

**MIDVALE CITY, UTAH
RESOLUTION NO. 2023-R-46**

**A RESOLUTION REQUESTING THE RECERTIFICATION OF THE MIDVALE
JUSTICE COURT**

WHEREAS, the provisions of U.C.A. 78A-7-103 require that Justice Courts be recertified at the end of each four-year term; and

WHEREAS, the term of the present Court shall expire on the 31st day of January 2024; and

WHEREAS, the members of the Midvale City Council have received an opinion letter from Garrett Wilcox, City Attorney, which set forth the requirements for the operation of a Justice Court and feasibility of continuing to maintain the same; and

WHEREAS, the members of the Midvale City Council have determined that it is in the best interests of Midvale City to continue to provide for a Justice Court.

NOW THEREFORE BE IT RESOLVED, the Midvale City Council hereby request recertification of the Midvale Justice Court by the Board of Justice Court Judges and the Utah Judicial Council.


BE IT FURTHER RESOLVED, the Midvale City Council hereby affirms its willingness to continue to meet all requirements set forth by the judicial council for continued operation of the Midvale City Justice Court for the next four-year term of court, except as to any requirements waived by the Utah Judicial Council.

APPROVED AND ADOPTED this 6th day of December, 2023.



Marcus Stevenson, Mayor

ATTEST:



Rori L. Andreason,
City Recorder



Voting by the City Council

"Aye"

"Nay"

Quinn Sperry
Paul Glover
Heidi Robinson
Bryant Brown
Dustin Gettel

✓
✓
✓
✓
✓

COURT CERTIFICATION AFFIDAVIT

Justice Court: MIDVALE

Judge: GEORGE F. W. DUC

Address: 7505 S. HOLDEN ST

MIDVALE, VT 84047

Telephone: 801-567-7265

Court's Website: MIDVALE.VT.GOV

Level of Court (Circle one): (I) II III IV

Average Case Filings Per Month: 600

Daily Court Hours: 9

Number of Full-time Clerks: 6
Hours Worked Per Week Per Clerk: 40

Number of Part-time Clerks: 1
Hours Worked Per Week Per Clerk: 25-29

This form is divided into two parts. Section I contains those requirements that are statutory and cannot be waived. Section II contains minimum requirements established by the Judicial Council, and those requirements may be waived pursuant to the procedure set forth in the Instructions to Applicant included with this Application for Recertification.

Comes now Judge GEORGE F. W. DUC,

Justice Court Judge for MIDVALE,

and, except as specifically noted below, certifies as follows:

SECTION I

**THE FOLLOWING ITEMS ARE STATUTORY AND CANNOT BE WAIVED.
CERTIFICATION WILL NOT BE GRANTED UNLESS EACH REQUIREMENT IS
MET.**

Please indicate Yes or No to each of the following:

1. All official court business is conducted in a public facility. YES
2. Court is open daily. YES
3. The hours of court operation are posted conspicuously. YES
4. The judge and the clerk attend court at regularly scheduled times based on the level of the court. YES
5. The judge is compensated at a fixed rate, within the statutory range. YES
6. The responsible governmental entity provides and compensates sufficient clerical personnel necessary to conduct the business of the court. YES
7. The responsible governmental entity assumes the expenses of the travel of the judge for purposes of required judicial education. YES
8. The responsible governmental entity assumes the expenses of the travel of each clerk for the purposes of attending training sessions conducted by the Judicial Council. YES
9. The responsible governmental entity provides the Court with:
 - a. Sufficient prosecutorial support YES
 - b. Funding for attorneys for indigent defendants, as appropriate YES
 - c. Sufficient local law enforcement officers to attend court as provided by statute YES
 - d. Security for the court as provided by statute YES
 - e. Witness and juror fees YES
 - f. Appropriate copies of the Utah Code, the Justice Court Manual, state laws affecting local governments, local ordinances and other necessary legal reference materials YES
10. Fines, surcharges and assessments which are payable to the state are forwarded as required by law. YES

11. Court is held within the jurisdiction of the court, except as provided by law (78A-7-212).

YES

12. All required reports and audits are filed as required by law or Rule of the Judicial Council.

YES

13. A record of all court proceedings is maintained by an appropriate digital recording system.

YES

SECTION II

Section II contains minimum requirements established by the Judicial Council, and those requirements may be waived or an extension granted pursuant to the procedure set forth in the Instructions to Applicant included with this Application for Recertification.

Please indicate YES or NO to each of the following:

1. A clerk is available each day to conduct court business, including hearings as required by the judge, for the number of hours required for the classification of the court. YES
2. Hours during which a clerk is available are posted on the court's website. YES
3. The judge is available to conduct court business as needed. YES
4. The judge performs all duties required and exercises ultimate responsibility for the administration of justice as an independent branch of government. YES
5. All court hearings are conducted in a designated courtroom, by remote transmission, or in another location authorized by the Presiding Judge. YES
6. Minimum furnishings in the courtroom include:
 - a. Desk and chair for the judge YES
 - b. A six-inch riser YES
 - c. Desk and chair for the court clerk YES
 - d. Chairs for witnesses YES
 - e. Separate tables and appropriate chairs for plaintiffs and defendants YES
 - f. A new Utah State flag that will be on display no later than March 9, 2024 YES
 - g. A United States flag YES
 - h. A separate area and chairs for at least four jurors YES
 - i. A separate area with appropriate seating for the public YES
 - j. An appropriate room for jury deliberations YES
 - k. An appropriate area or room for victims and witnesses which is separate from the public YES
 - l. A judicial robe YES

- m. A gavel YES
- p. Necessary forms and supplies YES
- q. Office space for the judge YES
- r. Office space for the court clerk YES
- s. Secure filing cabinets YES
- t. Appropriate office supplies YES
- u. A cash register or secured cash box for each clerk performing cashiering duties YES
- v. At least one computer with word processing software and internet access YES
- w. Access to a scanner and copy machine YES
7. The court shall provide interpreters as required by Rule 3-306.04 of the Code of Judicial Administration. YES
8. Does the applicant have a law enforcement department? ~~NO~~ YES
9. If the applicant does not have a law enforcement department, identify the law enforcement agency which will provide law enforcement services for the applicant:
ALL PND SERVICES (APS) CONTRACT SECURITY
UNIFIED POLICE DEPT. (UPD)
10. A court security plan has been submitted for approval as required by Rule 3-414 of the Code of Judicial Administration. YES
11. The court electronically reports to the Driver License Division, the Bureau of Criminal Identification and the Administrative Office of the Courts as required. YES
12. Clerks' education hours shall be reported to the Administrative Office of the Courts on an annual basis. YES
13. The appointment of the clerk(s) assigned to serve the court are subject to the judge's approval, who may participate in the interview and personnel evaluation process for the clerk(s) at his or her discretion. YES
14. Court staff are current with all certification requirements required by the Board of Justice Court Judges from the month after starting with the court through September 30, 2023.
YES

