the courtroom, one or more court security officers should be armed and positioned where they will not have contact with the defendant, victim, or spectators.
- Law enforcement personnel appearing in court as petitioners, respondents or witnesses should surrender their firearms to court security personnel prior to entering the courtroom.
- If armed law enforcement personnel are allowed in the courtroom they should be located in an area separated from prisoners, defendants and spectators.
- Court security personnel should be in uniform or other clearly identifiable attire.
- Bullet resistant material should be provided behind the bench [usually it is installed within the bench, to provide cover for the judge in the event of violence in the courtroom.
- Spectators should be seated at all times. Security personnel should be alert for any individual who attempts to change seats to obtain a position in closer proximity to the defendant, witnesses, jury or judge.
- Court security personnel should be positioned so they can observe the judge, litigants and the spectator area of the courtroom.
- Court security personnel should be close enough to the defendant to ensure an immediate response in the event the defendant becomes unruly or attempts an unauthorized approach to the

- bench.
  - Court security personnel should be especially observant of all individuals who approach the bench. Officers should not hesitate to stop anyone they do not know or whose business with the judge is uncertain.
  - Adequate space should be maintained between the prisoner and spectators and no contact between them or passing of materials should be permitted.
  - Ashtrays, long pencils, pens and any other item which might be used as a weapon should be removed or kept out of the reach of the prisoner. Paper cups should be provided for water. Pencils no longer than three inches in length are recommended as writing instruments for prisoners.
  - Duress alarms or other signaling services should be placed in every courtroom to allow help to be summoned in the event of an emergency. Where local rules allow, CCTV and other sound level activated listening devices can be installed to identify the nature of a disturbance.
- Restricted Areas – This includes chambers; offices; prisoner transport hallways, elevators, and stairways; prisoner holding areas; and all other areas not open to the public.
  - Ideally, court staff and prisoners should not share the same hallways.
  - Chambers area should be searched daily as part of the general security procedure and documented.
  - Chambers area should be locked at all times especially when not in use. Those wishing to gain admittance should be required to identify themselves and state their business before admittance is granted.
  - Public access to restricted areas of the courthouse should be limited and controlled.
  - Identification cards should be issued to all employees, including judges, who have access to restricted areas. The identification cards should be worn in plain view and visitors should be issued visitors badges prior to being allowed access to restricted hallways.
  - Chambers area should be equipped with duress alarms and judges should be trained in their use. Alarms should be tested at least weekly and the test documented. Alarms should be silent.
  - Private elevators should be key operated.
  - Barriers, such as doors or gates, should be used to separate public and private areas.
  - Duress alarms should be provided in all non-public areas of the court facility, i.e. clerks area, probation, prosecutors office, etc., in the event of a disruption.

## **PERIMETER SCREENING**

This is the monitoring of the perimeter zone, and access points to ensure every person entering the court facility is checked for weapons, other dangerous instruments and dangerous ordinance.

The perimeter zone includes the outer walls, windows and doorways and other points of egress and ingress to the court facility.

### **Methods of Screening**

Hand Search – While hand searching everyone who enters the court facility is possible, it is slow, likely to anger people and provoke hostility from those being searched. It is perceived as a greater invasion of their privacy than electronic screening and must be monitored closely as it requires sufficient manpower to avoid delays.

Because of the great use of electronic screening at airports and federal buildings, people are accustomed to electronic screening.

Magnetometer – The use of magnetometers allows the search of a person through the screening process without the physical contact. Remember, the magnetometer only screens for metallic items. It is not useful in screening for explosives, drugs, etc.

Some method will need to be implemented to screen packages, briefcases, bags, etc. Normally at a low volume security control point one security officer at a magnetometer can hand-check packages.

Types of Magnetometers:

- Hand-held
  - Advantages
    - cost two to four hundred dollars
    - very mobile/portable
    - good for locating the area of the body where the metallic object identified by the walk-through magnetometer
    - less invasive than a hand search
  - Disadvantages
    - When not used in conjunction with the other types, its use consumes more time.
- Walk-through
  - Advantages
    - less invasive than hand search
    - good for high volume entry points
    - can be moved and therefore provide more flexibility to accommodate changes in traffic patterns.
  - Disadvantages
    - cost can range from three to five thousand dollars
    - can only be used for detecting metallic objects

- Built-in
  - Advantages
    - less invasive than hand search
  - Disadvantages
    - cost can range from three to five thousand dollars
    - can only be used for detecting metallic objects
    - installation is permanent in nature and therefore the units are not intended to be versatile

X-ray – There are many types of x-ray units available depending on the need of the court. The x-ray equipment is designed to inspect packages, briefcase, bags, purses, mail, etc. Because these items do not need to be opened this process is not perceived as an invasion of the person’s privacy. If something is detected, the items and the owner can be taken out of the line and checked more closely. This allows the flow of people to continue. This equipment is expensive and can range from twenty thousand dollars to seventy-five thousand dollars depending on the capabilities of the unit. Their installation is permanent in nature and the units are not intended to be moveable, therefore it is a major task to relocate this equipment once installed.

## **SECURITY SCREENING PROCEDURES**

### **Personnel**

The most important factor in screening is well trained personnel who are both efficient and effective with an understanding of the impact of such a process on the persons passing through the security control point.

### **Screening Process**

This has already been discussed and each court must determine what level of security screening is necessary. If full screening the court facility is not possible, persons should at least be screened prior to entering the courtroom.

The administrative/presiding judge and the CEO of the local law enforcement agency should jointly consider what security procedures would be appropriate for the court facility. ALL persons, including judges, should be required to pass through the security control point. Although resistance to screening will be encountered, the screening will be better tolerated if it applies to everyone.

Who to Screen – If employees and/or judges are excused from screening, a separate entrance should be provided and only exempted persons should be permitted to use the entrance. Mixing screened and not screened personnel creates hard feeling and will adversely affect the overall acceptance of the security plan.

Efficient Screening System – The most efficient screening configuration consists of one x-ray, one or two walk-through magnetometers and one hand-held magnetometer. The

hand-held is used to check individuals who set off the alarm on the walk-through. The advantage to having two units is that people can continue to enter the court facility if the alarms spots passage at one of the units. From a public relations standpoint, individuals with items that need to pass through the x-ray equipment can enter through one magnetometer while those without such items can pass through the other unit. This will minimize resentment and speed entry.

## **SECURITY STAFFING REQUIREMENTS**

### **Screening**

It is possible for one officer to handle a low volume security control point but when a backup occurs, a second officer must be readily available. Specific procedures must be developed as to how an officer handles a situation involving a member of the opposite sex, handicapped, wheel chair bound, etc. and what the officer does when encountering a weapons, explosives, contraband or other item/s prohibited from being brought into the court facility.

### **Courtroom**

Whenever court is in session, whether in a courtroom or another room where the judge or magistrate holds a hearing, there should be at least one security officer assigned to it.

The officer's duties relate directly to the functioning of the presiding official [judge/magistrate]. This officer should not be expected to perform other duties such as prisoner transport, while court is in session. These duties should be specified in a Position Description. Calculating manpower requires the consideration of vacation, sick leave, and other functions to be performed that day.

### **Prisoner Transportation**

Normally officers from the sheriff's office or the local agency will transport prisoners depending on jurisdiction considerations. However, when a defendant is in custody, it is necessary that a transportation officer be with the defendant at all times. Also, any defendants who are not in custody, but are later remanded or sentenced to serve time, will require a transport officer to remove the defendant from the court to the jail facility.

### **Response Officer**

This officer is assigned to patrol public areas of the court facility and responds to calls for assistance from court officers. The response officer can be supervisory personnel or additional staff depending on the size of the court system. The specific duties should be identified in a Position Description.

## **WEAPONS IN THE COURT FACILITY**

The issue of firearms in a court facility was discussed at length by the Ohio Police Chiefs Association, the Ohio Buckeye Sheriff's Association and the Ohio State Highway Patrol during the development of the Court Security Standards for Ohio Courts. It was resolved that officers should not carry firearms in the court facility where adequate

security screening procedures are in place.

The only personnel who should be authorized to carry firearms are court security personnel who have been properly trained by the Ohio Peace Officers Academy [OPOTA] or an OPOTA certified firearms instructor. The officer should be required to demonstrate proficiency with the firearm no less than annually to an OPOTA certified firearms instructor. Any officer who fails to demonstrate proficiency should not be permitted to carry a firearm until such proficiency has been demonstrated. It is recommended that new court security officers be required to successfully complete the four week Ohio Bailiffs and Court Officer Basic Training Program as soon as practical but no less than twelve months after being so employed.

### **Security of Weapons**

Officers – Secure weapons storage cabinets/lockers located in secure weapons rooms should be available in every court. These storage units should be designed to store firearms and should have key locks which allow the officer to take the key for the locker after depositing his/her weapon in the locker.

Weapons as Evidence/Exhibits – These items are generally brought to the court by prosecutors or law enforcement officers. They should be given to a court officer who should log the weapon into the court and render it safe before returning it to the prosecutor or officer who brought the weapon to the court. The system should include proper procedures for handling the weapon in the courtroom as well as securing it once it is entered as an exhibit. This procedure should include notification of the judge and any officer working in the courtroom. The disposition of the weapon should be logged in the book to include signing it out if not entered into evidence.

### **Court Security Officer Weapons**

Only court security officers who will not be in direct contact with defendants should be authorized to carry firearms in the court facility and only after they meet the requirements previously noted. Other officers should be armed with *less-lethal weapons* which are those intended for use to meet operational objectives, with less potential for causing death or physical injury *than deadly force techniques*. These weapons include:

- ASP [collapsible baton];
- Baton, yawara stick [short baton, hand-held];
- Nova 500 [electronic stun device]; and
- Taser [electronic stun device capable of being fired a distance of approximately 28 feet]

If court security officers are armed with firearms, they should be provided with high security holsters, provided weapons retention training and training on the use of force continuum and utilize ammunition which is designed to incapacitate the suspect with minimum opportunity for passing completely through the suspect. The intent here is to incapacitate the suspect with minimum chance of injury to other persons.

*If weapons are properly screened out of the court facility, most confrontations can be defused by the presence of large numbers of uniformed security officers. It is better to overwhelm with a show of force/strength than to fight!*

## **PRISONER/DEFENDANT SECURITY**

### **Prisoner/Defendant Conduct/Placement**

The presiding judge and local law enforcement should work together to establish a policy concerning the conduct and placement of prisoners/defendants when at the court facility and in the courtroom.

### **Supervision of Prisoner**

Generally, each prisoner should be supervised by a jail officer. i.e. one prisoner, one jail officer, two prisoners, two jail officers. This allows the court security officer to concentrate on the activity in the courtroom.

In the event of a multi-defendant trial, it is **highly recommended** that one officer control no-more than one prisoner.

Officers in direct control of prisoners should **not** carry a firearm!

The trial judge should take into consideration the staffing drain on local law enforcement that results from having prisoners sitting in court while other matters are being disposed.

### Unruly Conduct

This should not be tolerated from prisoners/defendants. See Illinois v. Allen, 397 U.S. 337 (1970).

The jail officer should retain control over the prisoner at all times and the judge should consider the effect on security of orders he/she may enter regarding the prisoner. Officers in direct control of prisoners should **not** carry a firearm!

### Special Restraint Equipment

Special restraint equipment such as waist belts, straight jackets, leg restrains and gags should be readily available in every court facility should it become necessary to restrain an unruly defendant.

