



COUNTY ADVISORY BULLETIN

CAB

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COURT SECURITY STANDARDS AND GRANT FUNDS

BACKGROUND AND INTRODUCTION

In the wake of numerous shootings and other violent acts in courts across the country and the Murrah Federal Building bombing in Oklahoma City, the Ohio Supreme Court released a report containing twelve court security standards for Ohio's courts. The preamble to the October, 1994 Court Security Standards Report states "Ohio courthouses represent justice and reason. Court facilities must be safe and secure for all those who visit and work there." The report also states that "the standards are not mandates, rather, they are goals to which the courts should aspire to ensure safe access to all". The report was compiled by a statewide commission of judges, civil and criminal lawyers, referees, police officers and county commissioners who met for two years to draw up security guidelines. The Ohio Supreme Court, in adopting the commission's guidelines, however, stated that the majority of the standards "should be implemented" rather than "shall be implemented". The Supreme Court made this change in an effort to allow each court to have some flexibility in devising its own plan and also wanted to recognize the diversity of Ohio's court system (i.e. rural and urban courts). The Supreme Court, not wanting to order an unfunded mandate, asked the legislature to give each county a type of block grant to help carry out their court security plan and they also told each court to submit a security plan by July 1, 1995.

Since the standards were released in 1994 there has been a fair amount of confusion surrounding them. Several questions about the standards have been asked by county commissioners. Are the standards mandates? Can a judge or court order county commissioners to appropriate funds for court security? The most common question coming from county commissioners was, "Where are the funds to support these standards?" With the cooperation of the Supreme Court and the Ohio Judicial Conference, the Legislature heard that concern and answered it via Substitute House Bill 215 (the FY 98-99 Biennium Budget Bill) and an \$11.25 million appropriation to the Ohio Judicial Conference for court security.

This CAB reviews the twelve court security standards and will focus on answering some of the questions county commissioners have had regarding the standards and funding. The CAB will also discuss how and when the \$11.25 million recently appropriated by HB 215 (the Fiscal Year 98-99 Biennial Budget Bill) for court security will be used for security assessment and grants to local governments and provide other information about court security.

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COURT SECURITY STANDARDS IN REVIEW

This section of the CAB provides a summary of the twelve court security standards recommended in the Ohio Supreme Court's October, 1994 report. Note the court security standards reviewed in this section of the CAB came directly from the Supreme Court's October, 1994 Court Security Standards Report. In addition, other text from the report was used in other portions of the CAB.

Standard 1: Security Policy and Procedure Manual

- A written Security Policy and Procedures Manual governing security of the court and its facilities shall be established by each court to ensure consistent, appropriate, and adequate security procedures. The manual shall include: a physical security plan, routine security operations, a special operations plan, a hostage situation response plan, a high risk trial plan, and emergency procedures (fire, bomb, disaster).

Each court should have already completed a plan by July 1, 1995. A copy of the plan should be reviewed with all new court personnel and should be available for any persons assigned to the court.

Standard 2: Local Court Security Advisory Committee

- Each court should appoint a Local Court Security Advisory Committee for the purpose of implementing the court standards. The Local Court Security Advisory Committee should include representatives of the judges, law enforcement agencies, funding authorities and other appropriate bar and community groups.

Standard 3: Persons Subject to Security Screening

- All persons entering the court facility, including elected officials, court personnel, attorneys, law enforcement and security officers, should be subject to security screening. All screening should occur for each visit to the court facility regardless of the purpose or the hour.

At a minimum, the Supreme Court recommends that each court have at least one portable walk-through magnetometer and a hand-held magnetometer, with personnel trained in the proper use of that equipment. Walk-through magnetometers at a single point of entry, with accompanying x-ray viewing of packages and handbags, is the optimal method of screening entrants to a court facility and should be utilized, where possible, to provide the type of security needed to ensure a safe environment.

Standard 4: Court Security Officers

- Uniformed, armed law enforcement officers should be assigned specifically, and in sufficient numbers to court security, to ensure the security of each court and court

facility.

