

IN THE IOWA SUPREME COURT

CLERK SUPREME COURT

In the Matter of
Courthouse Security

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Supervisory Order

Each county in Iowa maintains a courthouse where Iowans go to resolve their legal disputes in an open, fair, impartial, and civil manner. This entry point into Iowa’s justice system is designated as the Iowa district court. The justice system is an important pillar of democracy, and each courthouse holds a profound and dignified stature in each community. Many Iowa courthouses were built more than a century ago in the center of the community, and all have been integrated into the community as an expression of the importance of justice. As observed by the *Newton Daily News* in 1911, courthouses are the “silent witness to the adjudication of the rights and the correction of wrongs.” Today, Iowa’s court facilities have grown to include many law enforcement and justice centers in partnership with county and city government, and together, these centers of justice make up the brick and mortar of the Iowa district court.

While Iowa’s courthouses and justice centers are maintained by counties and cities with immense pride and are treated by the public with unwavering respect, increasing concern over the security of these facilities has emerged in Iowa, as it has with court facilities across the nation. See *The Iowa State Bar Association 2005 Courthouse Security Task Force Report*. Courtroom proceedings can at times become adversarial, and the subject matter of court proceedings can be emotional and controversial. All of this, and more, has historically given rise to the fear of violence, even violence itself. These threats, however, are not confined to courtrooms. It also threatens the safety of those Iowans who come into courthouses and court facilities to conduct other

business and to those who work in courthouses and court facilities to provide important services to the public. Unfortunately, as many news reports attest, incidents of violence in courthouses are becoming more and more common in both urban and rural counties. These incidents have occurred across the state from Des Moines County to Woodbury County and from Jackson County to Pottawattamie County.

When Iowans believe their courthouses and court facilities are not safe, the integrity of the entire justice process is compromised and undermined. Courthouse security is inseparable from the concept of justice itself.

Under article V, section 4 of the Iowa Constitution, the Iowa Supreme Court is vested with the power to exercise supervisory and administrative control over Iowa's district courts. With all power comes responsibility. With the power to supervise and administer courts comes the responsibility to promote safety in courthouses and court facilities.

In the last several years, the supreme court has increased efforts to address courthouse security by working with county and city officials to take steps necessary to protect the safety of every courthouse visitor and employee in all county courthouses. These efforts and others have been reported to the state legislature, and to all Iowans, in the annual Condition of the Judiciary message. In addition, many district court judges across the state have issued orders on matters of courthouse security within specific county courthouses or judicial districts. For example, the Second Judicial District of Iowa issued an administrative order in 2016 prohibiting weapons in courtrooms and other judicial-branch occupied spaces for all twenty-two county courthouses in the district. Similar prohibitions are in place in other judicial districts and in other counties.

In 2015, the judicial branch and county officials developed joint guidelines for courthouse and public building security in Iowa. These guidelines reflect best practices for providing security in Iowa's courthouses and public buildings. One guideline calls for each county to establish a courthouse and public building security committee comprised of county and court officials to develop and implement security plans based on local needs and resources. Many of these committees continue to meet regularly. But, more needs to be done, and time is of the essence when safety is threatened.

Currently, 72 counties prohibit weapons in courtrooms and other judicial-branch controlled spaces in courthouses. These weapons prohibitions are issued by county ordinance or by an administrative order of the chief judge. Eleven counties prohibit weapons in all county buildings. Forty-four counties prohibit weapons in a courthouse, and sixteen counties prohibit weapons only in areas the judicial branch controls. These weapons policies were implemented to make Iowa's courtrooms safer, but they have failed to provide uniform protection across the state and throughout every courthouse. The inconsistent policies and gaps in protection must be corrected for our unified court system to uniformly protect all Iowans.

The supreme court understands the difficulty of constructing a statewide weapons policy and the complexity of the issue of restricting weapons. This difficulty is compounded by the presence of city, county, and judicial branch offices in many court facilities, and the shared public access in those facilities. Yet, our constitutional responsibility to supervise and administer justice in Iowa requires court facilities in every county to be safe and compels us to act before history records more acts of courthouse violence. A statewide policy is needed to promote safety in all courtrooms and other court-controlled areas.

We also understand that a weapons prohibition will not cure the problem of courtroom violence or the threat, particularly in those court facilities without entry point protocols to detect weapons. Yet, a statewide weapons policy will establish a baseline standard that weapons in courtrooms must only be carried by law enforcement and court officers assigned to protect Iowa's courtrooms and court facilities.

After considering all factors and competing interests, the court now concludes Iowa's unified court system requires a consistent, uniform, and statewide policy prohibiting all weapons from courtrooms, court-controlled spaces, and public areas of courthouses and other justice centers. This policy serves to establish a safety perimeter for each courthouse or justice center that allows for the efficient implementation and enforcement of a weapons prohibition and is intended to prohibit the general public from entering any courthouse or justice center with a weapon. At the same time, the court understands the unique aspects of each courthouse or justice center, including factors such as building design, courthouse architecture, historical preservation requirements, cost efficiencies, law enforcement needs, and county or city employee policies. District court judges and county or city officials should continue to work together to accommodate these local concerns, consistent with the intent and objective of this supervisory order.

Accordingly, under our constitutional authority and responsibility to supervise and administer Iowa's district courts, the supreme court now orders that all weapons are prohibited from courtrooms, court-controlled spaces, and public areas of courthouses and other justice centers occupied by the court system. This order does not affect the authority of county or city officials to determine appropriate employment policies for their employees in county and city offices located in courthouses and other justice centers. This order also

does not affect the authority of peace officers to carry weapons in courthouses and justice centers while performing law enforcement duties. The chief judge of each judicial district is authorized to work with county and city officials as well as courthouse and public building security committees to develop additional policies and procedures necessary to implement this supervisory order. This order applies to the Judicial Branch Building.

Dated this 19th day of June, 2017.

The Iowa Supreme Court

By Mark S. Cady
Mark S. Cady, Chief Justice

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