### Prisoner Conferences

Court ordered privileged prisoner conference should be conducted in a secure area which does not compromise security. When practical, the conference should be conducted in the secure visitation areas at the jail. In all cases, when visitation or a conference occurs out of site of the security officer and/or jail officer, the visitor should be searched prior to contact with the prisoner. The prisoner should be searched after the contact.

## **Keep the Judge Informed**

The trial judge should be kept informed by the court security staff of any information relating to potential security risks. The judge should confer in advance with the court security staff to determine what additional security measures might be required for a high risk defendant. This includes the possibility of restraining the defendant in the courtroom if the threat to the safety of people in the courtroom is sufficient to warrant such measures.

## **Screening**

If entry level screening is not available, defendants who are not in custody and witnesses should be directed to a predetermined area and searched prior to the start of the proceedings.

## **JUDICIAL SECURITY**

### **Parking**

Parking for judges should be arranged in a secure area near the court facility. Parking assignment should be made by number, not name, and changed periodically.

### **Non-public Corridors**

Judges should use non-public corridors and private elevators for movement within the court facility, whenever possible.

### **Security Plan**

The judge should be thoroughly familiar with the security plan to include but not limited to: emergency alarm systems, escape routes, secure areas, his/her role in the event of an emergency in the courtroom or court facility.

### **What the Judge Should Do**

#### Predetermine Plan

Court security personnel and the judge should determine in advance what the judge should do in the event of an emergency or disruptive situation in the courtroom. A predetermined route of safe exit from the courtroom or chambers should be established as well as a safe area determined.

#### Gunfire in Courtroom or Court Facility

If the judge cannot flee safely, he/she should take cover behind the bullet resistant bench or other solid object. The judge's actions should be predetermined so all that is required is to react as trained.

### **Search/Inform/Train**

#### Chambers

The judge's chambers should be searched thoroughly on a daily basis prior to the judge's arrival. Since the judge and his/her clerical personnel are familiar with the contents of the judges chambers area, they should be encouraged to

survey the chambers area and report any unusual circumstances to the security officer.

Judges, secretaries, clerks, and other court personnel should be briefed about daily security routines and encouraged to report any suspicious occurrences.

Whenever possible, visitors to the judge's chambers should be identified and screened by court security personnel, clerks, or secretaries to ensure that the visitors have legitimate business with the judge.

#### Judge – Alert and Suspicious

The judge must maintain a constant vigilance whether in the courtroom, at the court facility, at home, and/or near vehicles and report anything suspicious to the chief of court security as soon as possible.

If the judge has occasion to observe a suspicious individual/s or someone he/she has had repeated judicial contact with, or contact in unusual or out of the way places, it should be reported to the chief of security as soon as possible.

#### Harassing Phone Calls/Vandalism

These should be reported to the chief of security who should maintain appropriate records so any patterns can be detected.

#### Training

All court security personnel should receive training on the court security plan and especially their roll in the plan. The plan and policies should be reviewed annually during in-service training and should include practical exercises.

- New Personnel  
Security should be included in "Orientation" training provided to new employees.
  
- Court Facility Personnel  
All personnel employed within the court facility should be aware of security measures and their roll in the security plan.

#### Threat Against the Judge

If a threat against the judge is received, the judge should be provided with protection and also with a bullet resistant vest to wear to and from home and while at the court. It is important that the judge cooperate with the security staff so they can provide protection while the threat is evaluated and neutralized.

### **SECURITY EQUIPMENT**

Evaluate the existence, adequacy and condition of equipment including:

- Duress Alarms – These are emergency alarms and should not be utilized for "routine" operations such as summons the assignment commissioner

to the courtroom. They are a must for the courtroom and judges chambers and should be considered for every office in the court facility.

- Courtroom alarms should be located at the bench, clerk's area, and security officer's area.
- The alarm should alert the respondents to not only the location but also the nature of the alarm if possible.
- The alarm should be silent and designed to ring in to a central control center, i.e. Sheriff's office, security office or local police department.
- Systems can also be designed to use personal computers to radio-page court security officers advising them automatically of the nature and location of the alarm.
- A policy should be developed that addresses when to use the alarm, how to respond, who is to respond and duties of those not charged with response, and checking and testing the alarm and documenting the tests.
- The alarms should be checked at least weekly.

*The level of sophistication of the alarm system should be consistent with the needs of the court.*

- Voice Communication
  - Courtrooms should be equipped with at least one means of external voice communication, i.e. telephone, two-way radio, intercom system, and computers which monitor/record what transpires in the courtroom.
  - Sound activated or remote controlled listening devices can be placed in courtrooms or other areas and either activated when noise in the area reaches a certain decimal level or manually switched on if an alarm is sounded.
- Closed Circuit Television [CCTV]
  - CCTV can be used effectively to monitor courtrooms and all other areas of the court facility which require monitoring, i.e. main entrance, private entrances, public areas, private corridors, judges chambers, etc.
  - Cameras should be monitored from a central control center. Because these cameras are most effective when continuously monitored, some should be linked to a sensing device which activates alarms, calling attention to the monitor.
- Security Equipment – Equipment used for the security operations of the court should be specifically identified, available for immediate use and maintained in a state of readiness.
  - A list should be maintained that identifies dates of acquisition and shelf life for such material as chemical agents, ammunition, film,

- etc. The list should include such items as alarms, chemical agents, electronic gear, communications equipment etc; fire detection and fire-fighting items; medical emergency items; crowd control items; photography equipment; screening devices; and physical restrains.
- Documented inspections should be conducted at regular intervals. Experts should be utilized for certification of some equipment such as fire detection and fire fighting equipment, x-ray equipment, magnetometers, medial emergency equipment, etc.

*It is important to the security function that security officers know the types, quantity, conditions and location of such equipment.*

## **SECURITY CHECKLISTS**

*So it is said, that if you know others and you know yourself, you will not be imperiled in a hundred battles.*

*If you do not know others but know yourself, you will win one and lose one.*

*If you do not know others and do not know yourself, you will be imperiled in every battle.*

SUN TZU  
THE ART OF WAR

Security checklists help security planners identify security weaknesses in the workplace and at home. It helps the court know itself and sets in place appropriate procedures to identify and subsequently ‘know’ those who might seek to bring harm to the court and/or those who use the court. The following checklists will assist security planners in performing an assessment of activities. These checklists are derived from the 1996 Anti-terrorism Training Program of the Commonwealth of Massachusetts an *Introduction to Security and Crime Prevention Surveys*, by Arthur A. Kingsbury. It should be noted these checklists were written to be generic in nature so that they would be applicable to a broad spectrum of entities. Therefore, in some cases we have changed such words as buildings, guards, etc. to court, facility, security personnel, etc. to make them more applicable to the environment in which we work. Those followed by an “as trek” [\*] are items added by the Association.

*In the wrong hands a survey report can illustrate in detail facility vulnerabilities and serve as an invitation to violate the security integrity of the court.*

Workplace Security Checklist  
*Access/Control*

- Y N Are employees required to display passes to enter the facility?\*
- Y N Are all those who enter the facility required to pass through a security control point?\*
- Y N Does this include checking of the individuals by a magnetometer and/or hand wan detector?\*
- Y N Are all packages, briefcases, purses and the like hand checked or passed through an x-ray detector before being permitted into the facility?\*
- Y N Do visitors need to secure passes before they enter?
- Y N Are visitor passes distinctive from employee passes?
- Y N Is there a record of when and to whom the court issues passes?
- Y N Does the court collect passes when visitors depart?
- Y N Are passes or badges difficult to forge?
- Y N Is the perimeter of the facility adequately illuminated?
- Y N Is the roof illuminated?
- Y N Are parking lots adequately illuminated?
- Y N Do time-sensitive or motion sensor devices control lights?
- Y N Do surveillance cameras monitor the exterior of the facility including the parking lot?
- Y N Does maintenance immediately replace burnt-out light bulbs?
- Y N Are light fixtures protected against breakage?
- Y N Are passageways, stair wells and storage areas well lighted?
- Y N Is lightening at night sufficient for surveillance?
- Y N Does a fence or wall protect the facility on all sides?
- Y N Are fences and walls in good repair?
- Y N Do groundskeepers keep the fence or wall clear of nearby trees, bushes and tall grass?
- Y N Does Security check locks regularly and document the check?
- Y N Do gates and doors remain locked when not in use?
- Y N Are there security locking devices on each door and window?
- Y N Are doors constructed of sturdy materials?
- Y N Are the number of access doors limited to the barest minimum number?
- Y N Are door hinges spot welded or secured, in order to prevent removal?
- Y N Are door hinges facing the inward side of the doors?
- Y N Are there time locks to detect unauthorized entrance?
- Y N If there are padlocks, do they comprise high-quality materials?
- Y N Are padlock hasps made of heavy duty materials?
- Y N Does the court follow a specific lock-up procedure for the facility?
- Y N Is someone responsible for checking all doors and windows to ensure they are closed and locked every night?
- Y N Are surveillance cameras in place for all exits and entrances?
- Y N Is there an alarm system?
- Y N Is the alarm system monitored as a central control point?

- Y N Do personnel man the center at all times?
- Y N Are there regular documented tests on the alarms to insure they are operational?
- Y N Is there a response plan when an alarm is activated?\*
- Y N Are there periodic checks on the response to activated alarms?
- Y N Do opening alarms protect all fire doors?
- Y N Is the alarm system connected to all doors and windows?
- Y N Are all alarm tests and checks documented?\*

Office/Internal Security

*Access/Control*

- Y N Do all personnel properly greet and/or challenge strangers?
- Y N Do personnel protect billfolds, purses and other personal belongings while at work?
- Y N Is there a key control system requiring a record of who has received what keys and when the individual returns the keys?
- Y N Is one person designated responsibility for keys?
- Y N Do all keys clearly state "Do Not Duplicate?"
- Y N Does the court have a lost key policy?
- Y N Are maintenance personnel, visitors, attorneys, etc. required to show proper ID at the Security Control Point?\*
- Y N Are surveillance cameras strategically located throughout the facility, i.e. public areas, courtrooms, hearing rooms, hallways, etc.?\*
- Y N Are these surveillance cameras monitored at a central control center?\*
- Y N Is the center continuously manned?\*
- Y N Is it possible to reduce the number of entrances without loss of efficiency or safety?
- Y N Do personnel keep office doors locked when unattended for a long period of time?
- Y N Are office doors equipped with intrusion locks which require office personnel to disengage the lock to allow admittance?\*
- Y N Do personnel keep items of value secured in a locked drawer or other location?
- Y N Has Security briefed the supervisor of each office on security problems and procedures?
- Y N Do all employees receive some security education/training?
- Y N Do office-closing procedures require that important information be secured at night?
- Y N Do personnel shred confidential material before placing it in the trash?
- Y N Does the court log in and out all janitorial and cleaning services personnel?
- Y N Does a security force protect the facility?
- Y N Do security personnel understand their role?
- Y N Are security personnel prepared to act in the event of an

- emergency?
- Y N Are security personnel authorized to carry weapons, i.e. firearms, Tasers, batons, etc?\*
- Y N Are security personnel alert?
- Y N Is there an effective system of communication for emergency situations?
- Y N Are security personnel required to document any and all threats to the court, its employees and other personnel while engaged in using the court facility?\*
- Y N Is security equipment specifically identified, available for immediate use and maintained in a state of operational readiness?\*
- Y N Is there clearly defined policy and procedure on court security for personnel assigned to this function?