- All security officers assigned to court security should be certified through the Ohio Peace Officers Training Academy (OPOTA). These officers should receive specific training on court security and weapons instruction specific to the court setting.

Standard 5: Weapons in Facilities

- No weapons should be permitted in the court facility, except those carried by court security personnel or those allowed under a local court rule, provided the court establishes and installs adequate security measures to insure that no one will be armed with any weapon in the court facility.
- Each Court should establish a local court rule governing the carrying of weapons into the court facility by law enforcement officers acting specifically within the scope of their employment.
- In all cases, law enforcement officers who are parties to a judicial proceeding as a plaintiff, defendant, witness, or interested party outside of the scope of their employment should not be permitted to bring weapons into the court facility.

Standard 6: Prisoner Transport Within Court Facilities

- Prisoners should be transported into and within the court facility through areas which are not accessible to the public. When a separate entrance is not available and public hallways must be utilized, prisoners should be handcuffed behind the back and, when appropriate, secured by leg restraints.
- Prisoners should be held in a secure holding area equipped with video monitoring, where practicable, while awaiting court hearings and during any recess.

Standard 7: Duress Alarms For Judges and Court Personnel

- All courtrooms and hearing rooms should be equipped with a duress alarm connected to a central security station. Duress alarms should be located on the judge's, referee's, and magistrate's bench and at a work station of the bailiff, the receptionist, the secretary, and other officers. The duress alarm system should be a system with enunciation capability. Testing of duress alarms should be done regularly so that confidence in the system is maintained.

Standard 8: Closed-Circuit Video Surveillance

- When practicable, closed-circuit video surveillance should include the court facility parking area, entrance to the court facility, court lobby, courtroom, and all other public areas of the court facility.

Standard 9: Restricted Access to Offices

- An effective secondary screening process at the entrance to the judges' office space should be utilized to ensure safe and secure work areas and to protect against inappropriate interaction between judicial officers, including referees and magistrates, and participants in the judicial process. The general public should not be permitted in the area that houses office space for judges and court personnel.

Standard 10: After-Hours Security for Emergencies

- As part of a comprehensive security plan, each court, in conjunction with law enforcement officers, should adopt procedures for the security of judges and court personnel for periods of time other than the normal working hours.

Standard 11: Structural Design of Courtrooms and Hearing Rooms

- New construction or remodeling of court facilities should include circulation patterns that govern the movement of people in the courtroom. Judges, court personnel and prisoners should have separate routes to and from the courtroom. Waiting areas should be available to allow separation of parties, victims and witnesses.

The circulation patterns should separate the prisoners from all other persons. The public should also be separated from the judges, juries, and court personnel.

Standard 12: Incident Reporting

- Every violation of law that occurs within a court facility should be reported to the law enforcement agency having the jurisdiction.
- Each court should adopt a policy for reporting security incidents and should include the policy in the court's Security Policy and Procedures Manual.
- The tabulation of such incidents should be reported annually to the Supreme Court of Ohio.

QUESTIONS AND ANSWERS ABOUT COURT SECURITY STANDARDS

This section of the CAB provides some answers to questions that have frequently been asked by county commissioners regarding the court security standards.

Q. Are the court security standards mandates?

A. The answer to the question of whether or not the court security standards are mandates is "NO". The Supreme Court consciously used the verbiage "should" rather than "shall" so that the standards would not be mandates. However, local courts had inherent powers to file a mandamus order requiring the county commissioners to appropriate funds for court security before the standards were passed. Just like a court can court order their budget,

they can seek court security improvements and equipment by court ordering the county to appropriate funds for such purposes. A recent Opinion by the Attorney General (Opinion 96-015) on court security stated that “A board of county commissioners is obligated to comply with an appropriation request from the court of common pleas for implementation of a courthouse security plan, unless the board demonstrates that the request is either unreasonable or unnecessary for the proper administration of the court’s business”. Generally this opinion suggests that courts have the same authority to seek funds for court security as they do for their court operating budget. County commissioners have the right to question what is reasonable and unnecessary in terms of court security, but the burden to prove that a request is unreasonable falls onto the commissioners. Thus, although the Supreme Court’s standards are not mandated, the local court’s authority to file mandamus actions for court security can make it a local requirement. Additional information on court budget mandamus actions can be found in the CCAO Handbook for Commissioners (Section 7, Chapter 98) as it relates to courts of common pleas and county courts.