15. Any interlocal agreement relating to court operations shall be submitted to the Administrative Office of the Court with the city's application for recertification. YES
16. The court accepts credit and debit cards through a system that integrates with CORIS. YES
17. The court has access to UCJIS. YES
18. An audio recording system that complies with the description below maintains a digital recording of all court proceedings. YES

For Class I and Class II justice courts, the system must:

- Be a stand-alone unit that records and audibly plays back the recording;
- Index, back-up and archive the recording and enable the record to be retrieved;
- Have at least four recording channels;
- Have a one-step "on" and "off" recording function;
- Have conference monitoring of recorded audio;
- Have external record archiving from the unit with local access; and
- Be capable of being integrated with the court's public address system.

For Class III and Class IV justice courts, the system must, at a minimum:

- Be a stand-alone unit that records and audibly plays back the recording;
- Index, back up and archive the recording and enable the record to be retrieved; and
- Have at least two recording channels.

19. If the court is a **Class I** court:

- a. Judge is employed on a full-time basis YES
- b. Dedicated courtroom which meets the master plan guidelines adopted by the Judicial Council YES
- c. Court has a jury deliberation room YES
- d. Judge's chambers, clerk's office, and courtroom are in the same building YES
- e. Judge has his or her own private chambers YES
- f. Clerk's office is separate from any other entity YES
- g. Court is open during normal business hours YES

20. If the court is a **Class II** court:

a. Court is open (check one)

____ 201-300 average monthly filings: at least 4 hours/day

____ 301-400 average monthly filings: at least 5 hours/day

____ 401-500 average monthly filings: at least 6 hours/day

b. Trial calendar is set at least weekly ____

c. Courtroom configuration is permanent ____

d. Courtroom, judge's chambers, and clerk's office are within the same building ____

e. Judge has his or her own private chambers ____

21. If the court is a **Class III** court:

a. Trial calendar is set at least twice per month ____

b. Court is opened (check one):

____ 61-150 average monthly filings: at least 2 hours/day

____ 151-200 average monthly filings: at least 3 hours/day

22. If the court is a **Class IV** court:

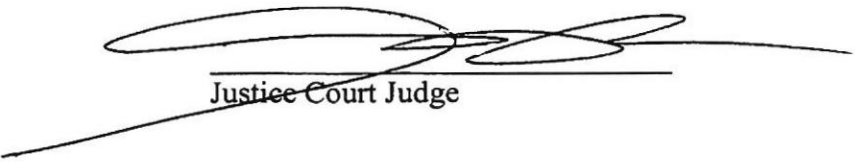
a. Trial calendar is set at least monthly ____

b. Court is open at least 1 hour per day ____

23. **If you have responded with a "no" to any item in Section II above, you must request a waiver or extension below and justify that request.** If waiver or extension of any requirement is requested, please specify each requirement and indicate factors which demonstrate a need for the waiver or extension. For any requested extension, please include the requested extension period. (To receive a waiver or extension of any requirement, the information requested in this section must be provided. Remember that statutory requirements cannot be waived or extended).

I am familiar with the minimum operational standards for this court, and except as noted above, those standards are currently met or exceeded. During the current term of the court, I have met with the appropriate governing body of the city to review the budget of the court, review compliance with the minimum requirements and operational standards, and discuss other items of common concern.

DATED this 9th day of NOVEMBER, 2023.



Justice Court Judge

I declare under criminal penalty of the State of Utah that the foregoing is true and correct.

Executed on this 9th day of NOVEMBER, 2023.



Midvale City Attorney's Office
7505 S Holden Street
Midvale, UT 84047
801-567-7250
www.MidvaleCity.org

November 14, 2023

Midvale City Council
7505 S. Holden Street
Midvale, Utah 84047

RE: Requirements for the Operation of the Midvale City Justice Court and the Feasibility of Maintaining the Court

Dear City Council,

Justice courts must be recertified by the Utah Judicial Council every four years. The Midvale City Justice Court certification expires on January 31, 2024. In order to submit an application to recertify the Midvale City Justice Court and continue operations through January 31, 2028, I am required to advise you of all requirements for the operation of the Court and the feasibility of maintaining the Court.

Statutory Requirements

Statutes of the State of Utah require that certain standards be met in the operation of a justice court. These statutory requirements include:

1. All official court business shall be conducted in a courtroom or an office located in a public facility which is conducive and appropriate to the administration of justice (Section 78A-7-213).
2. Each court shall be open and judicial business shall be transacted every day as provided by law (Section 78A-7-213), although the judge is not required to be present during all hours that the court is open.
3. The hours that the court will be open shall be posted conspicuously at the court and in local public buildings (Section 78A-7-213).
4. The judge and the clerk of the court shall attend the court at regularly scheduled times (Section 78A-7-213).
5. The entity operating the justice court shall provide and compensate a judge and clerical personnel to conduct the business of the court (Section 78A-7-206).

6. The entity operating a justice court shall assume the expenses of travel, meals, and lodging for the judge of that court to attend required judicial education and training (Section 78A-7-205).
7. The entity operating a justice court shall assume the cost of travel and training expenses of clerical personnel at training sessions conducted by the Judicial Council (Section 78A-7-103).
8. The entity operating the justice court shall provide a sufficient staff of public prosecutors to attend the court and perform the duties of prosecution (Section 78A-7-103).
9. The entity operating the court shall provide adequate funding for attorneys where persons are indigent as provided by law (Section 78A-7-103).
10. The entity operating the court shall provide sufficient local law enforcement officers to attend court when required and provide security for the court (Section 78A-7-103).
11. Witness and jury fees as required by law shall be paid by the entity which operates the court (Sections 10-7-76 and 17-50-319).
12. Any fine, surcharge, or assessment which is payable to the State shall be forwarded to the State as required by law (Sections 78A-7-120 and 78A-7-121).
13. Every entity operating a court shall pay the judge of that court a fixed compensation, within the range provided by statute (Section 78A-7-206).
14. Court shall be held within the jurisdiction of the court, except as provided by law (Section 78A-7-212).
15. The entity operating the court shall provide and keep current for the court a copy of the Utah Code, the Utah Court Rules Annotated, the justice court manual published by the state court administrator, the county, city, or town ordinances as appropriate, and other legal reference materials as determined to be necessary by the judge (Section 78A-7-103).
16. All required reports and audits shall be filed as required by law or by rule of the Judicial Council (Section 78A-7-215).
17. All justice courts shall use a common case management system and disposition reporting system as specified by the Judicial Council (Section 78A-7-213).