High Security Areas [Courtrooms, Hearing Rooms, Holding Areas, Jury Rooms, etc.]\*

*Access/Control*

- Y N Are courtrooms equipped with at least one means of external voice communication?\*
- Y N Are courtrooms equipped with duress alarms?\*
- Y N Are courtroom equipped with surveillance cameras?\*
- Y N Are these cameras continuously monitored at a central control center?\*
- Y N Does a policy governed the use of restraints on persons in custody while in the holding area and courtroom?\*
- Y N If weapons are prohibited in areas of the court facility, are lockboxes available for securing the weapons?\*
- Y N Is a security sweep conducted of courtrooms and other high risk areas prior to use each day?\*
- Y N Is the courtroom secured [locked] whenever it is not in use?\*
- Y N Are other high security areas, i.e. holding areas/facilities, jury rooms, etc. properly secured?
- Y N Do managers and security personnel keep high security areas under supervision?
- Y N Do badges or other forms of identification clearly identify who may enter security areas?
- Y N Do policies/procedures require employees to verify their identify when entering security areas?
- Y N Is access to high security areas controlled?

Personnel

*Does Security....*

- Y N Require personnel to wear badges or identification cards?
- Y N Require employees to display ID badges at entrances?
- Y N Include a numbering system on all identification cards?
- Y N Include employee photographs on all ID cards?
- Y N Institute standard screening procedures for all employees before

- hiring?
- |   |   |   |
|---|---|---|
| Y | N | Fingerprint all employees?  |
| Y | N | Photograph all employees?   |
| Y | N | Maintain personnel files on all employees?                                  |
| Y | N | Require employees to produce official identification at the time of hiring? |
| Y | N | Require employees to provide a list of past employers?                      |
| Y | N | Check employees' past employers?  |
| Y | N | Check references?   |
| Y | N | Require employees to provide any pseudonyms?                                |
| Y | N | Instruct employees on all security and emergency operating procedures?      |
| Y | N | Does Security maintain a history bio on all employees?*                     |

Vehicle Control

- |   |   |  |
|---|---|--|
| Y | N | Is there a separate area for employee parking?   |
| Y | N | Are there parking spaces which are specifically identified for specific employees, i.e. judges, magistrates, clerk of court, etc?* |
| Y | N | Do security personnel verify all service vehicles?   |
| Y | N | Is there a log maintained on service vehicles?   |
| Y | N | Does the court fence in or in some manner secure parking areas?  |
| Y | N | Is the parking area illuminated?   |
| Y | N | Do security personnel patrol the parking area?   |
| Y | N | Do you alternate your route of travel to work and your return route home?*   |
| Y | N | Do you check the inside of your vehicle before getting into it?*   |
| Y | N | Do you lock your vehicle when left unattended?*  |
| Y | N | Do you keep your doors locked whenever you are in your vehicle?*   |
| Y | N | Do you have special license plates on your vehicle?*   |

Security Away from the Court

*Home Security Survey*

- |   |   |  |
|---|---|--|
| Y | N | Are entrance doors of a solid core type?   |
| Y | N | Do the doors have deadbolt locks?  |
| Y | N | Do bolts extend at least three-fourths of an inch into the strike?   |
| Y | N | Is there little or no 'play' when you try to force the door bolt out of the strike by prying the door away from the frame? |
| Y | N | Are doors in good repair?  |
| Y | N | Are locks firmly mounted?  |
| Y | N | Are all doors securely mounted?  |
| Y | N | Can an assailant open any door by breaking a window or a panel of wood?  |
| Y | N | Are unused doors permanently secured?  |
| Y | N | Are roof hatches, trap doors or roof doors properly secured?   |

- Y N Are there adequate locks on bedroom doors?
- Y N Are exterior doors generally locked?
- Y N Do primary doors have a 180 degree view peep hole?
- Y N Can visitors enter before confirmation of their identity and the purpose of their visit?
- Y N Do patio doors have adequate locks?
- Y N Are garage doors locked at all times, particularly at night and when residents are away?
- Y N Do residents use automatic doors openers?
- Y N Do residents change electronic codes frequently?
- Y N Are there adequate locks on tools sheds, greenhouses and similar structures?
- Y N Do residents avoid keeping a 'hidden' key outside the home?
- Y N Are window and wall air conditioners secured against removal?
- Y N Have ladders, trellises or similar climbing aids been removed to prevent entry into second floor windows?
- Y N Is indoor lighting functional?
- Y N Is outdoor lighting adequate?
- Y N Do lights illuminate the sides of the residence and the garage area?
- Y N Are any lights left on during hours of darkness?
- Y N Are outside lights turned on before leaving the residence?
- Y N Are broken streetlights reported immediately?
- Y N Do fences protect the property or do they provide a hiding place for an intruder?
- Y N Are there trees, bushes, or other obstacles located in the vicinity of the home which can conceal an intruder?\*
- Y N Are gates in good repair and do they have a lock?
- Y N Is there a watch dog or a family pet?
- Y N Do you belong to a neighborhood watch program?
- Y N Do you draw drapes or shades at night?
- Y N Do family members keep an alert watch on persons who may be surveiling or casing the home?
- Y N Can you lock your mail box?
- Y N Do those residing in the home know not to open suspicious mail and have they been instructed on how to identify suspicious mail?\*
- Y N Do you turn on lights and make noise if awakened at night?
- Y N Is the home equipped with an alarm system and is it monitored at a control center?
- Y N Do you have an alarm system with a panic button?
- Y N Do you keep a flashlight by the bed?
- Y N Is there a telephone in the bedroom?
- Y N Do you have a list of the neighbor's telephone numbers?
- Y N Do the neighbors have your phone number?
- Y N Do you have the number of the police, fire and EMS by the phone?
- Y N When answering the telephone, do children in the home know never to tell anyone that one or both of their parents are not at

home?\*

**Security Recommendations**

The Security Surveyor/s should establish the criteria upon which their recommendations will be prioritized and include the recommendations with the report to the court. The normal criterion is the criticality of the issue to the mission, goals, and objectives of the security survey.

Ultimately it is the court which must determine what resources it has to commit and how best to utilize these resources [financial, personnel and policy/procedures] to achieve the recommendations.

**COURT**

**BOMB THREAT CHECK LIST**

**QUESTIONS TO ASK:**

1. When is bomb going to explode?
2. Where is bomb right now?
3. What does it look like?
4. What kind of bomb is it?
5. What will cause it to explode?
6. Did you place the bomb?
7. Why?
8. What is our address?
9. What is your name?

**EXACT WORDING OF THE THREAT:**

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Sex of Caller: \_\_\_\_\_

Race: \_\_\_\_\_ Age: \_\_\_\_\_

Length of call: \_\_\_\_\_

Time call received: \_\_\_\_\_

Number at which call is received:

---

**CALLER'S VOICE:**

- |               |                     |
|---------------|---------------------|
| ___ Calm      | ___ Nasal           |
| ___ Angry     | ___ Stutter         |
| ___ Excited   | ___ Lisp            |
| ___ Slow      | ___ Raspy           |
| ___ Soft      | ___ Ragged          |
| ___ Loud      | ___ Clearing Throat |
| ___ Laughter  | ___ Deep Breathing  |
| ___ Crying    | ___ Cracking Voice  |
| ___ Normal    | ___ Disguised       |
| ___ Distinct  | ___ Accent          |
| ___ Slurred   | ___ Familiar        |
| ___ Whispered | ___ Other           |

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**BACKGROUND SOUNDS:**

- |                   |                       |
|-------------------|-----------------------|
| ___ Street Noises | ___ Factory Machinery |
| ___ Crockery      | ___ Animal Noises     |
| ___ Voices        | ___ Clear             |
| ___ PA System     | ___ Static            |
| ___ Music         | ___ Local             |
| ___ House Noise   | ___ Long Distance     |
| ___ Motor         | ___ Other             |
| ___ Office        |                       |
| ___ Machinery     |                       |

---

**THREAT LANGUAGE:**

- |                 |                     |
|-----------------|---------------------|
| ___ Well Spoken | ___ Incoherent      |
| (Educated)      | ___ Taped           |
| ___ Foul        | ___ Message read by |
| ___ Irrational  | Threat maker        |
| ___ Other       |                     |

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Remarks: \_\_\_\_\_

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Report Call Immediately to: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Date: \_\_\_\_\_

Name \_\_\_\_\_

Position: \_\_\_\_\_

Phone Number: \_\_\_\_\_

## COURT SECURITY STANDARDS

[The Supreme Court of Ohio/Ohio Judicial Conference]

The Ohio Court Security Standards were adopted by the Supreme Court of Ohio on October 17, 1994.

### Standard 1 Security Policy and Procedure Manual

A written Security Policy and Procedure Manual governing security of the court and its facilities **shall be established** by each court to ensure consistent, appropriate and adequate security procedures. The manual **shall include**: a physical security plan, routine security operations, a special operations plan, a hostage situation response plan, a high risk trial plan and emergency procedures, i.e. fire, bomb, disaster.

**Commentary:** The credibility of court security requires **all** persons to be subject to security screening. An exemption of personnel from the screening process, including officials, court personnel, attorneys, law enforcement or security officers, **will unnecessarily degrade** the security of the court facility. Once exceptions are made, the opportunity for breaches of security increases.

**At a minimum**, each court **should have** at least one portable walk-through magnetometer and a handheld magnetometer, with personnel trained in the proper use of that equipment. Walk through magnetometers at a **single point of entry**, with accompanying x-ray viewing of packages and handbags, **is the optimal method** of screening entrants to a court facility needed to insure a safe environment. Persons refusing to be screened should be **denied** access to the building.

### Standard 2 Local Court Security Advisory Committee

Each court **should** appoint a local Court Security Advisory Committee for the purpose of implementation of these standards.

**Commentary:** Court security issues affect many sectors of the community and include differing local needs and serious funding concerns. Therefore, a local Court Security Advisory Committee **should** review the issues in a cooperative and constructive manner.

The local Court Security Advisory Committee **should** include representatives of the judges, law enforcement agencies, funding authority and other appropriate bar and community groups.

Standard 3 Persons Subject to Security Screening

**All persons** entering the court facility, including elected officials, court personnel, law enforcement and security officers, **should** be subject to security screening.

**All** screening **should** occur for **each visit** to the court facility regardless of the purpose or the hour.

**Commentary:** The credibility of court facility security requires **all** persons to be subject to security screening. **Any exemption** of personnel from the screening process, including elected officials, court personnel, attorneys, law enforcement or security officers, **will** unnecessarily degrade the security of the court facility. Once **exceptions** are made, **the opportunity for breaches of security increases.**

**At a minimum**, each court **should have** at least one portable walk-through magnetometer and a handheld magnetometer, with personnel trained in the proper use of that equipment. Walk through magnetometers at a **single point** of entry, with accompanying x-ray viewing of packages and handbags, is the **optimal method** of screening entrants to a court facility needed to **ensure** a safe environment. Persons refusing to be screened should be **denied access** to the building.

Standard 4 Court Security Officers

- A. Uniformed, armed law enforcement officers **should** be assigned specifically, and in sufficient numbers to court security, to **ensure** the security of each court and court facility.
- B. **All** security officers assigned to court security **should be certified** through the Ohio Peace Officer Training Commission. These officers **should** receive specific training on court security and weapons instruction specific to the court setting.

**Commentary:** The responsibility for court security **should** be assigned to law enforcement officers who are certified by the Ohio Peace Officers Training Commission. Law enforcement officers who are present within the court facility for other purposes **should not** be considered a component of the court security system. The responsible officers' full attention **should** be directed to the duties to which they are assigned. The security of the court **should not** be reliant upon officers who have no specific training in security of the courts and whose presence is possible because they are handling their others duties.

Security officers assigned to court security should be trained and certified by the Ohio Peace Officer Training Commission. Officers should be trained in a statewide training program to share resources and reduce costs for each county.

