

**IN THE UNITED STATES COURT
OF APPEALS FOR THE SIXTH CIRCUIT AND
IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO**

SEP 30 2005
JAMES BONINI, Clerk
COLUMBUS, OHIO

**IN THE MATTER OF:
SECURITY PROCEDURES**

SIXTH CIRCUIT GENERAL ORDER NO. _____

SOUTHERN DISTRICT OF OHIO GENERAL ORDER NO. 05-05

This order supersedes and replaces all prior orders of these Courts on these subjects and establishes the security procedures to screen all persons entering United States Courthouses in the Southern District of Ohio. It is entered pursuant to authority reserved to local building security committees in Southern District of Ohio Civil Rules 83.2(e).

SECURITY PROCEDURES

Screening of Persons Entering the Building

1. The United States Marshal Service Court Security Officers shall operate an x-ray machine and a walkthrough magnetometer at the public entrance on the first floor of each United States Courthouse (referred to hereafter as the "Facility" or "Facilities") for the purpose of screening persons entering the building. All persons and their belongings are subject to search by the United States Marshal Service while in these Facilities.
2. All employees (except those indicated in item number 5 listed below) and persons having business with the Courts or any other offices in these Facilities shall pass through the walkthrough magnetometer for the purpose of detection of firearms, explosives, pepper spray, incendiary devices, knives, or any other item prohibited by law, regulation or court order from introduction into these Facilities. These persons shall submit to further screening by a United States Marshal Service Court Security Officer if the readings of the magnetometer indicate the presence of metallic objects. This further screening may encompass the removal of all metallic objects on their person, screening by a portable hand-held metal detector, or other screening procedures as necessary. Any person refusing to submit to this screening process shall be denied access to these Facilities.

3. All employees (except those indicated in item number 5 listed below) and persons having business with the Courts or any other offices in these Facilities who are carrying, delivering or otherwise transporting any briefcase, suitcase, package, electronic device (including cell phones, pagers, electronic organizers and portable computers), or any other container (hereafter referred to as "carried item") shall surrender such carried item for screening through an x-ray device and/or personal inspection by a Court Security Officer. Any person refusing to submit the carried item for screening through an x-ray device and/or personal inspection by a Court Security Officer shall be denied access to these Facilities. If a Court Security Officer concludes, after x-ray and/or personal inspection, that any item which the person seeks to bring into these Facilities contains firearms, explosives, pepper spray, incendiary devices, knives, or any other dangerous item prohibited by law, regulation or court order, the individual may be subject to arrest.

The following persons are exempt from the screening procedures set forth above (with appropriate official identification):

- a. Judges of the United States Court of Appeals for the Sixth Circuit; and
- b. Judges of the United States District and Bankruptcy Courts for the Southern District of Ohio; and
- c. United States Magistrate Judges for the Southern District of Ohio; and
- d. Other judges of the United States Courts who are serving by designation or assignment in these Facilities; and
- e. Deputies of the United States Marshal Service, contract guards on duty, and employees of contractors of the United States Marshal Service who serve as Court Security Officers who are authorized by law and agency regulations to carry firearms; and
- f. Probation Officers who are employed by the United States Probation Office who are authorized by law and agency regulations to carry firearms; and
- g. Employees of the United States Federal Protective Service of the Department of Homeland Security and their contract private security officers who are authorized by law and agency regulations to carry firearms; and

- h. Pretrial Services officers who are employed by the United States Pretrial Services Office who are authorized by law and agency regulations to carry firearms.
- 4. No person having authorized access to security areas after having passed through the screening devices or having authorized access via key, card key or other device, shall permit any person access to these Facilities or to any elevator, locked stairwell door, or any other locked door in these Facilities without proper written authorization from the employee's appropriate agency manager.
- 5. Only government employees and contract employees authorized by their appropriate agency manager and possessing an authorized card key may enter these Facilities through any locked entrance.