Judicial Council Minimum Requirements

In addition to those requirements which are directly imposed by statute, the Judicial Council has established additional requirements for the creation and ongoing certification of justice courts, as follows:

1. A clerk shall be available for at least one hour each day that the court is required to be open and during court hearings, as required by the judge. These hours shall be posted on the court's website.
2. The judge shall be available to conduct court business as needed, performing all duties required and exercising ultimate responsibility for the administration of justice as an independent branch of government.
3. All court hearings shall be conducted in a designated courtroom, including remote transmission, as permitted by the Judicial Council, or in another location authorized by the Presiding Judge.
4. The minimum furnishings for a courtroom shall include: a desk and chair for the judge (on a riser at least six inches above the well), a desk and chair for the court clerk, chairs for witnesses, separate tables and appropriate chairs for plaintiffs and defendants, a Utah State flag, a United States flag, a separate area and chairs for at least four jurors, a separate area with appropriate seating for the public, an appropriate room for jury deliberations, and an appropriate area or room for victims and witnesses, which is separate from the public, as well as a judicial robe, a gavel, and necessary forms and supplies.
5. Office space for the judge and clerk shall be appropriate. (Under certain circumstances this space may be shared, but if shared, the judge and clerk must have priority to use the space whenever needed.) The office space shall include a desk for the judge and a desk for the clerk, secure filing cabinets for the judge and the clerk, a telephone for the judge and a telephone for the clerk, appropriate office supplies to conduct court business, a cash register or secured cash box for each clerk performing cashiering duties, a computer with word processing software, and access to a scanner and copy machine.
6. The court shall provide interpreters as required by Rule 3-306.04 of the Code of Judicial Administration.
7. The entity shall have at least one peace officer (which may be contracted).
8. A current court security plan shall be submitted for approval as required by Rule 3-414 of the Code of Judicial Administration.

9. Each court shall have at least one computer with access to the internet, and appropriate software and security/encryption technology to allow for electronic reporting and access to the Driver License Division and the Bureau of Criminal Identification, as defined by the reporting and retrieval standards promulgated by the Department of Public Safety.
10. Each court shall report required case disposition information to the DLD, BCI and the Administrative Office of the Courts electronically, as described in Section above.
11. Clerks' education hours shall be reported to the Administrative Office of the Courts on an annual basis.
12. The appointment of the clerk(s) assigned to serve the court shall be subject to the judge's approval, who may participate in the interview and personnel evaluation process for the clerk(s) at his or her discretion.
13. Court staff shall be certified as contemplated by Rule 3-303 of the Code of Judicial Administration.
14. Any interlocal agreement relating to court operations, as amended to date, shall be provided to the Justice Court Administrator.
15. The court shall accept credit and debit cards through a system that integrates with CORIS.
16. The court shall have access to UCJIS.
17. An audio recording system shall maintain a digital recording of all court proceedings (78A-7-103). For Class I justice courts, the system must:
 - a. be a stand-alone unit that records and audibly plays back the recording;
 - b. index, back-up and archive the recording and enable the record to be retrieved;
 - c. have at least four recording channels;
 - d. have a one step "on" and "off" recording function;
 - e. have conference monitoring of recorded audio;
 - f. have external record archiving from the unit with local access; and
 - g. be capable of being integrated with the courts public address system.

Class I Operational Standards Minimum Requirements

In addition to the requirements established by statute and generally for every justice court, the Judicial Council has established the following minimum requirements for operational standards for Class I justice courts, as follows:

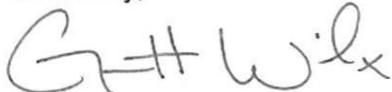
1. Filings: 501 or more citations or cases must be filed in the justice court per month.
2. Hours: The justice court must be open full-time. The judge must be employed on a full-time basis.
3. Facility: The justice court must provide a courtroom, juror deliberation room, judge's chambers, and clerk's office that are co-located in the same facility and meet the Master Plan Guidelines adopted by the Judicial Council.
4. Clerical Resources: The justice court must provide at least three full-time clerks.
5. Prosecution: The prosecutor must screen cases and represent the entity at trial.
6. Indigent Defense: The entity must provide adequate funding to provide indigent defense counsel for any defendant who requests representation and qualifies.
7. Legal Resources: The entity must provide and keep current copies of the Utah Code, local ordinances, the Justice Court Manual, and other legal resources as required under Section 78A-7-103.
8. Law Enforcement: The entity must have at least one employed or contracted peace officer.
9. Bailiff: The entity must provide a sworn law enforcement officer to attend court when required and provide security for the court.
10. Security Plan: A court security plan must be submitted for approval consistent with Rule 3-414 of the Code of Judicial Administration.
11. Jury/Witness Fees: The entity is responsible for payment of statutory juror and witness fees.
12. Education: The entity is responsible for cost of attendance at Judicial Council-mandated training (at least 30 hours per year for the judge and certification requirements for clerks).

13. Reporting: All reports and audits must be made and timely filed as provided by law or by rule of the Judicial Council. Reports to the Driver License Division and the Bureau of Criminal Identification must be made electronically via the internet.

Opinion

Cindy Lopez, the Midvale City Court Administrator, and George Vo-Duc, the Midvale City Justice Court Judge, have provided a copy of the Court Certification Affidavit and Security Plan. I have reviewed these documents, the Application for Recertification of Existing Justice Courts, and Appendix B of the Code of Judicial Administration. To the best of my knowledge and based on the information provided to me, the Midvale City Justice Court reasonably meets all of the minimum requirements established by law and the Utah Judicial Council for recertification. In my opinion, it is feasible to maintain the Midvale City Justice Court.