Q. Do county commissioners and judges have to go through security each time they enter the courthouse?

A. Not necessarily, Standard 3 of the report recommends that all persons entering the court facility, including elected officials, be subject to screening for each visit. This is because security studies show that the more exceptions, the greater the chance of a security breach. However, it really should be determined by the judges, county commissioners, and security personnel. While your court may not choose to have a strict policy when it comes to elected officials entering the court facility, choosing to follow the standard like the rest of the public and other county employees may keep security more credible and reduce any chances of incidents.

Q. Do the court security officers have to be OPOTA trained law enforcement officers?

A. Although Standard 4 of the report recommends it, security officers do not have to be certified with OPOTA. You can hire, and a handful of counties have, private security officers. Although it is not a requirement, it is highly recommended that court security officers have adequate training before being hired to conduct court security. You should be sure all armed security officers have the proper training and licenses to carry weapons. Ensuring security officers have the proper training and authority to carry firearms may reduce liability for the county. In addition, there are many issues involving defendants and juries that can result in mistrials if an officer does not understand court protocol. If a security officer does not have sufficient training they should be teamed up with a security officer who does have the proper training. One example of utilizing both private and public security would be having an armed sheriff deputy present while private security officers operate magnetometers or check packages.

Q. Should law enforcement be required to surrender their weapons at the court facility door?

A. This has been a controversial issue. According to the Supreme Court, studies indicate that firearms in a courtroom or court facility increase, not diminish, the risk of problems. Since a courtroom offers no “good” zone of fire due to the number of persons located within a relatively small area, this position has merit. However, it is almost universal law enforcement policy that every officer maintain a weapon as part of the required daily

equipment. The Supreme Court recommended that individual courts review its needs and formulate policy based upon those needs and the political realities that exist in your communities. The standards recommend the surrender of weapons only if all of the other users of the court system have also been screened for weapons (Federal courts already do this). The standards also recommend that at a minimum officers emotionally involved in a case as a victim or a party to a domestic relations case surrender their weapon before entering the court. Secure gun storage lockers should be available for such purposes.

Q. Do counties have to submit court construction and renovation plans to the Supreme Court for approval?

A. No, counties do not have to submit any plans to the Supreme Court prior to constructing or renovating court facilities. There is no planning approval process for court facilities. However, Standard 11 of the Supreme Court's recommendations, as stated above, suggest circular patterns for the movement of people; separate routes for judges, court personnel, and prisoners; and separate waiting areas should be available to allow separation of parties, victims, and witnesses. Architects have found these standards extremely helpful in designing and renovating court houses. It is also the least expensive way to meet the standards by designing for security issues at the inception. That way, most of the costs can be funded through the construction appropriation or bonds.

Q. What if the judges in a court can't agree on what standards to put into place or they do not want the county to implement the court security standards at all?

A. Obviously there is a great deal of division as to how far the court security standards should go, even between judges in a particular court. Try to accommodate any differences between your judges if possible and if it's cost feasible. Work with the presiding judge or administrative judge to try to resolve disagreements. You may also consider using the Local Court Security Advisory Committee recommended in Standard 2 to help reach consensus. If the court does not want any of the standards implemented you should also consider that unless there is an obvious risk to the public or court personnel. If you are constructing and renovating a court in which one or more of the judges do not want court security standards implemented, you should consider *preparing* the facility for court security regardless. That is, you may want to design the courthouse doors or rooms large enough for x-ray machines, you would likely want to lay the wiring for panic buttons and cameras, and you would want to try to provide for any other building requirements that may be necessary for the future implementation of court security standards. It is more efficient to prepare for court security standards when you are in a construction or renovation phase then starting again in the future.

