



Ohio Judicial Conference

Policy Statement

POLICY STATEMENT ON COURT SECURITY AND WEAPONS IN COURT FACILITIES

Prepared by

Ohio Judicial Conference Court Administration Committee

Approved by

Ohio Judicial Conference Executive Committee

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The Executive Committee establishes Judicial Conference policy and adopts resolutions that express judicial consensus.

In addition to the Judicial Conference Officers and Executive Director, the Executive Committee is composed of the co-chairs of the standing committees of the Judicial Conference; the presiding officers and presiding officers elect of Ohio's judicial associations; and the Administrative Director of the Supreme Court of Ohio.

What is a Policy Statement?

A Policy Statement describes as objectively and accurately as possible the position of the Ohio Judicial Conference. Typically policy statements are developed by a standing committee of the Ohio Judicial Conference and presented to the full Executive Committee for their consideration. All policy statements are approved by the full Executive Committee of the Ohio Judicial Conference. The Ohio Judicial Conference prepares these statements to clarify and explain the position the Judicial Conference has taken with regard to a particular issue that the Judicial Conference has determined relevant to the administration of justice.

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With some regularity, members of the Ohio General Assembly introduce legislation to expand the locations where an individual with a concealed carry license, or subset of individuals with a concealed carry license, may convey a deadly weapon or dangerous ordnance. While such expansions are, for the most part, soundly within the policy making authority of the General Assembly, any attempt to regulate by statute who may carry a weapon into a courthouse or court facility violates the principles of the separation of powers. The Ohio Judicial Conference has adopted the following policy as guidance to the General Assembly and to the members of the Ohio Judicial Conference for consideration when contemplating or reviewing such legislation.

The Ohio Constitution establishes the legislative, executive, and judicial branches of government. The judiciary is a separate and co-equal branch of government, with separate and distinct powers and responsibilities. It is the court's responsibility to oversee the operations of the judicial branch for the purposes of maintaining public confidence in the law and ensuring the fair administration of justice. When the constitution vests judicial power in the courts, it is granting certain inherent powers to the courts that enable them to preserve and protect their own existence and to safeguard their capacity to perform judicial functions. Security in the courtroom and the courthouse is an integral part of the adjudicatory function of the courts and is, therefore, essential to the fair and efficient administration of justice. A judge must maintain decisional independence and be able, without concern for personal safety or the safety of others in the courthouse, to make the decisions he or she is constitutionally required to make. The judiciary, therefore, has complete authority over the courtroom and courthouse, and as such, the authority to establish all security measures, including who is armed and who is not armed within the courtroom and courthouse.

The authority to determine court security measures is enshrined in the Ohio Constitution and the Rules of Superintendence for the Courts of Ohio. Article IV, Section 5(A)(1) of the Ohio Constitution grants the Supreme Court of Ohio the authority to adopt rules for the general Ohio Judicial Conference Policy Statement on Court Security and Weapons in Courtrooms

superintendence of the courts in the state. Rule 9 of these Rules of Superintendence, along with Appendix (C), Court Security Standard 7, require courts throughout the state to adopt court security plans that must include a prohibition on the carrying of weapons in to court facilities. As part of its court security plan, each court, in conjunction with law enforcement officers, is required to adopt procedures for the personal security of judges and court personnel at locations both inside and outside the court facility.

Court Security Standard 7 states:

(A) Prohibition

No weapons should be permitted in a court facility except those carried by court security officers or as permitted under division (B)(1) of this standard. The court should establish and install adequate security measures to ensure no one will be armed with any weapon in the court facility.

(B) Law enforcement

- (1) Each court should promulgate a local court rule governing the carrying of weapons into the court facility by law enforcement officers who are not a component of court security and are acting within the scope of their employment. If more than one court occupies a court facility, the courts shall collectively promulgate a single rule.
- (2) In all cases, law enforcement officers who are parties to a judicial proceeding as a plaintiff, defendant, witness, or interested party outside the scope of their employment should not be permitted to bring weapons into the court facility.

There is no issue more controversial relating to court security than whether law enforcement officers or others should be required to surrender their weapons at the court facility door. As a result, each individual court is required to review its needs and formulate policy based upon local needs and realities. Because of the variety of cases, the nature of threats and risks, and the level and type of security and funding available to each court, court security, of necessity, must be tailored to the individual situations and needs of each of the 254 courts, at the local level.

Accordingly, to the extent that the Revised Code would remove responsibility and control of court security from the judicial branch, it invades the province of the judiciary to control courtroom functions, and ensure the fair adjudication of controversies. Any such change would cede to the legislature the authority to govern court security procedures, put the independence of the judiciary at risk, and ultimately be violative of the doctrine of separation of powers. It is therefore the policy of the Ohio Judicial Conference that the Ohio General Assembly should leave all decisions and practices regarding court security and weapons in court facilities to the judicial branch.