Standard 5 Weapons in Court Facilities

- A. **No weapons should** be permitted in the court facility **except** those carried by court security officers or as defined in Section B **provided** the court **establishes** and **installs adequate** court security measures to insure that **no one will be armed** with any weapon in the court facility.
- B. Each Court **should** establish a local court rule governing carrying of weapons into the court facility.
- C. In all cases, law enforcement officers **who are parties** to a judicial proceeding as a plaintiff, defendant, witness or interested party **outside** of the scope of their employment **should not** be permitted to bring weapons into the court facility.

**Commentary:** There is no issue more controversial relating to court facility security than whether law enforcement officers should be required to surrender their weapons at the court facility door. **Studies indicate** that firearms in a courtroom or court facility **increase**, not diminish, **the risk of problems**. Since a courtroom offers no “good” zone of fire due to the number of persons located within a relatively small area, this position has merit.

On the other hand, it is almost universal law enforcement policy that every officer maintain a weapon as part of the required daily equipment. It is generally recognized that the law enforcement profession is equally concerned about court facility security, including the prohibition of weapons from court facilities and courtrooms. **Minimum standards** of security include magnetometer, x-ray machines and adequate, secure gun storage lockers.

The above noted competing views require individual courts to **review** its needs and **formulate** policy based upon those needs and the political realities which exists in a given community.

However, it is **undisputed** that many acts of violence involving firearms occur in the court facility when law enforcement and security officers **are involved in litigation as a party** and **not** in the capacity of a sworn officer. This litigation often involves extremely emotional cases in domestic relations courts or where an officer has been a victim. Therefore, we have created **an exception** for these circumstances. In such instances, firearms **should be surrendered** by the officer, notwithstanding departmental policy. Such a policy is not intended to be accusatory but precautionary. In trial courts where general jurisdiction includes the domestic relations division, a local rule should be written.

Standard 6 Prisoner Transport Within Court Facilities

- A. Prisoners **should** be transported into and within the court facility through areas which **are not** accessible to the public. When a separate entrance is **not** available and public hallways **must** be utilized, prisoners **should** be handcuffed behind the back and, when appropriate, secured by leg restraints.
- B. Prisoners **should** be held in a secure holding area equipped with video monitoring, where practicable, while awaiting court hearings and during recess.

**Commentary:** If prisoners cannot be transported through court facility entrances not accessible to the public, public movement in the area **should be restricted** during the time of prisoner transport. If transport is made through a public area, it exposes the public to danger, enhances the possibility of prisoner escape and increases the ability to transfer weapons to prisoners.

Law enforcement officers **should** accompany prisoners to the courtroom, **remain** during the hearing and **return** the prisoner to the secured holding area. **Court security officers and bailiffs should not assume this responsibility.**

Standard 7 Duress Alarms for Judges and Court Personnel

All courtrooms and hearing rooms **should** be equipped with a duress alarm connected to a central security station. Duress alarms **should** be located on the judge's, referee's and magistrate's bench and at the work station of the bailiff, the receptionist, the secretary and other offices. The duress alarm system **should** be a system with enunciation capability.

**Commentary:** It is **important** that the duress alarm systems be a type which includes an audible alarm at the central security station; however, the system **should not** include an audible alarm at the activation site. The duress alarm system **should** quickly summon additional help from the county sheriff's office or the nearest police jurisdiction when needed.

Testing of alarms should be **done regularly** so that confidence in the system is maintained.

Standard 8 Closed-Circuit Video Surveillance

When practical; closed-circuit video surveillance **should include** the court facility parking area, entrance to the court facility, court lobby, courtroom and all other public areas of the court facility.

**Commentary:** Public notification that every judicial proceeding is under surveillance **may** dissuade those who have intentions of disrupting a hearing. Some court facilities may lack the architectural and structural elements necessary for security and, therefore, require greater reliance on security devices. Closed-circuit video surveillance is **as effective** as the person assigned to monitor it; there must be an emphasis that such a system is **secondary** to security screening.

Standard 9 Restricted Access to Offices

An effect secondary screening process at the entrance to the judges' office space **should be utilized** to ensure safe and secure work areas and to protect against inappropriate interaction between judicial officers, including referees and magistrates, and participants in the judicial process. The general public **should not** be permitted in the area that houses office space for judges and court personnel.

**Commentary:** The security of the office space housing judges and court personnel **must** be maintained. Unlimited access to these areas is **dangerous and unnecessary**. The general public **should not** be permitted to wander through these departments for any reason. However, attorneys **should have** controlled access to the restricted area. Person having business with the court or its personnel should be encouraged to make appointments.

Steps which may be taken to facilitate this standard include a main receptionist checkpoint, passive or active electromagnetic hall locks and door locks.

Also, the judges' chambers as differential from the staff offices, and the judges' parking spaces **should not** be designated by "Judge" signage.

Standard 10 After Hours Security for Emergencies

As **part** of a comprehensive security plan, each court, in **conjunction** with law enforcement officers, **should** adopt procedures for the security of judges and personnel for periods of time **other than** the normal working hours.

**Commentary:** The protection of a judge and court personnel from work-related threats and acts of violence outside their usual work hours **is important**. It is **essential** that a plan be in place, when desired by a judge, to respond to such incidents.

This particular plan **should** consider personal security profiles, residential alarm system, mobile cellular telephones, weapons training and personnel/family bodyguard security. While all of these steps include some financial commitment, the plan **may** be graduated to respond to the needs of any given situation.

Standard 11 Structural Design of Courtrooms and Hearing Rooms

New construction or remodeling of court facilities **should include** circulation patterns that govern the movement of people in the courtroom. Judges, court personnel and prisoners **should** have separate routes to and from the courtroom. Waiting areas **should be available** to allow separation of parties, victims and witnesses.

**Commentary:** The circulation patterns **should** separate the prisoners from other persons. The public **should also be separated** from the judges, juries and court personnel.

Standard 12 Incident Reporting

- A. Every violation of law that occurs within a court facility should be reported to the law enforcement agency having jurisdiction.
- B. Each court **should adopt** a policy for reporting security incidents and **should include** the policy in the court's Security Policy and Procedures Manual.
- C. The tabulation of such incidents **should** be reported annually to the Supreme Court of Ohio. [Note – This reporting is no longer required.]

**Commentary:** An incident **will be defined** as any infraction outlined within the court's Security Policy and Procedures Manual. The word **incident will further be defined** as any and all disruptions made in the confines of the court facility.

To measure the effectiveness of court security procedures, it is **mandatory** to recognize and report these incidents. A standard incident reporting form **should** be utilized by court personnel to record a summary of **each** event which **compromised** the security of the court and/or the **safety** of the participants in the court process.

## GLOSSARY

### A

**Administrative Investigation** – This is an internal investigation seeking all facts associated with an alleged misconduct on the part of an employee to determine the truth; what happened and who, if anyone, is responsible.

**Acquired Immune Deficiency Syndrome (AIDS)** – The cause of AIDS is the Human Immunodeficiency Virus (HIV) for which there is no known present cure.

**Answer** – A document (or pleading) filed with the court before the trial by the defendant in a civil case to respond to the plaintiff's claim.

### B

**Bailiff** – A person who serves as a court attendant and whose duties may include but are not limited to: keeping order in the courtroom; providing security in the court facility; serving civil and/or criminal process; to having custody of the jury. These duties are determined by the judge.

**Barricaded Person** – A person who has barricaded himself or refuses law enforcement entry to any premises or property through use or threatened use of force and who knowingly refuses or fails to leave any premise or property upon being requested to do so by a peace officer who has probable cause to believe a crime is occurring and that such person constitutes a danger to himself or others.

**Bench Warrant** – An arrest warrant issued by a judge, usually due to failure to pay or appear in court.

**Biohazard** – Items which contain or have been exposed to any one of the following: blood, urine, saliva, fecal matter, mucus, organs, unfixed tissue or anal/genital secretions.

**Body Cavity Search** – It is the inspection of the anal or vaginal cavity of a person which is conducted visually, manually, by means of an instrument, apparatus, or object, or in any other manner while the person is detained or arrested. [ORC 2933.32]

### C

**Canine Searches** – Private property located in public and semipublic places is subject to sniffing by a dog. The courts have ruled that the air space belongs to nobody and, therefore, persons do not have an expectation of privacy.

Courts have upheld that a canine sniff of the exterior of vehicles, luggage, containers, etc. is not a search under the Fourth Amendment. However, a canine cannot be used to sniff the interior of vehicles without articulable suspicion the occupants are involved in drug courier activity.

**Case, Action, Lawsuit or Suit** – This is a legal dispute brought into court for a hearing or trial.

**Cause of Action** – The legal grounds on which a party to a lawsuit relies to get a verdict against an opponent.

**Chain of Evidence** – The exact movement of a piece of evidence from the collection point to the point where it is no longer in the custody of the agency due to: destruction, sale, or release by order of a court. Every movement from one person to another must be accounted for by recording it on the appropriate Chain of Evidence Form.

**Child Abuse** – As defined in ORC Section 2919.22.

**Civil Arrest** – An arrest made pursuant to a written order by a judge of a competent jurisdiction in a civil action or proceeding.

**Civil Process** – These are writs, summonses, mandates or other process issuing from a court of law or equity pertaining to a cause of action of a civil nature.

**Chain of Evidence** – The exact movement of a piece of evidence from the collection point to the point where it is no longer in the custody of the officer or his/her agency due to: destruction, sale, or release by order of a court. Every movement from one person to another must be accounted for by recording it on the appropriate form Chain of Evidence Form.

**Code of Ethics** – The principles and values for which we stand.

**Communicable Disease** – Any disease readily transferred from one person to another.

**Complaint** – The first document (or pleading) in a civil case stating facts and demanding relief.

**Concurrent Jurisdiction** – More than one agency has jurisdiction and/or authority.

**Confession** – A suspect's oral, written or taped admission of guilt concerning his/her act/part/role in the commission of a crime.

**Consent Search** – Before requesting a consent search the officer must have a reasonable, articulable suspicion that criminal activity may be present prior to detaining for further investigation. Facts and circumstances must exist that would warrant a person of average caution in believing that an offense has been

committed, is being committed or is about to be committed.

**Contemporaneous** – Courts have defined contemporaneous as being at the time of arrest or as soon after the arrest as practical.

**Contempt of Court** – Any act calculated to embarrass, hinder, or obstruct a court in the administration of justice, or calculated to lessen its authority or dignity. Contempt can be direct and indirect. Direct contempt is committed in the immediate presence of the court. Indirect contempt is the term usually used with reference to the failure or refusal to obey a lawful order.

**Contraband** – Items the possession of which is illegal. This includes any items which are prohibited from being brought into the court.

**Counterclaim** – An answer to the complaint, in which the defendant claims to be entitled to damages or other relief from the plaintiff.

**Court Reporter** – The court reporter is the person who records and transcribes a verbatim report of all proceedings in a court of law.

**Criminal Investigation** – This investigation is seeking all facts associated with a crime to determine truth: what happened and who is responsible.

**Criminal Process** – Includes, writs, summonses, mandates, warrants or other process issuing from a court of law compelling a person to answer for a crime. The term includes process issued to aid in crime detection or suppression, such as search warrants.

**Cross-Examination** – Questions which an attorney asks the opposing party or witness to test whether the person is telling the truth.

**Custodial Transportation** – Transportation of a person in the custody of the officer, i.e. person under arrest, prisoner, or inmate.

**Custody** – The legal or physical control of a person in an area or facility or while in transit; legal, supervisory, or physical responsibility for a person.