HB 215 COURT SECURITY APPROPRIATION AND LOCAL GRANTS

As stated previously when the Supreme Court released the October, 1994 Court Security Standards Report they requested the Legislature to give each county a type of block grant to help carry out a court security plan. Substitute House Bill 215 (the FY 98-99 Biennium Budget Bill) of the current General Assembly made that request a reality with an \$11.25 million appropriation to the Ohio Judicial Conference for court security.

Of the \$11.25 million appropriation, approximately \$1.25 million (\$1 million for assessment

and \$250,000 for training) will be used primarily by the Supreme Court to conduct a statewide comprehensive needs assessment on all of Ohio's courts and to provide a training program for court officers and court personnel. The remainder of funds (approximately \$10 million) will be used to provide court security grants to local governments. Each state court, common pleas court division, municipal court, and county court will receive approximately \$25,000 in grant funds (see grant requirements below for more information).

COURT SECURITY ASSESSMENT

Of the \$11.25 million appropriation, approximately \$1.25 million will be used primarily by the Supreme Court to conduct a statewide comprehensive needs assessment for all of Ohio's courts and to provide a training program for court officers and court personnel. A court security assessment will be conducted free of charge for each court in Ohio, excluding mayor's courts. With the cooperation of the Supreme Court of Ohio and the Ohio Judicial Conference, the United States Marshall Service will provide court security assessment training to 33 teams of two police officers (66 officers) from sheriff offices and municipal police agencies. The team of officers will be trained to assess each court's security policy (if there is one) and potential security vulnerabilities. Each court's assessment will include a review of the court building's entrances/exits, tenants, events, screening systems, number of law enforcement officers and visitors in building, security in judicial court rooms and chambers, surrounding parking lots and streets, and so forth. A review of the court's controls and policies for visiting prisoners and training for court employees will also be conducted. Note each court's local security contact will work with the officers and will be part of the assessment review. In addition, to avoid a conflict of interest, no officer will be allowed to review the court buildings in their own county.

QUESTIONS AND ANSWERS ABOUT COURT SECURITY ASSESSMENT

Q. When will the court assessments be completed?

A. The assessment for every court will be completed between January, 1998 and May, 1998.

Q. Why is the U.S. Marshal Service involved with court security in Ohio?

A. The U.S. Marshall Service provides court security for Federal Courts. A certain degree of a U.S. Marshall's job training consists of developing skills for securing Federal court facilities and escorting Federal prisoners to and from court. Thus, their knowledge and experience in court security is exceptional. Further, the U.S. Marshall Service is providing the training at little cost, whereas hiring private security consultants to train officers and oversee the assessment project would be costly.

Q. How much will the assessment cost counties?

A. As stated above, approximately \$1 million was appropriated for court security assessment. The Supreme Court is paying for the entire assessment with this appropriation including travel, lodging, and a per diem rate for the officer's work.

Q. Why does every court need to be assessed and how will the assessment be used?

A. Each court's assessment will be based on the same standards applied to the other courts. The assessment will provide a statewide comprehensive look at the current status of court security in Ohio's courts, will enable the state to measure the success of the court security grant project, and will help local governments prioritize security needs for their courts. In addition, this information may be used in an effort to secure additional funds.

Once the assessments are complete, each court will then receive a report that assesses security priorities (i.e. what at a minimum should be done, a second level of recommendations, and a third level if funds were available to cover the ideal security plan). Many suggestions will not involve a cost but change in procedures (i.e. who is in charge during a hostage crisis--who has the keys to the courthouse the janitor or the sheriff?).

Q. Will the grant funds be tied to the assessment?

A. No, unless your Local Court Security Advisory Committee chooses to counties will not be required to implement any recommendations made from the court assessment. However, before a county can receive the grant funds a court security plan has to be submitted to the Supreme Court or the assessment has to be completed. This will not be a problem because most courts have already sent the Supreme Court a court security plan and the assessments should be completed before the funds become available in July, 1998.