Sincerely,

A handwritten signature in dark ink, appearing to read "Garrett Wilcox". The signature is fluid and cursive, with the first name "Garrett" and last name "Wilcox" clearly distinguishable.

Garrett Wilcox
City Attorney

SECURITY PLAN

FOR

MIDVALE JUSTICE COURT

MIDVALE CITY, UTAH

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I. INTRODUCTION:

The intent of court security is to promote the safety and wellbeing of judicial personnel, members of the bar and citizens utilizing the courts, to establish uniform policies for court security and to delineate responsibility for security measures by the Council, the administrative office, local judges, court executives and law enforcement agencies.

Court security includes the procedures, technology, and architectural features needed to ensure the safety and protection of individuals within the courthouse and the integrity of the judicial process. Court security is the joint effort of law enforcement and the judiciary to prevent or control such problems as verbal abuse, insult, disorderly conduct, physical violence, demonstrations, theft, fire, bomb, threats, sabotage, prisoner escapes, kidnappings, assassinations, and hostage situations.

In accordance with Rule 3-414 of the Utah Code of Judicial Administration, this plan has been developed to establish procedures that will be followed by the Staff of the Midvale City Justice Court and All-Pro Services, which is the agency responsible for security in the event of a disturbance or emergency situation.

All court employees will receive training on a yearly basis. They will be instructed on the entire security plan. The All- Pro Services Officer who is assigned as the bailiff will also be trained yearly on this plan and security measures required herein.

Due the nature of the Midvale Municipal Center, which includes both City Hall and the Justice Court, in the event of any emergency in the Court the Court Administrator will immediately notify the Midvale City Administrator and appropriate Midvale City Emergency Procedures will be initiated. All Midvale City Personnel will follow the Midvale City Emergency Procedure and all Midvale Justice Court Personnel will follow the procedures outlined below.

II. EMERGENCY CONTACTS:

<u>Agency</u>	<u>Telephone Number</u>
Police Department	(Emergency)911 or (Non emergency) 743-3000
Fire Department	(Emergency)911 or (Non emergency) 840-4000
Ambulance	(Emergency)911 or (Non emergency)..... 840-4000
Intermountain Medical Center	507-7000
Emergency Utility Services: Gas	1-800-541-2824
Power.....	1-866-870-3419
Building Maintenance.....	256-2594 or 567-7235
Midvale City Administration.....	801 567-7200
Midvale City Justice Court.....	801-567-7265

III. RESPONSIBILITIES OF LAW ENFORCEMENT AGENCIES

A. Requirements

All- Pro Services is responsible for security of the courthouse and shall:

1. Coordinate all law enforcement activities within the courthouse necessary for implementation of the security plan and for response to emergencies.
2. Cooperate with the court executive in the development and implementation of a local security plan.
3. Provide local law enforcement personnel with training.
4. Appoint court bailiffs.
5. Provide building and perimeter security.

IV. COURTROOM SUPPORT

A. Bailiff Requirements/Training

1. Bailiffs shall be "law enforcement officers" as defined in Section 53-13-103. At the discretion of the law enforcement administrator and with the consent of the presiding judge, bailiffs may be "special function officers" as defined by Section 53-13-105.
2. Prior to exercising the authority of their office, bailiffs shall satisfactorily complete the basic course at a certified peace officer training academy or pass a waiver examination and be certified. Bailiffs shall complete 40 hours of annual training as established by the division of Peace Officer Standards and Training. Bailiffs shall receive annual training on the elements of the court security plan, emergency medical assistance and the use of firearms.
3. Court bailiffs shall be of suitable physical and mental condition to ensure that they are capable of providing a high level of security for the court and to ensure the safety and welfare of individuals participating in court proceedings. Bailiffs shall be capable of responding appropriately to any potential or actual breach of security.

B. Weapons

1. Bailiffs, transporting officers, and other uniformed officers will be allowed weapons in the courtroom and judge's chambers. Any non-uniformed officer will be allowed weapons in the courtroom and judge's chambers but must first check in with the bailiff or clerk and present current, picture identification.
2. Every non-uniformed officer will have identification available while in the courtroom or court offices. Exceptions may be approved on a case-by-case basis at the request of a law enforcement agency and with the approval of the Court.
3. A Judge or law enforcement official as defined in state law may possess, in the Midvale City Justice Court a concealed firearm and ammunition for which the judge or law enforcement official has a valid certificate of qualification issued under Utah Code Ann. 53-5-711 or its successor provision. Any such individuals must notify the Bailiff.

- a. To re-qualify for a certificate under Section 53-5-711 a judge or law enforcement official shall annually complete with a passing score a range qualification course for judges and law enforcement officials established by the Department of Public Safety or a course established by any law enforcement agency of the state of Utah or its political subdivision for the re-qualification of its officers.
4. All firearms permitted under this security plan that are carried into the courtroom shall be concealed unless worn as part of a public law enforcement agency uniform.
5. All firearms shall remain in the physical possession of the person authorized to possess it and shall not be placed in a drawer, cabinet, briefcase or purse unless the person has physical possession of the briefcase or purse or immediate control of the drawer or cabinet or the drawer or cabinet is locked.
6. All firearms shall be secured in a holster with a restraining device.

C. Responsibilities of Court Bailiffs

The bailiff is responsible and accountable to the assigned court. The court should inform the bailiff of particular needs, procedures, or special duties in addition to:

1. The bailiffs shall prevent persons in custody from having physical contact with anyone other than the members of the defense counsel's team. Visitation shall be in accordance with jail and prison policies and be restricted to those facilities.
2. The bailiffs shall observe all persons entering the courtroom, their movement and their activities. The bailiff shall control access to the bench and other restricted areas.
3. The bailiffs shall search the interior of the courtroom and restricted areas prior to the arrival of any other court participants. Similar searches shall be conducted following recesses to ensure the room is clear of weapons, explosives and/or contraband.
4. The bailiffs shall wear the official uniform of the law enforcement agency by which they are employed.
5. The bailiffs shall comply with the directives of the judge or commissioner with respect to security related activities and shall perform other duties incidental to the efficient functioning of the court, which do not detract from security functions. Activities wholly unrelated to security or function of the court, including personal errands, should be neither requested nor performed.
6. Bailiffs shall follow all All- Pro Services policies and procedures.