## D

**Deadly Force** – Force intended to cause death or serious bodily injury, or which creates some specific degree of risk that reasonable and prudent persons would consider it likely to cause death or grave injury.

**Defendant** – The party against whom a criminal or civil action is brought.

**Deliberations** – Discussions by the jury which occur after the judge has instructed them to retire to the jury room and consider their verdict.

**Delinquent Child** – In section 2151.02 of the ORC “delinquent child” includes any of the following:

- any child who violates any law of this state or the United States, or any ordinance or regulation of a political subdivision of the state, that would be a crime if committed by an adult, except as provided in sections 2151.021 and 2151.02.1 of the ORC;
- any child who violates any lawful order of the court made under this chapter;
- any child who is a habitual truant and who previously has been adjudicated an unruly child for being a habitual truant;
- any child who is a chronic truant; and
- any child who violates other section of the ORC [see section 2551.02].

**Deposition** – Testimony given by a witness prior to trial in the presence of a court reporter who records the testimony and provides a transcript of it to both sides. The testimony is given under oath and may be read to the jury during the trial. Attorneys for both sides will be present when the deposition is taken. It may be used to deny or contradict a witness’ testimony or for the purpose of refreshing a witness’ recollection.

**Direct Evidence** – Questions which an attorney asks their client or witnesses.

**Discretion** – The power of free decision or latitude of choice within legal bounds.

**Domestic Dispute** – An incident between family/household members where police have been called to the scene, and there is no reasonable cause to believe the crime of domestic violence has been committed.

**Domestic Violence** – No person shall knowingly cause or attempt to cause physical harm to a family or household member. No person shall recklessly cause serious physical harm to a family or household member. No person, by threat of force, shall knowingly cause a family or household member to believe that the offender will cause imminent physical harm to a family or household member. [2919.25 (A), (B) & (C) ORC]

**Duress Alarm** – An emergency alert system strategically located to permit an individual to alert a central location of the need for immediate assistance by activating the alarm.

## **E**

**Effectiveness** – The ability to determine appropriate objectives, “doing the right things.”

**Efficiency** – The ability to minimize the use of resources in achieving agency objectives, “doing things right.”

**Escape** – The unattended departure of a prisoner without authorization or permission, or the flight of a prisoner or arrestee from the control or custody of the responsible

officer.

**Evidence** – Testimony or exhibits offered in a judicial proceeding for the purpose of establishing the truth or falsity of an alleged matter of fact.

Direct Evidence – Questions which the attorneys ask their own clients or witnesses.

Cross-Examination – Questions which an attorney asks the opposing party or witness to test whether the person is telling the truth.

Redirect Examination – This follows cross-examination and is exercised by the attorney who first examined the witness.

**Exhibits** – Objects, pictures, books, letters and documents which are admitted in evidence.

**Exigent Circumstances** – Situations in which there is an immediate need or urgent demand for action. Generally it means an actual or ongoing emergency.

## **F**

**False Alarm** – An alarm which has no substantial basis and may have been triggered accidentally or deliberately.

**Family and/or Medical Leave of Absence** – An approved absence available to eligible employees for up to twelve (12) weeks of unpaid leave per year under particular circumstances as specified in this directive.

**Family/Household Member** – Any of the following who resides or has resided with the respondent:

- spouse, person living as spouse, or former spouse of the offender;
- anyone who has cohabitated with respondent within five years prior to alleged incident;
- parent or child of the offender, or another person related by consanguinity (blood) or affinity (marriage) to the offender; parent or child of a spouse, person living as a spouse, or former spouse of the offender, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the offender;
- natural parent of any child of whom the offender is the other natural parent; and
- “person living as a spouse” means a person who is living or has lived with the offender in a common law marital relationship, who otherwise is cohabitating with the offender, or who otherwise cohabitated with the offender within five years prior to the

alleged incident. Same sex relationships can fall under these provisions.

**Family Support Advocate** – The employee responsible for benefit coordination, serving in a long term liaison and support capacity for the surviving family.

**Felony** – A crime for which there is a possibility of punishment by death or imprisonment in the state penitentiary.

**Final Argument, Summation** – After all the evidence is presented by the parties, the attorneys tell the jury what they think the evidence proves and why they think their side should win. This is an “argument” or “summing up.” It is not evidence.

**Frisk Search** – A physical search of an individual for weapons.

## **G**

**Goal** – A relatively broad statement of the end or result we intend to achieve as it relates to our mission. Its attainment is measurable.

**Guardian ad Litem** – A person that is appointed by a court to look after the interests of a minor whose property is involved in litigation.

## **H**

**Habitual Runaway** – This is a juvenile who has runaway one or more times in the preceding twelve (12) months.

**Hacking** – The unauthorized attempt to gain access to computer resources.

**Harassment** – Verbal, physical, visual or other means of actually harassing an employee or the creation or continuance of a hostile work environment. Harassment of any employee by any other employee or group is neither allowed nor tolerated by the Sheriff's Office.

**High Risk / High Profile / Notorious Trial** - A court action or trial that has a heightened, recognizable potential to provoke strong, emotional responses.

**High Risk Warrant Service** – Service of a warrant where there is a high propensity for violence, i.e. murder suspects, aggravated robbery suspects, gang members, drug related warrants and / the person/s is probably armed, that threats have been made to harm others or law enforcement personnel if an arrest is attempted, that the person has a prior history of violence against law enforcement personnel or a prior history of weapons violence.

**Holding Cell** – A cell utilized for temporary housing of a prisoner or detainee.

**Hostage** – Any person held against his or her will by another person for the purpose of

escape, monetary gain, negotiating certain demands or agreements, or for any reason which may place an individual in danger of suffering serious bodily injury or loss of life.

**Hostage Incident** – A situation in which a person/s [perpetrator] holds another person/s [hostage] against his/her will by force or threat of violence and authorities at the scene are attempting to secure the release of the hostage/s.

**Hostage Negotiator** – A person designated as and acting as a liaison between the facility command staff and the hostage taker for the purpose of determining the hostage takers demands and seeking release of the hostage.

**Hot Alarm** – An alarm signifying a crime is being committed or has been committed.

**Human Immunodeficiency Virus (HIV)** – This virus is transmitted through contact with infected blood, semen or vaginal secretions.

## I

**Incident** – An event that requires law enforcement action of some type or response to a citizen's request for law enforcement services. This includes any incident, whether criminal or noncriminal for which there is a response to the scene, an investigation or the preparation of an oral or written report.

**Indictment** – The document informing the defendant that he/she has been charged with a crime.

**Instructions** – During the trial the judge "instructs" the jury as to its duty and responsibility. After all the evidence is in and the attorneys have made their final arguments, the judge outlines the rules of law which must guide the deliberations and control the verdict of the jury. A judge may, and sometimes must, instruct the jury on some point of law while the trial is in progress.

**Investigate** – Means to observe or study closely; to inquire into something systematically, or to search for truthful information.

**Interrogation** – Interrogation includes direct questioning of a suspect about a crime or suspected crime, as well as any words, statements or actions by officers that the officers should know are reasonably likely to elicit an incriminating response [statement] from the suspect.

**Interrogatories** – Written questions propounded by one party and served on an adversary, who must provide written answers thereto under oath.

**Interview** – The questioning of persons not suspected of being involved in a crime, but who know about the crime or the individuals involved in the crime.

**Issue** – A disputed question of fact which must be decided.

## J

**Jurisdiction** – This is the geographical area within which the court has mandated authority and responsibilities.

**Jury Panel** – All prospective jurors from which the trial jury is chosen.

**Juvenile** – Any person under the age of eighteen (18).

## L

**Less Lethal Force** – Any force which when used meets operation objectives, with less potential for causing death or physical injury *than deadly force techniques*.

**Less Lethal Weapons** – *Any weapons* intended for use to meet operational objects, with less potential for causing death or physical injury *than deadly force techniques*.

## M

**Magnetometer** – An electronic device utilized to indicate the presence of metal. It is not useful for non-metallic substances such as explosives, drugs, etc. They are designed to be hand-held, walk-through and built-in.

**Malfeasance** – The wrongful conduct by a public official.

**Misdemeanor** – A crime other than a felony, where punishment is for one year or less with incarceration in a county detention facility.

**Misfeasance** – The performance of a lawful action in an illegal or improper manner.

**Mission Statement** – A statement that identifies who we are, what we do, and for whom we do it.

**Modus Operandi [M]** – A pattern of behavior so distinct that separate conduct is recognized as the work of the same person. A distinct method of operation that is identifiable to a specific individual.

## N

**News Media Representatives** – Individuals who are directly employed by agencies of the electronic or print media such as radio, television, and newspapers. Freelance workers in this field are to be regarded as other members of the general public unless otherwise designated by the judge or his designee.

**Nonfeasance** – The failure to do what ought to be done.

## O

**Objective** – A specific statement of an end or result to attain achievement of a goal. It is

attained over a shorter period of time than attainment of a goal.

**Objection** – One attorney objects to something the other attorney did or same which required the judge to make a ruling on the objection. The judge can overrule or sustain the objection.

Overruled – The judge’s ruling that an attorney’s objection is not well taken under the rules for conducting the trial. The judge’s ruling, so far as the jury is concerned, is final and may not be questioned.

Sustained – The judge’s ruling that an attorney’s objection is well taken under the rules for conducting the trial. The judge’s ruling, so far as the jury is concerned, is final and may not be questioned.

**Oleoresin Capsicum Spray** – A chemical agent derived from cayenne pepper oil used to control violent or otherwise uncooperative arrestees or prisoners. The agent is issued to all deputies along with training in its use.

**Opening Statement** – Before introducing any evidence in the case, the attorney for each side tells the jury what the case is about and what evidence is expected to be brought in to prove their side of the case. It is not evidence.

**Operational Readiness** –The term "operational readiness" includes care, cleaning, preventive maintenance, repair and responsiveness.

## **P**

**Parties** – The plaintiff and the defendant in the case – also called “litigants.”

**Perimeter Screening** – Monitoring the perimeter zone, and access points thoroughly to ensure every person entering the court facility is checked for weapons, other dangerous instruments and dangerous ordinance.

**Physical Evidence** – Any substance or material found or recovered in connection with a criminal investigation which aids in the reconstruction of the offense and/or the identification of the offender.

**Physical Force** – Any use of force other than that which is considered deadly.

**Plain Feel Seizure** – According to the courts, during a lawful pat down, an article may be seized if its incriminating nature is readily apparent by feeling it. However, a lump may not be squeezed and manipulated to detect its nature. An officer will only get “one plain feel.”

**Plain Smell Seizure** – State v. Moore (90 Ohio St.3d 47) (2000) The Ohio Supreme Court ruled “the smell of marijuana alone, by a person qualified to recognize the odor, is sufficient to establish probable cause to search the motor vehicle, pursuant to the motor

vehicle exception to the warrant requirement.”

**Plaintiff** – The party who institutes a legal action.

**Planning** – The process of establishing goals and suitable courses of action for achieving those goals.

**Plan** – A process developed in anticipation of a future event and provides the details for achieving the operational goals/objectives of the event.

**Pleadings** – All the documents filed by the parties before the trial to establish what issues must be decided by the jury.

**Policy** – A written directive that is a broad statement of the principles of the court. Policies are intended to be guidelines to be followed by personnel in the attainment of established goals and objectives of the court. They may be administrative or operational.

**Position Asphyxia** – The position of the body in such a manner that the position inhibits the mechanical process of breathing in that the stomach muscles, chest muscles and diaphragm are unable to function properly which results in asphyxiation of the individual.