COURT SECURITY TRAINING

The Ohio Peace Officers Training Academy (OPOTA) in cooperation with the Supreme Court will update it's course on court security for a wide range of officers including county sheriff deputies, municipal officers, highway patrol officers, as well as bailiffs and others. The updated course should be in place early in 1998. The Supreme Court will use a portion of the court security appropriation to provide training throughout the 88 counties to court personnel and hopes to provide scholarships and regional training as well. The training is intended to give every court employee an opportunity to understand security needs and measures that work in maximizing personal safety and court protections. In addition, a separate 2-3 day training program is also being developed to offer x-ray screening and magnetometer training for court security staff.

COURT SECURITY GRANT FUNDS AND REQUIREMENTS

The following "question and answer" format provides a fact by fact guide to how your county can receive funds for court security.

Q. How much grant funding is each court eligible for ?

A. As stated previously, each state court, common pleas court division, municipal court, and county court will receive approximately \$25,000 in grant funds. Each common pleas court will receive approximately \$25,000 per statutorily prescribed division. For example if your common pleas court has a general division and a combined juvenile and probate division, the total fund eligibility for the court would be \$50,000 (\$25,000 per division x 2 divisions).

Several people have asked why large and small courts are eligible for the same amount of

funds. The Supreme Court's Committee on Court Security made a decision to divide the grant funds evenly among large and small courts because equipment, such as a magnetometer, costs the same regardless of the court's size.

Q. When will the grants be available and how will you be notified?

A. Beginning July 1, 1998 (FY 1999) the local grant funds will become available. The Judicial Conference in conjunction with the Supreme Court will begin sending grant applications to your county sometime between April and July, 1998. All project and grant information will probably be sent to the courts so you need to find out who your court security contact will be. CCAO will also work with the Supreme Court and Judicial Conference to ensure the boards of county commissioners are notified about all the court security deadlines.

Q. What can the grant funds be used for?

A. The permitted uses for the court security grant funds are:

- (1) Court security training;
- (2) New equipment, installation of equipment, or expenses associated with renovating a court for court security purposes;
- (3) Current outstanding debt for expenses incurred on court security equipment, installation, or court renovation; and
- (4) Reimbursement for court security expenses incurred after the Supreme Court's Court Security Standards Report was released (October 17, 1994).

The funds can not be used to reimburse counties for operational expenses associated with court security. CCAO, with the cooperation of the Supreme Court and Ohio Judicial Conference, lobbied the General Assembly to allow the grant funds to be used for operational expenses. While we were successful at getting a Senate amendment placed into HB 215 that would have allowed the funds to be used for operational expenses, it was taken out by the Joint Budget Conference Committee.

Q. What do counties have to do to receive grant funds?

A. The grant application process for the court security funds is relatively simple. There is no local grant match requirement for the court security funds. As indicated above, the grant applications will probably be sent to counties between April and July of 1998. The numbered paragraphs below highlight the application requirements.

1. **Submit a security plan or assessment of the court:** Each court must file a court security plan with the Supreme Court. Your court may have already submitted a security plan. After the Supreme Court released their October, 1994 Court Security Standards Report they asked each court to submit a security plan by July 1, 1995. However if your court has not submitted a plan the court security assessment being

completed by the teams of police officers can be used in place of the plan. As long as the Supreme Court has a security plan or an assessment when they receive your application, there should be no problems.