D. Responsibilities of Transporting Officers

All- Pro Services is responsible for transportation any persons in the physical custody of a federal, state, county or municipal facility whose presence in court is required of that person to and from the courtroom.

1. The transportation officer shall remain present at all times during court appearances.
2. The transportation officer shall be responsible for the custody of such persons.

3. The transportation officer shall support the court bailiff in the preservation of peace in the courtroom.
4. The transportation officer shall provide advance notice of the transportation and of any extraordinary security requirements to the law enforcement agency responsible for court security, to the judge, and to the bailiff.
5. The transportation officer shall comply with any regulations regarding the transportation of persons in custody to court.
6. The transportation officer shall return the person in custody to the proper place of confinement.
7. Midvale Police Department shall provide assistance to the transportation officer as circumstances dictate.

E. Responsibilities of Transporting Officers

1. Officers transporting prisoners into the court may secure their prisoner in a court holding cell and notification shall be made to the records clerks and the court bailiff.
2. Transporting officer may assist with the security of the prisoner, in circumstances where multiple defendants need to be taken into the courtroom.
3. Transporting officer may assist with the security of the prisoner, in circumstances where the prisoner is uncooperative, disorderly or violent.

V. HIGH PROFILE/RISK CASES:

A. Need for Additional Security

In cases where there is an indication of high risk, extreme disruption, and/or a high public interest the judge, clerk, law enforcement officers, prosecutors and defense attorneys will communicate their view of the appropriate level of risk. If there is a need for higher security, All- Pro Services will provide a plan for security of that case and provide the same to the judge, the prosecutor, and at the discretion of the judge, to defense counsel.

B. Metal Detectors and Physical Searches

If the need arises, the Bailiff or other assigned court security personnel will use a metal detector and /or a physical search of persons desiring to enter the courtroom. Signs will be posted to alert the public that they may be subject to search. Only designated law-enforcement officers will conduct physical searches.

C. High Community and Public Interest Cases

When a court hearing is scheduled that may attract community attention and result in large numbers coming to court, All- Pro Services should be notified at the earliest opportunity in order for sufficient security arrangements to be made.

D. Media

Where cases result in high media attention, staff is not to release any information. Members of the news media should be directed to the office of the prosecutor or the judge.

The use of cameras or other recording equipment is only allowed with preapproval of the Court consistent with the Code of Judicial Administration.

VI. BUILDING SECURITY

A. Description of the Midvale Justice Court

1. The Midvale City Justice Court is located at 7505 South Holden Street, Midvale Utah. The Court is adjacent to Midvale City Hall and is located on the north section of the building. The building which houses the Court is a single story with no basement and the City Municipal building is a two story building with a basement.
2. The Midvale Justice Court has one public entrance. There are two other restricted entrances to the Court building. There are two other restricted entrances to the Midvale Municipal building and one public entrance. There is one courtroom located in the North East corner of the building; this courtroom has one public entrance. The judge and other court personnel access the court through a doorway from the Clerk's area. Prisoners waiting for court that day are held in a secure area at the very back of the Court with no public access.
3. There are three emergency exits out of the Midvale Justice Court:
 - a. The Main Lobby Entrance and Exit Doors
 - b. The connector hallway emergency exit door
 - c. The courtroom emergency exit door
 - d. In the event of the emergency, the following evacuation plans shall be used (evacuation maps attached):
 - i. **Public in the main lobby/waiting** area should exit through the public entrance and exit doors located on the west side of the building. The public shall congregate on the western most side of the grass area located just north of the court building.
 - ii. **Public by the restrooms** shall exit through the east emergency exit door, into the hallway, through the stairwell and out the east employee entrance door. The public shall turn north and congregate on the western most side of grass area.
 - iii. **Public in the courtroom** shall exit through the doors at the back of the courtroom (prisoner holding area)? and out the entrance/exit doors in the court lobby. The public shall congregate on the western most side of the grass area located just north of the court building.
 - iv. **Defense council, prosecution and jury** (should one be in session) shall exit out of the south emergency exit door of the courtroom, through the secured court clerk area, into the hall adjacent to the Municipal Center and then out the East employee entrance door. They shall then gather on the western most side of the grass area located just north of the court building.

- v. **Detainees being held in the holding cells** shall be escorted by the transport officer and, if available, an additional constable out of the loading door located on the north side of the court building. The detainees shall be taken to the north side of the prisoner drop off area and secured by the bailiff until transportation can take them back to their respective holding facilities.
 - vi. **The in-court clerk and Judge** shall exit into the secured Court Clerk area, out the secured access door connecting to City Hall and through the employee entrance door located on the Northeast end of the building. The Judge and the Clerk shall proceed to the eastern most side of the grass area located north of the court building.
 - vii. **All court personnel shall** exit through the secure access door connecting to City Hall and through the employee entrance door located on the east side of the building. Court employees shall proceed to the eastern most side of the grass area located north of the court building.
- 4. The Midvale Justice Court is separated from City Hall by a secure door. The area reserved for the Justice Court contains the judge's chambers, clerk offices, jury deliberation room, break room, public and private restrooms and a courtroom.
 - 5. The courtroom, the judge's chambers, and the clerks' office are secured at all times. Inmates may be brought to the courtroom directly from the jail or holding cells without going through public areas. Inmates are never allowed in restricted or public areas.

B. Building Security Positions

All- Pro Services is responsible for handling any threats to security in the offices or courtroom of the Midvale City Justice Court. Department personnel are trained to handle any and all emergencies that might arise.

- 1. A bailiff will be provided to the court from All- Pro Services while court is in session.
- 2. All- Pro Services will provide a security officer to oversee the magnetometer while the justice court is in session.

C. Security Alarms

The Peak Alarm can be summoned by the use of one or more distress buttons in the courtroom and clerk's office. They are located at the judge's bench, the in-court clerk's desk and two at the clerks' front counter. The Court facility also has video security at the entrance of the courthouse, the lobby of the courthouse, the courtroom and in the onsite holding cells. The video feed from the holding cell is monitored by the Bailiff, Court Administrator and in-court clerk and all video feed is saved directly to the City database. The police department can also be summoned by using the telephones located on every desk in both the courtroom and the court offices.

In the event of an emergency or disturbance in the courtroom, the distress button should be used, even if a Bailiff is present.

