

IN THE SUPERIOR COURT OF CHEROKEE COUNTY
BLUE RIDGE JUDICIAL CIRCUIT
STATE OF GEORGIA

In the matter of:
Courtroom Security

Administration and Procedure

FILED IN OFFICE COURT
CLERK OF SUPERIOR COURT
CHEROKEE COUNTY, GA
2009 NOV -9 PM 2:00
PATTY BAKER, CLERK

ORDER

The Court finds that providing security for the Courthouse and Courtrooms is the responsibility of the Sheriffs, and further that the Sheriff is required "to attend, by himself or his deputy, upon all sessions of the Superior Court ... Whenever required by the judge thereof.... O.C.G.A. §15-16-10(a)(2).

For purposes of decorum the Court hereby requires the presence of the Sheriff, or Chief Deputy Sheriff or other ranking deputy with approval of the Court at the initial convening of all Courts including grand jury. Such officer is hereby relieved from attending civil courts and civil non-jury days unless specifically requested. Such officer must further be subject to call on five minutes notice on Civil jury trial and Civil non-jury days.

Such officer shall attend all Criminal non-jury, motion, arraignment, and jury trial days for security purposes and shall not be excused from attendance unless relieved by the presiding judge. It is provided however, that the Sheriff may satisfy this requirement, unless otherwise required by the presiding judge, by furnishing an experienced deputy sheriff or uniform bailiff as his representative with approval of the Court.

Such representative shall be trained and experienced in matters of security, shall be familiar with fire and other emergency plans and shall be capable of exhibiting a commanding voice and presence. Such representative shall also be capable, physically and legally, of maintaining control of those in or remanded to custody until relieved.

Such representative, if provided, though primarily concerned with security, shall take the oath of bailiffs taking charge of jurors, shall be subject to direction by the Court and shall not be called away for other duties without permission of the Court.

The Sheriff or such representative shall advise the Court, bailiffs, and other appropriate Court personnel on matters of security and keep the Court advised of any known dangers or deficiencies. All officers of the Court, including bailiffs, are authorized and directed to

communicate known dangers and deficiencies to the Sheriff or his representative unless some confidence or privilege is involved; in which case such report should be made to the judge presiding. All Court personnel shall follow the directives and advice of the Sheriff or his representative concerning security unless specifically countermanded by the judge presiding.

In case of any security emergency made known to the Sheriff or his representative, every effort shall be made to first confer with the judge presiding. When the circumstances dictate that such cannot be done or is unreasonable, the Sheriff or his representative is authorized and directed to take command of the courtroom and all officers of the court and shall issue such Orders to the court, bailiffs and other officers of the court as are necessary until the emergency is abated or unless specifically countermanded by the court. All court personnel are directed to comply with such orders. On days, or in such courtrooms or at such other time when there shall be no representative of the Sheriff present, the above duties shall be exercised by the Chief Bailiff or acting Chief Bailiff.

Such representative of the Sheriff, if not on county payroll or if not on duty, shall be paid in the same manner as the other bailiffs; provided that if such representative is on payroll such bailiff pay is authorized, only if such representative shall certify that he is not on duty in similar fashion as is required for law enforcement witness pay. O.C.G.A. §24-10-27. Such pay arrangement shall only apply to such one uniform bailiff and shall not apply to such other officers as may, from time to time, be required to attend court for security or other reasons.

Rule 1: Responsibility for Security; Priority

Courtroom security shall be the PRIMARY responsibility of Court Staff of the Cherokee County Sheriff's Office. All other officers of the court shall have the responsibility of informing the Court Staff of known and reasonably foreseeable risks of physical danger. Court Staff shall attempt to address and respond to risks of danger without compromising trial integrity, bearing in mind, however that their PRIMARY responsibility in court is security from danger.

Rule 2: Administrative Recess

There may be times wherein officers of the court, including judges, may inadvertently compromise security from danger. Court staff should report to the judge any practices which are felt to be dangerous and attempt to work out solutions and alternative practices. Officers of the court should be receptive to such reports and seek to find solutions so that security from

danger is not compromised. If Court Staff is dissatisfied with attempted resolution of perceived problems, the report should be made in writing to the officer with copy to the Chief Judge of Superior Court. If the Chief Judge is the party causing the risk, the report should be made to the Superior Court judge next in seniority and to the Chief State Court Judge, who may overrule the Chief Superior Court Judge.

There may be instances in which there is not time to discuss risks and issues in advance. At any time that a member of court staff discerns an emergency affecting a risk of physical danger, he should call for or seek to have an attorney call for an "ADMINISTRATIVE RECESS". **Such recesses may not be called for any other purpose**, and should be a cue to all officers of the court that there may be an immediate danger that **MUST** be discussed by court staff with the trial judge. **The trial judge shall forthwith grant a recess** and shall proceed as stated in Rule 3.

In the event that the trial judge is unaware of this policy, all officers of the court shall agree to the recess so as to address the matter as discretely and quickly as possible. In the event the risk is not adequately resolved, Court Staff shall be afforded the opportunity to state its position for the record or in writing in absence of a record, and the judge shall respond in like fashion. The presiding judge **MUST** consider any request for additional time, manpower or equipment and must address those requests on the record. Except in cases of dire emergency, the Court staff shall then accept the decision of the presiding judge and attempt to proceed as safely as possible. The issue shall be immediately brought to the attention of the Chief Superior Court Judge, and if unavailable to the Superior Court judge next in seniority and then the Chief State Court Judge.

Rule 3: Conduct of Participants

Judge – In all instances of courtroom disruptions and/or upon the call of an Administrative Recess the trial judge shall immediately leave the bench, go to chambers, and await briefing by court staff and such other officers of the court, including attorneys, as the judge shall designate.

Attorneys, other court staff – All attorneys, clerks, bailiffs, and any other court staff shall take heed and comply with directions from the senior Sheriff's office court staff in the courtroom until such time as shall be ordered otherwise by the trial judge.

Jurors – in the event jurors are present, every effort shall be made not to compromise

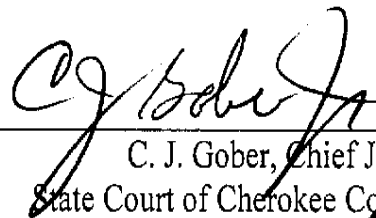
trial integrity, bearing in mind, however, that the first responsibility is security from danger. Jurors shall be escorted by Court Staff or by bailiffs at the direction of Court Staff from any areas of danger and to appropriate areas of security as shall be decided by Court Staff under the circumstances then existing.

This Order supersedes the Orders entered July 3, 1985, and recorded in Minute Book 115, Page 63; entered on July 6, 2005, and recorded in Minute Book 186, Page 390; entered on July 6, 2005, and recorded in Minute Book 186, Page 391; and entered on July 6, 2005, and recorded in Minute Book 186, Page 392.

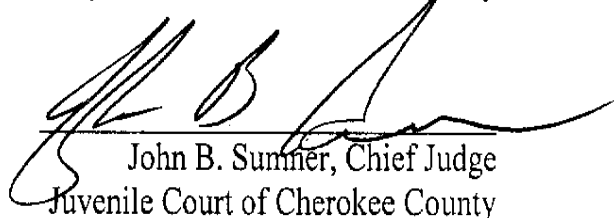
SO ORDERED this 30 day of October, 2009.



Frank C. Mills, III, Chief Judge
Superior Court of Cherokee County
Blue Ridge Judicial Circuit



C. J. Gober, Chief Judge
State Court of Cherokee County



John B. Sumner, Chief Judge
Juvenile Court of Cherokee County