2. **Submit the annual security statistical reports:** In order to be eligible for the court security grant funds each court will likely be required to have, in the past, submitted at least one annual security statistical report. Standard 12 of the Supreme Court's October, 1994 Court Security Report asked each court to submit an annual report of security incidents (i.e. number of weapons confiscated, any assaults, etc). If your court has not been sending such a report to the Supreme Court or your court has not been keeping such an incident report, do not panic. The Supreme Court is committed to work with those courts that have not submitted or compiled these statistics. But you need to investigate now as to whether the information is being gathered and the statistical form is being used.
3. **An approved plan for the funds by the court security committee:** In order to receive the grant funds a court representative (judge or designee), a security representative (sheriff, private security, or bailiff), and a funding authority representative (county commissioner) must agree on how the available funds will be expended. Your court may already have such a committee. Standard 2 of the Supreme Court's October, 1994 Court Security Report suggested that each court should appoint a Local Court Security Advisory Committee for the implementation of the court security standards. If your court does not already have an advisory committee, CCAO recommends that you begin working with your court to create one at least temporarily for the purposes of receiving and expending the grant funds. If the advisory committee comprised of the court representative, security representative, and funding authority can not agree on how to expend the funds, the funds will not be distributed to the county. Therefore, if you perceive a problem with court and security representatives in regards to expenditure decisions, it is important to start discussions on how you can settle any potential disagreements. The funds will likely only be available through June 31, 1999 (end of FY 1999). After that date, any funds remaining in the fund will likely be redistributed to counties that met the application requirements.
4. **Need to address internal security training:** Finally, the Supreme Court will request that you address internal security training in your grant application. This may be as simple as holding a court security workshop for employees, developing a training manual for employees, or sending court personnel to the training classes that will be offered by the Supreme Court and OPOTA as indicated above (see Court Security Training on pg. 10). The Supreme Court also hopes to provide a training video to each court for court personnel training.

Q. Who receives the initial grant fund distribution?

A. The funds for county-operated courts will be distributed to the board of county commissioners. Obviously, the Board must expend the funds in accordance with the grant

application requirements and the Local Court Security Advisory Committee's recommendation.

PURCHASING OPTIONS AND EQUIPMENT PRICES

The Supreme Court through the Department of Administrative Services and its Office of State Purchasing is in the process of developing a joint purchasing agreement that counties can use for the acquisition of court security equipment. CCAO will keep you posted on this effort. In the meantime, at least two companies *EG&G Astrophysics* and *Control Screening* have committed to extending the pricing, terms, and conditions of their Federal GSA contract to counties and all other branches of government. For copies of the company's letters of intent and some of their equipment prices, please contact Mike Toman at CCAO.

CONFLICT RESOLUTION FOR COURT SECURITY DISPUTES

Because there is a great deal of division over court security standards and court security in general, it is expected that there will be disputes between the various interested parties involved with making court security decisions. The Ohio Commission on Dispute Resolution and Conflict Management via the Government Assistant Program (G.A.P.) will be working in cooperation with the Ohio Supreme Court, Ohio Judicial Conference, Ohio Municipal League, and CCAO to put together teams of judges and local officials that will be available to help counties resolve court security disputes. If you are interested in obtaining assistance from G.A.P. contact Maria Mone, Director, Commission on Dispute Resolution and Conflict Management at (614) 752-9595 or phone Mike Toman at CCAO.

ACKNOWLEDGMENT

CCAO thanks the Ohio Supreme Court and Ohio Judicial Conference for their efforts in obtaining the court security grant funds and their assistance with this CAB. Special thanks to Justice Evelyn Lundberg Stratton, Judge Michael Voris, and Steve Stover of the Supreme Court for their continued efforts with the court security project and funding initiative. CCAO would also like to thank Anne McNealey; Janet Raup Gross, and Kinsley Nyce of the Ohio Judicial Conference for their assistance with court security and this CAB. CCAO also thanks Commissioner Dorothy Teater, Franklin County, for representing CCAO on the Supreme Court's Committee on Court Security and Bob Cornwell, Buckeye State Sheriff's Association, for coordinating the officer training for the court security assessment project. The court security standards reviewed in this CAB came directly from the Supreme Court's October, 1994 Court Security Standards Report. Other text from the report was also used in this CAB. Any errors or omissions, though, are the sole responsibility of CCAO.

If you have any questions regarding this CAB, please contact Mike Toman, CCAO Research Associate at (614) 221-5627 or Kinsley Nyce, Court Security Project Coordinator, at (614) 486-6539.

APPENDIX

(Information on Purchasing Options and Equipment Options)
See pg. 12 of CAB