The distress button system will be tested quarterly and the test will be prearranged with Peak Alarm Security Company.

D. Security Measures of Court and Personal Property

When safety and time permits, the following protocols shall be followed:

1. Security of records

The Court Administrator is responsible for the security of all court records. Upon notification of any emergency and assuring all persons are out, the room containing court records is to be locked to limit access. In all instances, the entire court staff should do everything reasonable, but not at a risk to their personal safety, to ensure that the files are kept confidential and safe.

2. Security of court funds

If any emergency arises and the building needs to be evacuated, all monies must be locked up if it can be done safely. If time permits, and there is no threat, the clerk or clerks should take the money with them, in an inconspicuous manner, for safe keeping until the emergency is over. The Court Administrator is ultimately responsible for ensuring the safe handling of court funds and should be diligent in seeing that none of those funds are lost or stolen.

3. Security of other court property

In all cases, the court staff shall take appropriate action to protect furniture, equipment, files, etc. as the situation allows. However, at no time should staff risk life or limb to save property.

4. Security measures outside building

The entire perimeter of City Hall and the Court are monitored twenty-four hours a day seven days a week by surveillance cameras.

5. Securing the courthouse

The justice court portion of the building shall be checked at the end of each business day. Building security officers will complete the check; the check will ensure the justice court is properly secured.

6. High-profile cases

During high profile cases, security officials should be mindful of demonstrators or others who may interfere with court proceedings. Twenty-four hour security coverage of the court building and its surrounding area may be conducted in extremely high profile cases or ones where threats have been received.

VII. EMERGENCY SITUATIONS

During an emergency, the bailiff is in charge of the situation. Employees should follow instructions from any security officer, bailiff, or police officer during emergencies.

The bailiff or officer in charge will:

1. Direct, in an orderly fashion, evacuations of the court portion of the building. All court employees will be directed to a designated safe area. This area is the farthest portion of the grass area north of the court building.
2. Once evacuated, account for employees at the safe-area.
3. Determine whether to send employees home or, to allow employees to return to the court building.

A. Hostile Persons

1. If an employee encounters a hostile person, the employee should keep calm and, without alarming the person, attempt to indicate the need for help to other employees.
2. If, upon observing the hostile person(s) it appears that security is needed, the employee will obtain assistance by use of the most readily available means, to include: the panic button or calling the police department or other available law enforcement on the intercom or telephone.
3. If the panic button is pressed Peak Alarm dispatch will call the area of the alarm to verify its validity.
4. Peak Alarm will then alert local police or other available law enforcement who will then take over the situation as per their own policy and training.

5.

B. Courtroom Disturbance

1. Summoning Assistance

If a disturbance takes place in the courtroom that the bailiff, judge or court staff cannot easily defuse, the judge or clerk will activate the distress button or make an intercom or telephone call that will alert the police department or other available law enforcement, to the problem. Court personnel should not attempt to disarm hostile persons or otherwise take matters into their own hands.

2. Hostage Situations

In a hostage situation, all court personnel shall follow the procedures in section D, 'Hostage Situations' (below).

C. Disturbance Outside the Courtroom

1. Clerk Incident Assessment

If a disturbance or emergency takes place in a court waiting area or clerk's office, a clerk will assess the situation. If the situation warrants, the clerk will call the police department or other more readily available law enforcement personnel.

2. Weapon Situation

If a weapon is visible or used, court personnel will (if possible) notify the police department or other more readily available law enforcement that there is a weapon.

Court personnel should not attempt to disarm the hostile person(s) or take matters into their own hands, but should attempt to follow the procedures as outlined in the section of this plan entitled "Hostage Situations" (below).

D. Hostage Situations

1. Duty to Notify Law Enforcement

If a hostage situation develops anywhere in the court portion of the building, the police department or other more readily available law enforcement will be contacted as quickly as possible. If unable to describe the situation, the individual making the call should simply say, "code three" and their location to alert law enforcement of the situation. "Code three" is the designation code for a hostage situation.

2. Instructions for a Hostage Situation

- a. No attempt to free hostages will be made by court staff.
- b. An attempt will be made to gather as much information as possible about the situation. It should include as much of the following as can be obtained:
 - i. Name and description of person(s) taking hostage(s).
 - ii. Name and description of hostages.
 - iii. Number of people involved.
 - iv. Location of the situation.
 - v. Location of exits and entrances to the area.
 - vi. Description of any weapons being used.
 - vii. Brief description of the circumstances.

3. Instructions to Hostages

The following are guidelines court staff should follow if they become a hostage. Court staff should be an example to those hostages who are not court employees. Staff should try and calm these individuals and, if possible, explain these guidelines for everyone's protection:

- a. Be cautious of heroics. Don't act foolishly.
- b. Be cooperative and do not make threats. Obey captors' demands without appearing either servile or antagonistic.
- c. Keep your cool. Attempt to relax by thinking of other things.
- d. Keep a low profile, but be observant.
- e. Be reluctant to give up your identification or clothing. Be especially resistant to changing clothing with captors as this could put you in danger in a rescue attempt.
- f. If possible, drink water, even if you are not particularly thirsty. It is important to keep up your strength.

- g. Be cautious of your body language as well as your words. It is important to not arouse the hostility of your captors.
- h. Try to not enter into discussions or activities with captors and be cautious of making suggestions to them.
- i. Think of persuasive reasons why you should be kept alive if your life is threatened.
- j. If a rescue attempt occurs and shots are fired, get down, take cover if possible, and keep your hands on your head. Do not resist being apprehended until proper identification can be made by law enforcement.

E. Escaping Prisoner

If an escape attempt is made during court, the clerk or judge will activate the alarm and call the police department or nearest available law-enforcement. The court staff should be observant as to the prisoner's means of escape, any help he or she received, directions of escape, and other facts that might be helpful to law enforcement. Court staff will not attempt to apprehend the prisoner themselves.

F. Bomb Threat

Extreme caution should always be used with any unusual packages, even when a bomb threat has not been made.