**Prisoner** – A person who has been deprived of his/her liberty and who is kept under involuntary restraint, confinement or custody.

**Probable Cause** – Means evidence which would lead a reasonable person to believe that an offense has been or is being committed or that sizeable objects are in the place to be searched. Two noteworthy court decisions to clarify this definition are as follows:

- “Probable cause requires more than mere suspicion, but does not require convincing proof . . . . The facts necessary to establish probable cause need not reach the standard of conclusiveness and probability as the facts necessary to support a conviction. In determining whether probable cause exists, we deal with probabilities. . . . which are the factual and practical considerations of everyday life on which reasonable and prudent men, not legal technicians, act.” *Rankin v Evans*, 133F.3d 1425, 1435 (11<sup>th</sup> Cir. 1998).
- “Law enforcement officers are permitted to draw inferences and deductions that might well elude an untrained person . . . . Nevertheless, those inferences and deductions must be explained. Specifically, the Fourth Amendment requires an officer to explain why the officer’s knowledge of particular criminal practices gives special significance to apparently innocent facts observed.” *United States v Johnson*, 171 F.3d 601, 604 (8<sup>th</sup> Cir. 1999).

**Procedure** – A written directive that provides a step-by-step guideline for carrying out the activities of the court.

**Protective Sweep** – A protective sweep is a quick and limited search of the home, incident to an arrest, conducted to protect the safety of police officers or others.

**Public Office** – A “public office” includes but is not limited to agencies of a state, county, city, village, township, school district, or other office that renders a public service and is supported by taxpayer money.

**Public Record** – A “public record” is defined by ORC Section 149.43 as any document, device, or item, regardless of the physical form or characteristic [i.e., paper documents, photocopies, maps, drawings, e-mail, computer disks, audio and video tape recordings] that is created by a public office, received by a public office, or coming under the jurisdiction of a public office which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office. This definition is broad enough to encompass almost anything a governmental unit uses to carry out its duties and responsibilities.

The definition has been construed to include any material on which a public office can use and does rely. The form in which a public office keeps a record is within the discretion of that office, and ORC Section 148.43 does not require that a public office create new records to meet a public records request.

## Q

None

## R

**Reasonable Belief** – Facts or circumstances an officer knows, or should know, that would cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

**Reasonable Cause** – The combination of facts which lead an Officer to believe a crime has been committed. Reasonable cause exists when the facts and circumstances within the officer’s knowledge, and of which he or she has reasonably trustworthy information, are sufficient to warrant a person of reasonable caution to believe the offense has been or is being committed, and the accused is or has committed the offense.

**Record** – The official word-for-word copy of the court proceedings, taken in shorthand, stenotype, or audio/visual transcription by an official of the court or court reporter. Often the judge or attorneys state that something is-or is not-“the record” or “in the record.”

**Rest** – A party “rests” when that party has presented all of its evidence.

**Rules and Regulations** – These establish the “shall” and “shall not” of the court and are issued at the direction of the judge.

## S

**Search Warrant** – A directive signed by a judge ordering officers to search a particular location for particular items of evidence.

**Security Control Point** – The point/s at which perimeter screening is conducted.

### **Security Zones**

Courtroom – The place where hearings are held. It is here that defendants and victims meet, where issues of divorce and custody come to a head and where gang members meet to support comrades charged with crimes. While the overall area of the courtroom is small compared with other zones, it is the most volatile.

Exterior Area – The area from the outer wall of the court facility to the furthest point an attack or disruption could be launched against the court or persons involved in court proceedings.

Perimeter – Includes the outer walls, windows and doorways and other points of egress and ingress to the court facility.

Public Areas – All areas within the court facility open to the general public except the courtroom proper.

Restricted Areas – These include the chambers, office areas, i.e. court staff, prosecutor, probation, etc., prisoner transport hallways and private judicial hallways.

**Self Defense** – A person's justifiable use of physical force upon another when the person believes such force is necessary to defend himself or a third party from what he reasonably believes to be the use, or imminent use, of unlawful force by such other person.

**Separation of Witnesses** – An order of the court requiring all witnesses to remain outside the courtroom until each is called to testify, except the plaintiff and/or defendant.

**Sequester** – Webster defines this as separation, isolation, to set apart, to segregate.

**Sequestered Jury** – The process of insulating jurors from outside influences when there is a substantial risk of juror exposure to prejudicial media coverage, a risk of jury tampering, or a threat to the personal safety of the jurors.

**Sexual Harassment** – Deliberate or repeated behavior of a sexual nature by one employee to another that is unsolicited and unwelcome and which has the effect of creating an intimidating, hostile, or offensive working environment.

**Span of Control** – The number of persons reporting to one supervisor.

**Statement** – A legal narrative description of events related to a crime or incident.

**Stipulation** – An agreement by attorneys on opposite sides of a case as to any matter pertaining to the proceedings or trial. It is not binding unless assented (agreed to freely) to by the parties. Most stipulations must be done in writing.

**Strip Search** – A visual examination of the unclothed body for contraband and/or weapons. This search may include the examination of the clothes while removed.

**Subpoena** – A process to cause a witness to appear and give testimony before a court or magistrate.

**Suspect** – A person considered to be directly or indirectly connected to a crime either by an overt act or by planning or directing the crime.

## T

**Testimony** – Evidence given by a competent witness, under oath; as distinguished from evidence derived from writings and other sources.

**Traffic Crash Investigations** – A traffic crash investigation is the collection of factual information which identifies and describes the following:

- people, roads, and vehicles involved;
- results of the crash in terms of damage to vehicles and roadside objects, injuries to people, marks and residue on the road, and final positions of vehicles and bodies;
- interpretation of these acts in terms of behavior of road users involved; and
- an attempt to specify the combinations of factors required to produce the crash.

**Therapeutic Seclusion** – This is defined as the placement and retention by qualified health care personnel of an inmate in a room for the purpose of containing a clinical situation (e.g. extreme agitation, threatening or assaultive behavior) that may result in the state of emergency.

## U

**Unity of Command** – The concept that each individual has one, and only one, immediate supervisor.

**Unlawful Harassment** – Conduct of a group or individual that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

**Unruly Child** – In section 2151.002.02 & 2151.022 “unruly child” includes any of the following:

- any child who does not subject the child’s self to the reasonable control of the child’s parents, teachers, guardian or custodian, by reason of being wayward or habitually disobedient;
- any child who is persistently truant from home;
- any child who is habitually truant from school and who previously has not been adjudicated an unruly child;
- any child who so departs the child’s self as to injure or endanger the child’s own health or morals or the health or morals of others;
- any child who attempts to enter the marriage relationship in any state without the consent of the child’s parents, custodian or legal guardian or other legal authority;
- any child who is found in a disreputable place, visits or patronizes a place prohibited by law, or associates with vagrants, vicious, criminal, notorious or immoral persons;
- any child who participates in any occupation prohibited by law or is in a situation dangerous to life or limb or injurious to the child’s own health or morals or the health or morals of others; and
- any child who violates a law, other than divisions [A] of section 2923.211 [2923.21.1] of the ORC that is only applicable to a child.

**Unusual Occurrence** – Any natural or man-made event, civil disturbance, or any other occurrence of unusual or severe nature which threatens to cause or causes the loss of life or injury to any person and/or severe damage to property and requires extraordinary measures to protect lives, meet human needs and achieve recovery.

## V

**Victim** – Any person victimized by domestic violence, including victims unwilling to file charges or to prosecute the offender.

**Victim Advocate** – Defined in the Ohio Revised Code as a person who provides support and assistance for a victim of an offense during court proceedings.

**Voir Dire** – “To speak the truth.” The phrase denotes the preliminary examination which the court may make of one presented as a witness or juror, as to his qualifications.

## W

**Witness** – One who testifies under oath to what he/she saw, heard, or otherwise observed. The judge exercises control over the mode and order of interrogating

witnesses and presenting evidence so as to: make the interrogation and presentation effective for the ascertainment of the truth; avoid needless consumption of time; and protect the witness from harassment or undue embarrassment, Evidence Rule 611(A).

## **X**

**X-Ray** – The purpose of the use of this equipment is to inspect packages, i.e. bags, purses, briefcases, mail, etc. This equipment will detect metal objects, metallic objects, explosives, drugs, etc. It eliminates the necessity to open and hand check these items. Since items do not have to be opened, unless something is detected in the process of x-raying, it is perceived by the public as “less invasive” than hand searching the items.

## **Y**

**None**

## **Z**

**None**

## RESOURCES

1996 Anti-terrorism Training Program, Commonwealth of Massachusetts

*Introduction to Security and Crime Prevention Surveys*, Arthur A. Kingsbury.

Court Security, Chapter 73, The Standards Manual of the Law Enforcement Accreditation Program, 4<sup>th</sup>. Edition, Commission on Accreditation for Law Enforcement Agencies, Inc, Fairfax, VA, 1999.

*Court Security for Judges, Bailiffs & Other Court Personnel*, Judge Richard W. Carter, Advisory Board of the Southwestern Legal Foundation's Law Enforcement Institute, Arlington, TX, 1993

Court Security Manual, State of Minnesota, Conference of Chief Judges, 1999

Emergency Response Guidebook 2004, U.S. Department of Transportation, Research and Special Programs Administration, 2004

Janes Facility Security Handbook, Christopher Kozlow and John Sullivan, Janes Information Group, Alexandria, VA, 2000

Model Security Operations Manual, The Supreme Court of Ohio/Ohio Judicial Conference, 2<sup>nd</sup> Edition, Columbus, OH 2001

*Ohio Courts – A Citizens Guide*, Ohio Judicial Conference

*The Challenge of Crime in a Free Society*, The Presidents Commission on Law Enforcement and Administration of Justice, 1967 Pages 8-9 [Modified for Ohio by Anderson Publishing Company]

The Ohio Bailiffs Association Manual, The Ohio Bailiffs Association, 1991

## **MISSION**

The Ohio Bailiffs and Court Officers Association Inc., is a non-profit organization whose membership is comprised of professional, dedicated public servants committed to excellence. Founded on the concept of providing effective and efficient services to the community it serves, the Association functions as a partner in the criminal justice system committed to meeting the training, educational and resource needs of its members.

# COURT OFFICER CODE OF ETHICS

As a court officer, **my** fundamental duty is to serve the public; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional right of all men to liberty, equality and justice.

**I** will keep my private and public life unsullied as an example to all so that the public will regard me as an example of stability, fidelity and morality.

**I** will maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; be constantly mindful of the welfare of others; and exemplify integrity in all my duties. Honest in thought and deed in both my personal and official life, **I** will be exemplary in obeying the laws of the land and the rules and directives of my court. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

**I** will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless persecution of criminals, **I** will enforce the law courteously and appropriately **without fear of favor**, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

**I** accept as a sacred obligation my responsibility to support the Constitution of the United States and consider the privilege of defending its principles the greatest honor that may be bestowed upon any person.

**I** recognize the badge of my office as a symbol of public faith and **I** accept it as a public trust to be held so long as I am true to the ethics of service as a court officer.

**I** will constantly strive to achieve these objectives and ideals, dedicating myself before God to **my** chosen profession.