Cameras and Recording Devices

No camera or recording device is permitted in these Facilities:

- a. Cameras and recording devices are permitted if authorized for a specific occurrence by a Judge of the United States Court of Appeals for the Sixth Circuit, a Judge of the United States District Court for the Southern District of Ohio, the Circuit Executive for the United States Court of Appeals for the Sixth Circuit, the Clerk of the United States District Court for the Southern District of Ohio, or their authorized representatives. The permitting authority shall notify, in writing, the United States Marshal Service of such authorization.
- b. Employees of the United States Courts and the tenant agencies in these Facilities may possess cameras and recording devices. No recording or picture may be made of the courts, court hearings or other court functions without specific authorization by a court official (as listed above).
- c. The General Services Administration's Property Manager or his designee can authorize an individual or contract group to possess a camera or recording device for the purpose of maintaining or enhancing a Facility, to include repair and alterations. The permitting authority shall notify, in writing, the United States Marshal Service of such authorization.

- d. Tenant Managers or their designees are required to obtain permission and authorization from the United States Marshal Service to permit, for a specific occurrence, authorization for a person or group to possess and carry cameras and/or recording instruments into these Facilities.

Computers, Cellular Phones, Pagers and Related Electronic Equipment

1. The use of portable computers and related electronic equipment in courtrooms and facilities adjacent to courtrooms is subject to restrictions and requirements imposed by a judicial officer in connection with a case pending before that judicial officer.
2. **The use of cellular phones in chambers or courtrooms is prohibited** unless specifically authorized by the judicial officer presiding therein. Cellular phones may be used in the public hallways so long as such use does not disrupt courtroom or other official proceedings.
3. Cellular phones and pagers shall be set in a mode to emit no audible signals while on any of the courtroom floors in these Facilities.
4. **Cellular phones or other electronic devices capable of taking photographs or making recordings are subject to the provisions of Southern District of Ohio Local Rule 83.2, which deals with cameras, recording devices and other electronic devices.¹ An exception to the restrictions contained in this Order and in Southern District of Ohio Local Rule 83.2 is the use of non-flash cameras and recording devices during a Naturalization hearing and on the floor of the Courthouse where the hearing is being held. This permission does not include taking photographs of United States Deputy Marshals, Court Security Officers, other law enforcement officers, or any court security device. Photographs of this nature are strictly prohibited.**

Except as specifically provided herein, no person shall possess a weapon in these Facilities.

It is illegal to possess firearms, explosives, pepper spray, incendiary devices, knives or any other dangerous weapon in any federal building with or without the intent to commit a crime (Title 18, U.S.C. § 930(a)(b)); persons who do so are subject to arrest. Firearms, explosives, pepper spray, incendiary devices, knives and any other dangerous weapons brought into a Facility

¹The provisions of Southern District of Ohio Local Rule 83.2 are incorporated herein by reference. A copy of which is attached hereto.

will be confiscated by the United States Marshal Service, except as follows:

- a. Employees of the United States Marshal Service, including Court Security Officers, who are authorized by law and agency regulations to carry firearms, may possess firearms within this Facility.
- b. Employees of the United States Probation Office, who are authorized by law and agency regulations to carry firearms in the performance of their official duties, may possess firearms in these Facilities to the extent necessary to transport such firearms by the most direct route available to and from the offices of the Probation Department. In accordance with regulations of the Probation Department, all firearms shall be secured while present in the Facilities and within the offices of the Probation Department. The Chief Probation Officer will notify the United States Marshal Service, in writing, of the names of the officers with the authorization to carry firearms.
- c. United States Federal Protective Service Officers and their contract security officers of the Department of Homeland Security, who are authorized by law and agency regulations to carry firearms in the performance of their official duties, may possess firearms in these Facilities.
- d. Employees of the United States Pretrial Services, who are authorized by law and agency regulations to carry firearms in the performance of their official duties, may possess firearms in these Facilities to the extent necessary to transport such firearms by the most direct route available to and from the office of Pretrial Services. In accordance with regulations of the United States Pretrial Services Department, all firearms shall be secured while present in a Facility and within the offices of Pretrial Services. The Chief of Pretrial Services will notify the United States Marshal Service, in writing, of the names of officers with the authorization to carry firearms.
- e. Agents, officers and inspectors of all federal law enforcement agencies who are authorized by law and agency regulations to make arrests and carry firearms in the performance of their official duties may be armed in these Facilities only under the following circumstances:

- 1) While transporting a defendant/prisoner for an initial appearance before a Magistrate Judge and/or an authorized purpose in the United States Attorney's satellite office. In such circumstances, a call prior to arrival at a Facility must be placed by the agent, inspector or representative of same to the United States Marshal Service advising that an armed agent or inspector of that agency will be transporting a prisoner into a Facility. Additional internal policy, developed by the United States Marshal Service, will be required (such as lapel pins, entry log signature, etc.).
- 2) State and Local Law Enforcement Officers, while in uniform, may enter and retain their weapons while investigating/responding to a reported crime within a Facility, but excluding the courtroom floors.