Court personnel upon receipt of a bomb threat should follow the following procedures:

1. During the call, try to learn all you can about the alleged bomb, its location, when it is set to go off, what kind of bomb it is, and what it looks like.
2. Have the caller repeat messages, but do not interrupt the caller. Remain calm. Do not put them on hold or transfer the call.
3. When the caller hangs up, immediately call 911. Whoever took the call will inform the Court Administrator of the threat and they will immediately inform the Bailiff and the City Manager. If the City Manager is not available the Court Administrator will inform the Assistant City Manager(s).
4. Calmly notify the judge of the threat received. When directed to evacuate, do so quickly, but in an orderly manner following the established evacuation plans.
5. If directed, begin an immediate search of the area for unusual objects. Do not touch or move any suspicious items or packages. When law enforcement personnel arrive advise them of the search results.
6. If time permits, secure all files and money as indicated in Section VI subsection D.

E. Fire

1. Employees will evacuate the building when the fire alarm goes off, closing doors behind them.
2. Any employee who observes dense smoke, flames or fire in the building will sound the fire alarm and call 911.

3. If time permits, secure money and turn off equipment.

F. Earthquake

If an earthquake occurs during working hours, staff should:

1. Stay inside if they are inside and get under something like a desk, table or permanent doorway, or against an inside wall. Stay away from windows and outside walls.
2. If outside, stay outside and move away from buildings, gas meters, power lines, etc.
3. After the quake is over, stay put until instructed to evacuate or take other action as directed by emergency personnel.
4. Do not re-enter buildings until instructed to do so by appropriate authorities.

G. Hazardous Materials and Chemical Spills

Evacuation of the building or other actions after a hazardous material incident or chemical spill will be determined by the fire department or law enforcement hazardous materials specialists.

H. Injury or Person needing Medical Attention

The first person to discover someone needing medical attention will:

1. Call 911.
2. Administer first aid, seeking competent help from persons in the vicinity.
3. Keep the victim as comfortable as possible.
4. Stay with the injured or sick person, and reassure them that help is on the way.
5. Command someone to direct emergency medical responders to the scene.

I. Active Shooter Response

1. Although it is more prudent to evacuate the court facility in events such as a bomb threat or fire, there are circumstances in which it may be more desirable to lock down or secure in place a facility. Such may be the case with an armed suspect. The purpose is to limit the exposure of employees and the public to an active shooter in or around the courthouse.
2. Notification Procedure:
 - a. Upon receipt of information about an armed suspect, a prisoner escape or a hostage situation, Bailiffs will attempt to notify occupants of the courthouse verbally or through other means available in the courthouse. The Court Administrator or Court Clerk with the closest available cell phone will, when safe, call 911 immediately and alert City Hall to the situation.
 - b. The Bailiff will announce the nature of the threat using plain language rather than codes.
 - c. Courtroom occupants will be notified of the emergency by the Bailiff and will be directed to a place of safety. Based on the situation, Bailiffs may choose to

utilize adjacent holding cells or may choose to keep persons in a locked courtroom.

- d. Upon confirmation that the threat(s) has been eliminated, Bailiffs will begin assisting employees and others from their lockdown locations. Officers shall identify themselves by title, name and agency when doing so.
3. Employee Lockdown Procedure:
 - a. Upon hearing gunfire, seeing an armed person or being notified of an active shooter inside the courthouse, employees should first consider **RUNNING** from the building. If they are unable to because of physical limitations or proximity to the shooter, they should immediately try to **HIDE**. Hiding places may include individual offices, copy rooms or other secure areas which can be locked. Such rooms will be pre-designated with round stickers on the door frames. If a locked room is unavailable, employees should seek shelter in any available room and attempt to hide themselves from view.
 - b. If they can do so safely, employees may assist members of the public to secure areas if possible and should notify other employees of the situation.
 - c. If the gunman accesses their hiding spots, employees should **FIGHT** as hard as they can using whatever weapons are present.
 - d. Employees will remain in lockdown location until they are notified by officers that it is safe to emerge. Employees may be required to remain at the scene for investigative purposes.

VIII. EVACUATIONS

A. Pre-Evacuation Actions

Prior to evacuation of the building and depending on the nature of the emergency, precautionary measures should be adhered to as listed in Section VI.

B. Evacuation Notice/Location

Upon direction to evacuate, all persons should evacuate according to the posted evacuation plan. All court employees shall proceed to the eastern most side of the grass area located north of the court building.

C. Render Aid

Employees will note anyone in the building who might need assistance. Within the employee's training and skill level, the employee will provide the needed help. The employee will also notify medical personnel of any person needing help.

D. Escape and Close Doors

If a safe door is not available to exit through, trapping employees and other persons, employees should go to an external window and signal for help. Upon exiting a room or building, all doors should be closed to prevent smoke penetration. Care should be taken not to block or seal in a doorway that will impede others from escaping.