## BY-LAWS

### ARTICLE I - NAME AND PURPOSE

#### Section 1 - Name

The name of this organization shall be the Ohio Bailiffs and Court Officers Association ~~-Affiliate of the International Association of Court Officers and Services, Incorporated~~ **and shall be known as the Association in these By Laws. The Association** which, was previously known as **the Ohio Bailiffs and Court Officers Association - Affiliate of the International Association of Court Officers and Services from 1998-2005 and** the International Association of Court Officers and Services, Inc. - Ohio Chapter from 1995-1998. The Association evolved from two other associations: the Ohio Municipal Bailiffs Association which was founded in 1976 and which subsequently became the Ohio Bailiffs Association in 1979 when its membership was opened to include all Bailiffs, Court Constable/Bailiffs and Deputy Bailiffs from all courts of record in Ohio.

The Association is a non-profit organization, ~~and is a separate and non-related affiliate of the International Association of Court Officers and Services, Incorporated [known as the National Association], an incorporated non-profit association whose principle business location is maintained in the Commonwealth of Virginia located at 1450 Duke Street, Alexandria, Virginia 22314-3490. As an incorporated body, the National Association shall be deemed a separate and non-related affiliate of the National Sheriff-s- Association [NSA], a tax-exempt organization under 501C of the Internal Revenue Code of 1986 [Code] which is originated and initially established this incorporated body in 1994 in the Common Wealth of Virginia.~~

#### Section 2 - Purpose

The purpose of the Association shall be to promote the general welfare of its Members by providing training and education in court/judicial/law enforcement activities ~~for its Members~~ through courtroom supervision, services, transportation and other training programs and conferences. Any and all major activities to be undertaken by the Association and any changes to be made to these By-Laws shall be subject to approval by Members of the Association and by the Executive Committee and Board of

Directors of the Association.

## ARTICLE II - MEMBERSHIP

### Section 1 - Eligibility

Membership in the ~~Ohio Bailiffs and Court Officers Association - Affiliate of the International Association of Court Officers and Services, Incorporated [IACOS]~~ shall consist of active, associate, affiliate, honorary, organizational, and life members as described further in these By-Laws or any other conditions established by the Board of Directors of the Association.

### Section 2 - Active Member

A full or part-time employee, entity or **individual** in the following career fields or occupations: Court Officers, Deputies, Bailiffs, Constables, Court Aids, Temporary Staff, Civil or Criminal Process Servers, Facility Personnel, Transportation Officers/Deputies, Police Officers, Victim/Witness Coordinators and Court Security Deputies/Officers, Chief Executives, Police Chiefs and Sheriffs, Criminal Justice Professionals, Auxiliary or Reserve Members.

Also, Professors and Technical Staffs of Colleges, Universities, Resource Centers, Libraries, or State Training Academies who are engaged in teaching or research in all phases of Criminal Justice

### Section 3 - Associate Member

Retirees or former employees as listed in Article II, Section 2.

### Section 4 - Affiliate Members

Judges, Attorneys, Public Defenders, Prosecutors, State Attorneys, County Attorneys, District Attorneys, their deputies and staff members.

### Section 5 - Honorary Members

Honorary Members of the Association as approved by the Board of Directors of the Association may attend all meetings, conferences, and training of the Association, with no voting rights.

### Section 6 - Life Member

Life Member of the Association shall include past presidents of the Association and others as approved by the Board of Directors of the Association; with voting rights, may attend all meetings, conferences and training of the Association. ~~All life members from the Ohio Bailiffs and~~

~~Court Officers Association will be life members of the Association. but not the National Association.~~

### Section 8 - Voting Rights

All eligible active, associate, or affiliate Members in good standing of the ~~Ohio Bailiffs and Court Officers Association~~ shall have the exclusive rights in the Association and shall have the right to vote on all matters that are related to, and that come before the membership of the Association.

An organizational member shall have the right to designate a maximum of three [3] of its members to cast votes on issues that come before the general membership. Designated members of an organization are eligible to hold office within the Association.

### Section 9 - Denial of Membership

No individuals or organizations will be denied membership or active participation in the Association or its activities on the basis of sex, race, age, creed, color or national origin or on the basis of any other criterion unrelated to the principal tax-exempt purposes of the Association. No individual shall be eligible for any type of membership in the ~~National Association~~ or the Association who is **currently under indictment for** or **was has been** convicted of any felony of any state, local or federal criminal law or crime of moral turpitude.

## ARTICLE III - MEETINGS

### Section 1 - Time and Place of Annual Meeting

There shall be an Annual Membership Meeting of the Association held for its general membership. Any such Annual Meeting or Conference/Exhibition shall provide various educational seminars, courses of study and exhibits for the Members of the Association.

### Section 2 - Special Meetings

Special Meetings of the Association may be called at the request of the President of the Association or upon the written request of the majority of the members of the Association.

### Section 3 - Notice

Notice of all meetings of the Association shall be in writing and shall state the purpose, place, date, and hour of the meeting and that any such meeting is being held at the direction of the President of the Association. Any notice of the Annual Meeting of the Association shall be provided in the

official publication of the Association. All notices of any Special or Regular Meetings of the Membership, Executive Committee, Board of Directors, or Standing Committee(s) of the Association shall state the specific purpose or purposes for any such meeting being called. The notice of any such meetings may be given personally, by electronic means or by mailing to each member entitled to vote at such a Meeting or through any official publication of the Association. If any such notice is given in writing or electronic means or by publication, it shall be given not less than ten [10] nor more than ninety [90] days before the date of any meeting of the Association. If mailed, such notice is given when deposited in the United States mail, with postage thereon prepaid, directed to the member at his/her address as it appears on the record of membership. If mailed, any such notice shall be filed by the Secretary of the Association.

#### Section 4 - Quorum

A majority of the Association's Membership, Board of Directors, or Executive Committee ~~shall be~~ present at any Annual Meeting, Regular Meeting or Special Meeting ~~to~~ **will** constitute a quorum and any such meeting shall be conducted based upon Robert's Rules of Order.

#### Section 5 - Minutes

The Minutes of the Annual Meeting or of any Regular Meeting or Special Meeting of the Association shall be read and approved at the next succeeding appropriate Regular, Special or Annual Meeting of the Association or at a meeting of the Board of Directors, the Executive Committee or Standing Committee of the Association. Copies of any and all Executive Committee/Board of Directors or Committee Minutes shall be sent to the principle office of the Association within thirty [30] days after such meeting; and to each and every committee member within thirty [30] days after such meeting.

### ARTICLE IV - EXECUTIVE COMMITTEE

#### Section 1 - Membership and Term

The Executive Committee of the Association shall consist of the Officers of the Association as provided in Article VI to include the immediate Past President and the current President of the Association and the three Vice Presidents, the Secretary and **the** Treasurer.

#### Section 2 - Authority

The Executive Committee shall conduct the current and ongoing business of the Association and make all emergency decisions as are deemed

necessary. All major actions of the Executive Committee may be subject to the review of the Board of Directors of the Association.

## ARTICLE V - BOARD OF DIRECTORS

### Section 1 - Administration

The administration of the affairs of the Association shall be vested in the Executive Committee and the Board of Directors of the Association as provided in Article VII of these Articles.

### Section 2 - Membership and Term

Membership of the Board of Directors shall include: Members of the Executive Committee as provided in Article IV during their term in office and ~~Six (6)~~ **Seven (7)** Directors who shall serve at-large and are elected by the membership in attendance at the annual meeting.

The directors shall be elected by the members at the first organizational meeting of the Association. Two members shall be elected by the membership to serve as directors for a three years term, two members shall be elected by the membership to serve a two year term, and two members shall be elected by the membership to serve a one year term. Beginning at the annual meeting in 1997, and each subsequent year thereafter, two members shall be elected to serve as directors for three year terms.

The director of the region created on September 20, 2003, will be appointed for a one year term by the president and subsequently elected by the membership every three years beginning with the annual meeting in 2004 and subsequently every three years thereafter.

### ***Section 3-Appointment of Staff***

***The Board may appoint sufficient staff to manage the Association and shall establish the duties and responsibilities of these positions in a position description. The Board shall establish and set any compensation and or benefits for such positions.***

***Individuals filling these positions may be appointed by the Board to serve as ad hoc members of the Board of Directors. Ad hoc members shall not have voting rights.***

### Section 3 - Duties

The Executive Committee and the Board of Directors shall manage the

overall tax-exempt business of the Association. The Board of Directors of the Association shall develop an employee handbook and adopt uniform employment policies, including any travel and entertainment policy applicable to any officer, member of the Board of Directors, Member, employee or independent contractor of the Association.

#### Section 4 - Meetings

Regular meetings of the Executive Committee and the Board of Directors may be held **as determined by the Executive Committee or the Board of Directors**. Notice of such **meeting will be determined by** as the Executive Committee or the Board of Directors. ~~shall from time to time determine.~~—The Executive Committee and the Board of Directors may hold joint meetings.

Notice of the time and place of any Special Meetings shall be given to each Member at least ten (10) days prior to such Special Meeting by mail or electronic means addressed to such board member at the address as it appears on the records of the Association. If given by mail or electronic means, the notice shall be deemed given when deposited in the United State mail or communicated by electronic means. Special Meetings of the Executive Committee or the Board of Directors due to extraordinary or emergency conditions may be called by the President of the Association or shall be called at the written request of the majority of the Executive Committee or Board of Directors.

#### Section 5 - Quorum

A majority of the Board of Directors shall be present to constitute a quorum at any meeting of the Board of Directors and all Meetings shall be conducted under Robert's Rules of Order.

### Article VI - Officer

#### Section 1 - Eligibility

The Officers of the Association shall be the President, President-Elect (known as the 1<sup>st</sup> Vice President), immediate Past President, 2<sup>nd</sup> Vice President, 3<sup>rd</sup> Vice President, Secretary and Treasurer.

Eligibility requires that the member be in good standing and employed as defined in Article II, Membership, Section 2 or Section 4 or a member as defined in Section 4. Any Officer who retires while in office may elect to remain in office until the expiration of his/her term, or may resign their office.

## Second 2 - Term

The officers of the Association, with the exception of the Immediate Past President **and President** shall be elected by the members at the first organizational meeting of the Association and subsequently by the members in attendance at the Annual meeting in the even number years to serve two year terms. The Immediate Past President automatically assumes this position for one two year term immediately after being succeeded in the office of President. The Immediate Past President may fill this position for longer than two years if he/she continues to be the immediate past president. **The first vice president automatically becomes the president when that position becomes vacant for whatever reason.**

## Section 3 - Duties of President

The President shall:

1. Preside at all meetings of the Association and of the Board of Directors;
2. Serve as Chairperson of the Executive Committee;
3. Be an ex-officio member of all Standing Committees and make all appointments of Chairperson of all Committees of the Association;
4. Prepare an annual report on the activities and present it to the membership of the Association at the Annual Meeting and provide a written copy of the annual report to the Board of Directors of the Association; [and a copy to the Board of Directors of the National Association]
5. ***Shall appoint a Member to fulfill the unexpired term of any officer who for whatever reason is unable to fulfill the responsibilities of his/her term in office [Article XI-Vacancies]; and***
6. ***May appoint a Member to serve in an "acting" capacity should any member of the Board of Directors be temporarily unable to fulfill his/her duties. The Member serving in the capacity as an acting member of the Board, shall have the same rights, duties and responsibilities of the position while serving in such capacity.***

## Section 4 - Duties of Other Officers

The President-Elect [First Vice President]:

1. Automatically succeed the President at the proper time;
2. Perform all duties of the President in his/her absence **or when the President is able to perform them;**

3. Perform such other duties as the President may designate;
4. Responsible to see that all Meetings are conducted in accordance with the Bylaws of the Association and in accordance with accepted parliamentary procedures and Robert's Rules of Order; and
5. If the President is unable to serve, the President elect will serve as acting President for the remaining term of the President or serve as the acting President until such time as the President is able to resume the duties of President.
6. **Serve as the parliamentarian;**
7. **Serve as chairperson of the By-laws committee; and**
8. **Perform any other duties specified in his/her position description or as directed by the president.**

