



PROVIDING COURT SECURITY

The following information provided in this document is a review of training content on the constable's role in maintaining safety in the courtroom. According to Title 44 Chapter 71§ 7161(g) (defined below) constables can be requested by the Magisterial District Judge (MDJ) to conduct security in the courtroom as a part of their duties.

Due to previous violent circumstances that have occurred in MDJ courtrooms, a greater need for vigilant courtroom security has been recognized. This issue, coupled with the potential increase of impending evictions resulting from the COVID-19 pandemic and subsequent economic shutdown, necessitates an increased need for vigilance where safety is concerned for all members of the courtroom. Evictions are unpleasant circumstances that are characterized by high emotions, stress, and expressive behaviors. The content below is presented as a refresher to constables in preparation for providing future safety and security needs.

Title 44 Chapter 71§ 7161(g)

(15) For courtroom security as ordered, \$13 per hour, assessed against one or more parties as determined by the court.

Pennsylvania's magistrates perform work that is highly interactive and includes a wide variety of responsibilities from issuing arrest warrants to issuing emergency protective orders. Constables have the legal authority and ethical responsibility to provide security and protection to every person in the courtroom, from the judge and court staff, to the elderly woman who happens to be present because her granddaughter is appearing to answer a motor vehicle violation.

Safety is the primary concern for all constable services, so it is important to remember that a transport constable should not also be in the acting capacity of a court security constable.

Some MDJ courts only utilize courtroom security when criminal hearings are conducted, and fewer MDJ's use courtroom security when other hearings are conducted, such as civil, landlord/tenant, and traffic hearings. The Courts of Common Pleas utilize courtroom security during all court hours, regardless of court's schedule.

The following content provides a list of considerations all constables should be aware of when providing court security.

Constable Court Security Obligations:

- Control visitor access to district court
- Control prisoners in district court
- Judicial (including chambers) security
- Courtroom Security for all individuals present (court workers, witnesses, police officers) that doesn't interfere with court proceedings
- The constable can disrupt court activities in the event of disruptive behavior, disorderly individual, or hazardous circumstances
- Threat Assessment and response
- Report incidents

Constables Legal Obligations:

- Protect all persons in the court facility

- Observe Constitutional mandates when providing safeguards (i.e. use of force, privacy rights, etc.)

Searches:

- Use of metal detector is not considered a formal search
- Individual has the right to refuse metal detector search, but must vacate the court upon refusal
- Constable is legally obligated to search any individual believed to be carrying a weapon (Terry Stop)

Section 913 of The PA Crimes Code:

- It is a formal offense to possess a firearm or weapon of any kind in a court facility

- It is a formal offense to possess a firearm or weapon in a court facility with intent to use the firearm in the commission of a crime

Terry Stops:

- Minimally invasive search
- Pat down search of the individual's exterior
- Do not need probable cause
- Must have reasonable suspicion that the individual has, is currently, or is about to commit a crime
- Must have a reasonable belief that the individual is armed and presently dangerous
- Terry stops should be utilized when the constable believes the individual is in violation of Section 913
- Constable must be able to articulate the who, what, when, where, why to justify their use of the Terry Frisk
- Application of a Terry Frisk must be unbiased, impartial in nature, and must be conducted within the confines of the law
- If weapons are found on a person in violation of Section 913, the constable must detain the individual until law enforcement arrives
- If weapons are present on an individual, but are not in violation of Section 913, the constable should allow the individual to return the weapon to his/her car or place the weapons in a gun locker

Weapon Security:

- It is of paramount security that the constable maintains handgun retention
- Magisterial District Courts are often lacking in security technology (metal detectors, CCTV, etc.), the constable fills this role
- The constable is relied upon by the MDC's to provide protection and keep all weapons and threats out of the courts setting

Threat Assessment:

- 3 goals: recognize potential perpetrators, problems, or conditions, assess the risk of violence or catastrophe, and manage the subject and risks presented
- Develop a plan of response to a threat ahead of time, be proactive not reactive
- Proactive: prevent breaches to court security before they occur (check bathrooms before and

after defendant uses it, prepare for large crowds in high profile cases, check for smaller hazards like faulty outlets, etc.)

- If the only option is to be reactive: be prepared for the unexpected, react quickly with a focus on diffusing the situation and with a focus on the safety of all members present

PA Supreme Court 2013 Rules for Providing Security:

- Only constables certified by the Constables Education and Training Board pursuant to 44 Pa.C.S.A. § 7142. (IV.A.) may perform judicial duties
- Only constables certified to carry a firearm by the Constables Education and Training Board pursuant to 44 Pa.C.S.A. §7144 may enter the court with a firearm
- All constables must present identification and wear clothing that clearly identifies him/her as a constable while performing court duties
- Constables shall provide a search of all of the following; hold areas, restrooms, and any other area accessible by prisoners prior to proceedings
- Constables shall observe all actions of those within the court facility to all parties present and must be ready to act swiftly in the event of an incident
- Constables shall prevent any direct or indirect engagement between the magisterial court facility and the defendant, the defendant's family, or friends unless otherwise authorized
- Constables shall search all defendants prior to handcuffing and shackling of the waist or ankles
- Constables certified to carry a firearm must secure the weapon in a level 2 or higher security holster
- It is highly encouraged that constables do the following in order to provide ample court security; be certified to carry and be armed with pepper spray and other chemical agents
- It is highly encouraged that constables become properly trained and certified in the use of EDC's