These provisions regarding weapons will be in effect unless otherwise authorized, for a specific occurrence, by the United States Marshal, Chief Deputy United States Marshal, or his designee.

Any person who refuses to abide by this Order governing the possession of weapons will not be permitted access to these Facilities.

VIOLATIONS

A violator of this General Order is **subject to arrest and may be charged** with any applicable criminal offense and/or contempt of court. Property brought into these Facilities or used herein in violation of this General Order is **subject to confiscation and forfeiture** upon court order.

ORIGINAL

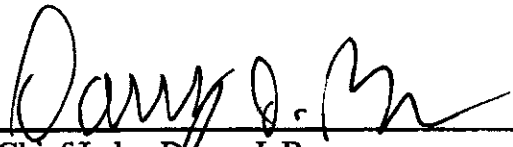
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CS SECURITY (CA)
FAX: CJ Beckwith
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UNITED STATES MARSHAL SERVICE'S
SECURITY ALERT PLAN

The **UNITED STATES MARSHAL SERVICE SECURITY ALERT PLAN** is divided into five levels. Escalating levels provide additional security requirements designed to supplement security procedures already mandated by United States Marshal Service policy.

When the United States Marshal Service Security Alert protocol is activated, the national policy guidelines directing security levels will supersede this court order.

It is so **ORDERED** on behalf of the entire Court this 30th day of September, 2005.



Chief Judge Danny J. Boggs
United States Circuit Court

Judge Algenon L. Marbley
United States District Court

Chief Judge Sandra S. Beckwith
United States District Court

Judge Thomas M. Rose
United States District Court

Judge Susan J. Dlott
United States District Court

Judge Gregory L. Frost
United States District Court

Judge Edmund A. Sargus, Jr.
United States District Court

Judge Michael H. Watson
United States District Court

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Chief Judge Danny J. Boggs
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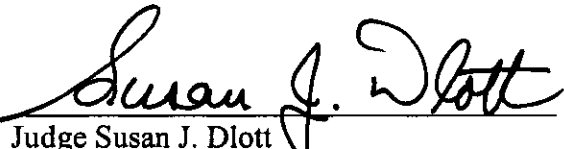
Judge Algenon L. Marbley
United States District Court



Chief Judge Sandra S. Beckwith
United States District Court




Judge Thomas M. Rose
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Judge Susan J. Dlott
United States District Court



Judge Gregory L. Frost
United States District Court



Judge Edmund A. Sargus, Jr.
United States District Court

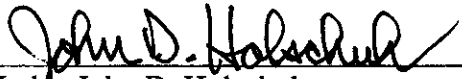


Judge Michael H. Watson
United States District Court

SENIOR JUDGES:



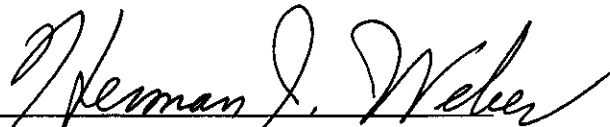
Judge S. Arthur Spiegel
United States District Court



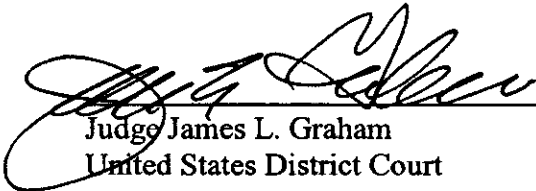
Judge John D. Holschuh
United States District Court



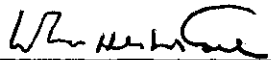
Judge George C. Smith
United States District Court



Judge Herman J. Weber
United States District Court



Judge James L. Graham
United States District Court



Judge Walter H. Rice
United States District Court