**The Second Vice President shall:**

1. **Perform the duties of the First Vice President when he/she is unable to perform them;**
2. **Serve as chairperson of the Conference Committee; and**
3. **Perform any other duties specified in his/her position description or as directed by the president.**

**The Third Vice President shall:**

1. **Perform the duties of the Second Vice President when he/she is unable to perform them;**
2. **Serve as chairperson of the Hospitality Committee; and**
3. **Perform any other duties specified in his/her position description or as directed by the president.**

**The Secretary shall:**

1. Keep a record of the proceedings of all general meetings of the Association, Board of Directors and Executive Committee meetings and provide suitable copies to the principal office of the Association;
2. Assist the President in preparation of the agenda for any meeting of the Association;
3. Maintain a permanent record of the proceedings on the meetings of the Association; ~~and,~~
4. Prepare the correspondence of the Association; **and**
5. **Perform any other duties specified in his/her position description or as directed by the president.**

**The Treasurer shall:**

1. Collect all monies of the Association;

2. Deposit said monies in any Federally-Insured bank or financial institution as approved by the Executive Committee and to purchase certificates of deposits or other time instruments or certificates not to exceed \$100,000.00 in any such bank or financial institution;
3. Keep an account and budget of all funds and shall cause the disbursement on order of the Executive Committee or the President of the Association at the principal business office of the Association; Submit financial reports at each meeting to include an annual financial report at the annual meeting;
4. Submit financial and accounting records for audit upon leaving office and when requested by the Board of Directors;
5. File any and all Federal, State and Local tax returns or annual personal property or other required returns or reports as required on behalf of this non-profit organization; ~~and,~~
6. Serve as the chairperson of the Budget Committee; **and**
7. **Perform any other duties specified in his/her position description or as directed by the president.**

All officers of the Association shall be available to advise and assist all Committees of the Association. All reasonable and necessary expenses (including travel, based on the Department of Treasury per diem rates) incurred by the Officers of the Association shall be reimbursed as determined as a standard policy by the Board of Directors of the Association.

## Article VII - Committees

### Section 1 - Committee Roster

There shall be as many Standing Committees as the President of the Association and the Executive Board of the Association decide from time to time.

### Section 2 - Appointments of Chairpersons

1. Chairperson and Vice Chairperson of all Standing Committees shall be designated by the President of the Association.
2. Any Chairperson of any Standing Committee and members of all Standing Committees may be ~~elected~~ **appointed to** and serve for more than one full term. All Chairpersons and committee members may be reappointed after their tenure of one year is completed.

### Section 3 - Chairpersons Duties

The Chairperson of each Standing Committee may be requested to submit a plan for their Committee's activities to the President and Board of Directors for prior approval. The Board of Directors or President shall define any other duties to be performed by these Standing Committees and all goals and objectives and mission statements shall be developed and filed at the principle office of the Association. The Secretary of all Committees shall prepare minutes of any meeting and shall send all such Minutes to all committee members for their approval or comment within thirty (30) days. The minutes shall also be sent to the principle office of the Association as required by Article III, Section 5.

The Secretary of each committee shall file a copy of the minutes of each meeting with the Secretary of the Association within thirty (30) days of the meeting.

#### Section 4 - Subcommittees

Any Committee Chairperson as provided for in this Article shall have the power to appoint subcommittees **within his/her committee** whenever the ~~occasion~~ **need** arises.

### ARTICLE VIII - FUNDS OF THE ASSOCIATION

#### Section 1- Financing

The funds of the Association shall consist of:

1. Any operating funds as provided and to be held by the Executive Committee or Board of Directors;
2. Such other funds or trust funds as the Executive Committee or Board of Directors may from time to time determine; and
3. Any investment as authorized by the Board of Directors which is consistent with the state and federal banking, insurance and securities laws.

### ARTICLE IX - NOMINATING AND ELECTIONS

#### Section 1 - Nominating Committee

The President shall appoint a chairperson and four other Members of the Association to serve on the Nominating Committee. The Nominating Committee shall nominate at least one candidate for each of the vacancies among the Officers and the Directors to be elected by the Members of the Association.

#### Section 2- Voting

A Member must be present to vote at the time and place of the Annual Meeting of the Association based upon the election procedures as adopted by the Board of Directors for casting any vote for an Officer or member of the Board of Directors.

The nominating Committee shall count the votes. The majority of all votes cast shall constitute sufficient votes for a member **to** be elected to any position within the Association.

### Section 3 - Election Results

The Chairperson of the Nominating Committee shall announce the results of the election at the Annual Meeting of the Association; and all Officers and Directors shall be installed during the annual banquet. Notices announcing the result of any election may be sent to the Board of Directors.

After the election, the results shall be announced in the next issue of the Association's official publication.

## ARTICLE X - RESIGNATIONS

### Section 1 - Written Resignations

Resignations of Directors, Officers, and any Committee members of the Association shall be in writing, and shall take effect upon receipt by the President of the Association. If the President submits a letter of resignation, it will be submitted in writing to the President Elect and shall take effect upon receipt.

### Section 2 - Involuntary Resignation

- 1. *Unexcused Absence*** - The unexcused absence of a member of the Executive Committee or the Board of Directors from two (2) or more regularly scheduled meetings of the Executive Committee or the Board of Directors shall be equivalent to an official resignation.
- 2. *Failure to Perform – Any officer who in the opinion of two-thirds of the Board of Directors has failed to perform his/her duties as specified in these By-laws or other directives of the Association shall be considered as having involuntarily resigned their position.***

## ARTICLE XI - VACANCIES

### Section 1 - Board of Director Vacancies

In case a vacancy shall occur on the Board of Directors, the President shall

appoint a Member to the vacancy. The person chosen to fill the vacancy shall hold the office until the term expires.

## ARTICLE XII - REPORTS

### Section 1 - State Law Requirements

The Board of Directors shall present at the Annual Meeting a report, in accordance with the Not-for-Profit Corporation Law of the Commonwealth of Virginia, verified by the President, Secretary and by a majority of the Board of Directors, or certified by an independent [public] **accountant** or certified public accountant as selected by the Board of Directors, containing the following information:

1. The assets and liabilities of the Association as of the end of the **current** 12-month fiscal year. **A fiscal year shall run from January 1 through December 31 of a calendar year.** (~~A Fiscal Year@~~) ~~period with the first A Fiscal Year@ ending December 31, 1996;~~
2. The principal changes in assets and liabilities during the year immediately preceding the date of the report;
3. The revenue or receipts of the Association for the Fiscal Year immediately preceding the date of the report;
4. The expenses or disbursements of the Association during the Fiscal Year immediately preceding the report; and
5. The number of Members of the Association as of the date of the report, together with a statement of increase or decrease in such numbers during the years immediately preceding the date of the report, and a statement of the place where the names and ~~places of residence~~ **employment** of the current Members may be found.

~~The Fiscal Year of the Association shall be January 1<sup>st</sup> - December 31<sup>st</sup>.~~  
The report shall be filed with the Association and a copy thereof shall be entered into the minutes of the Annual Meeting of the Association.

### Section 2 - Committee Report

Every Standing Committee of the Association shall present annual reports to the President of the Association prior to the Annual Meeting.

A summation of these reports may be included in the Association Annual Report.

### Section 3 - Submission to the Board of Directors

No report shall be presented to the Association at its annual business

meeting which has not been previously submitted to the Board of Directors for review. The Board may advise changes or require additional information to be formulated in the report before it is presented to the Association.

#### Section 4 - Other Financial Reports

The Chairperson of the Budget and Audit Committee shall present at a ~~Meeting or/and~~ the Annual Meeting, **or any meeting specified by the President**, a report concerning ~~any~~ assets held by the Association in trust for, **and any** ~~or with~~ a direction to apply the same to any specific purpose, and the **proposed** use ~~made~~ of such asset/s and of the income thereof on behalf of the Association.

### ARTICLE XIII - PROCEDURE

#### Section 1 - Roberts Rules of Order

Roberts Rules of Order as revised shall govern the proceeding of all Association meetings.

### ARTICLE XIV - AMENDMENTS TO BYLAWS AND DAMAGES

#### Section 1 - Procedure

These Bylaws may be amended by vote of the majority of the Members of the Association present at an Annual Meeting, or at any ~~Special~~ Meeting duly called for that purpose provided that notices of such proposed amendments shall be mailed at least ninety (90) days prior to the day for which the Annual Meeting or Special Meeting is called as required in Article III, Section 3 of these Bylaws. ***The ninety [90] days notice may be waived by a majority vote of the members present at a regularly scheduled meeting for all members of the Association.***

#### Section 2 - Compliance

Any amendments to these Bylaws affecting a change in the number of Members of the Board of Directors or Executive Committee, or duties of any Officer, shall conform to the provisions of ~~the Not-for-Profit Corporation Laws of the Commonwealth of Virginia and to the tax-exempt status of the National Association~~ as approved under the Internal Revenue Code of 1986.

## **HISTORY**

The name of the Association was amended in 2005 from the Ohio Bailiffs and Court Officers Association, Affiliate of the International Association of Court Officers and Services, Inc. to the Ohio Bailiffs and Court Officers Association. The “affiliate” was deleted because there is no longer a national association with this name. The National Association has been absorbed into the National Sheriff’s Association.

The name of the Association was amended in 1998 from the International Association of Court Officers and Services, Inc - Ohio Chapter to Ohio Bailiffs and Court Officers Association, Affiliate of the International Association of Court Officers and Services, Inc. The Association was formed as an Ohio Chapter in 1995 with membership open to all court personnel, criminal justice professionals and law enforcement officers. The Chapter evolved from two associations: the Ohio Municipal Bailiffs Association which was founded in 1976 which subsequently became the Ohio Bailiffs Association in 1979 when its membership was opened to include all Bailiffs, Court Constable/Bailiffs and Deputy Bailiffs from all courts of record in Ohio.

The Association is currently broken down into seven regions located geographically throughout the state. Each of these regions has a director and regional reps that assist the members and courts within their region.

# REGIONS

The state is divided into seven [7] regions to enable the Association to provide better service to its members and the courts within the region. The Association membership elects a region Director every three years. The Director has the authority to appoint region “reps” to assist with the service provided to that region.

The regions and their geographic structure by county are listed below.

Region “A” – Allen, Defiance, Fulton, Hancock, Henry, Lucas, Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Williams and Wood.

Region “B” – Ashtabula, Carroll, Columbiana, Cuyahoga, Geauga, Lake, Mahoning, Portage and Trumbull.

Region “C” – Ashland, Erie, Huron, Lorain, Medina, Richland, Stark, Summit, and Wayne.

Region “D” – Coshocton, Crawford, Delaware, Fairfield, Franklin, Guernsey, Holmes, Knox, Licking, Marion, Morrow, Muskingum, Perry, Pickaway, Tuscarawas, Union, and Wyandot.

Region “E” – Adams, Brown, Butler, Clermont, Clinton, Hamilton, Highland, Pike, Ross, Scioto and Warren.

Region “F” – Auglaize, Champaign, Clark, Darke, Fayette, Greene, Hardin, Logan, Madison, Mercer, Miami, Montgomery, Preble and Shelby.

Region “G” – Athens, Belmont, Gallia, Harrison, Hocking, Jackson, Jefferson, Lawrence, Meigs, Monroe, Morgan, Noble, Vinton, and Washington.

# ORGANIZATIONAL CHART

[Revised 040705]

