RULE 6 – COURT SECURITY

6.1   Pursuant to Rule 9 of the Rules of Superintendence for the Common Pleas Court and Rule 18 of the Rules of Superintendence for the County Courts, a Court Security Policy is hereby established effective July 1, 1995. **See Appendix A to Local Rule 6.**

6.2   Pursuant to Ohio Supreme Court Rule of Superintendence 5.01, the Belmont County Juvenile Court establishes the following rule in the use of juvenile restraints for court hearings:

(A) Children appearing before the Court shall be free of physical restraint during any hearing unless the judge or magistrate before whom the child is appearing makes an individualized determination on the record that there is no less restrictive alternative to the use of physical restraint and that the physical restraint is necessary because of either of the following:

(1) The child represents a current and significant threat to the safety of the child's self or other persons in the courtroom;

(2) There is significant risk the child will flee the courtroom.

(B) In making the necessary findings to use physical restraints, the judge or magistrate shall consider (1) the nature and severity of the offense for which the child is before the court; (2) the child's prior history with the court; (3) the child's prior and current behavioral history while being held in detention and in the presence of the Court; and (4) any other factors that judge or magistrate deem appropriate in making the individualized determination to apply physical restraints during the hearing.

(C) The judge or magistrate shall permit the child who is the subject of a juvenile court proceeding, the child's spouse, the child's parent or parents, the child's custodian, guardian, or guardian ad litem, the state, and any other person specifically designated by the court, to be heard on the issue of whether the use of physical restraint is necessary for that particular child at the particular proceeding. This hearing may take place absent the presence of the child as long as the child is represented by an appropriate person and given the opportunity to respond at the time he or she appears in the court room. A child shall not be required to be free of physical restraint during the hearing to determine the necessity of physical restraint.

(D) This rule applies to court appearances while in the courtroom and shall not be construed to include physical restraints of children when being transported to and from court appearances, throughout common areas or outside of the court or juvenile detention center.

COURT SECURITY POLICY

The Common Pleas Court and the County Courts are charged with dispensing justice, resolving disputes, and protecting the constitutional rights of those who appear before the Courts.

Accordingly, appropriate levels of security should exist in the Courts to protect the integrity of Court Procedures, protect the rights of individuals before it, deter those who would take violent action against the Courts or litigants, sustain the proper decorum and dignity of the Courts, and assure that Court facilities are secure for all those who visit and work there.

Therefore, pursuant to Rule 9 of the Rules of Superintendence for the Common Pleas Court and Rule 18 of the Rules of Superintendence for the County Courts, the Court establish as follows:

(A) The Courts have appointed a Local Security Advisory Committee, consisting of the Common Pleas Judges, the three (3) County Court Judges, the three (3) County Commissioners, the Sheriff, the Police Chief of the City of St. Clairsville, the Prosecutor, the County Auditor, and a member of the Local Bar.

(B) The Courts have implemented a Local Security Policy and Procedure Plan, which plan addresses the Security Standards adopted by the Supreme Court of Ohio on October 17, 1994.

(C) The Local Court Security Advisory Committee has adopted a Security Operations Manual, which Manual shall establish written directives for the purpose of ensuring security within the Courts while maintaining accessibility to the community.