E. Accounting for Staff

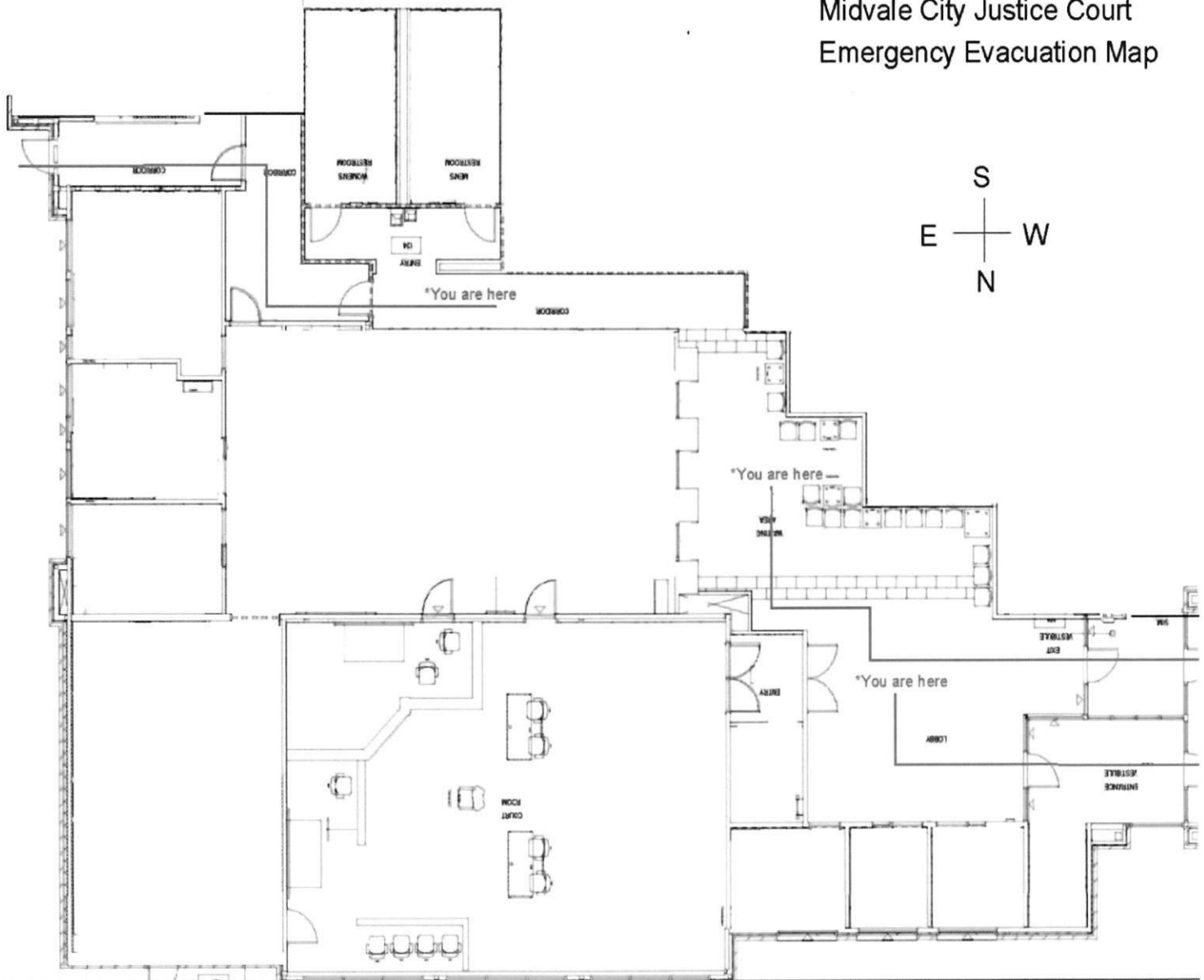
Following evacuations, all employees will inform their supervisor of their whereabouts and condition. All court employees should gather on the northern most grass area north of the Court. Provided that the building is safe, the supervisor, building security officer or other appropriate public safety personnel will authorize re-entry into the building. Long-term evacuations will require that employees check back with their supervisor before returning to work.

The key to evacuation is to remember that human safety must always come first and never be compromised to the security of property.

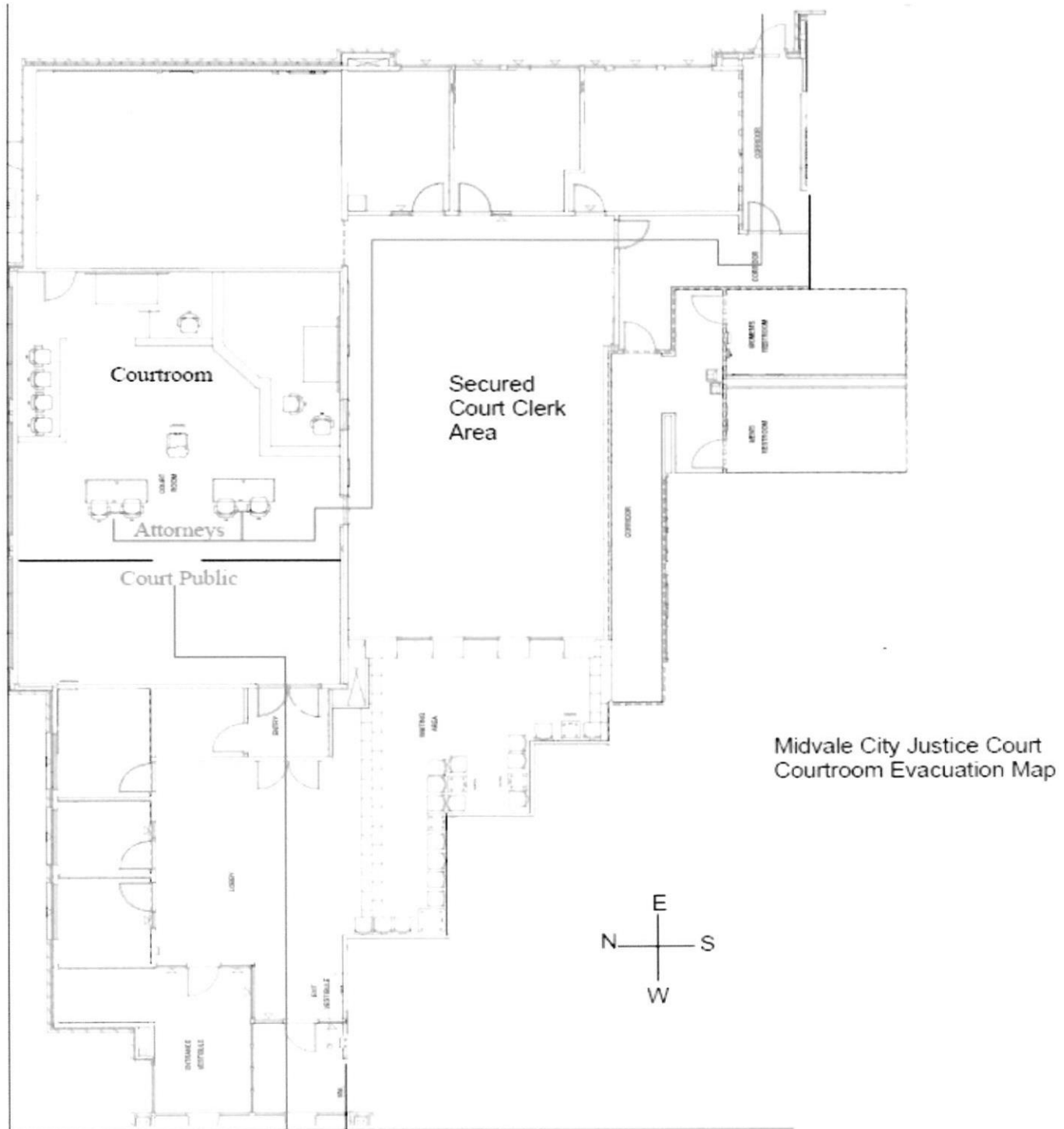
EVACUATION MAPS

Main Court Lobby

Midvale City Justice Court Emergency Evacuation Map



Courtroom



Court Personnel

