

STATE OF MICHIGAN 37 <sup>TH</sup> Judicial Circuit Calhoun County Probate 10 <sup>th</sup> Judicial District	<b>GENERAL ORDER</b> <b>RE: SHERIFF ATTENDING SESSIONS</b> <b>OF COURT, CUSTODY OF PERSONS</b> <b>APPEARING IN COURT AND</b> <b>CUSTODY OF REMANDED PERSONS</b>	2016-0006 PZ
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The Court finds as follows:

1. Michigan Compiled Laws 600.581 requires the sheriff or his deputy to attend the sessions of the Circuit, Probate, and District Courts as directed by the court. Further, other applicable laws set forth the sheriff's responsibilities with regard to, but not limited to: (a) the care of and custody of persons in custody at the time of any court appearance; (b) taking persons into custody after they have been remanded to the custody of the sheriff for disposition as directed by the court; and, (c) custody of persons in non-criminal custodial care who are being transported to and from and appearing before the court; and,
2. With regard to persons described above in provision 1 appearing in the Circuit, Circuit Family Division and Probate Courts, the sheriff or his employed deputies have directly performed the duties as prescribed by law; however, with regard to the District Court the practice has been for Court Service Officers (court employees) to perform such duties incidental to their regular and normal courtroom clerk duties under special deputization authority of the sheriff as an additional duty, except in high risk cases; and,
3. In view of increasing levels of courtroom violence and security incidents nationwide, it is the determination of the court that the supervision and care of persons appearing in courtroom proceedings (whether criminal or civil and including proceedings before a magistrate or referee) who are in the custody of or who are being transported by the sheriff or who are being remanded to the custody of the sheriff is best performed by the persons whose normal duties and continuing training involve inmate custody and transport;

IT IS ORDERED:

1. Effective January 1, 2017, no court employee shall have the duty or responsibility of: (a) having the custody or care of any person appearing for and/or attending any court proceeding, whether the proceeding is conducted by a judge, magistrate or referee; or, (b) taking any person into lawful or detaining a person for such purpose; and,
2. Effective not later than January 1, 2017, or at a sooner date if mutually agreeable to the sheriff, the Calhoun County Sheriff or his deputy shall attend sessions of the circuit, probate and district courts, including those conducted either by a judge, magistrate or referee, as necessary, to: (a) accompany inmates of the jail, or persons subject to a transport order directed to the sheriff, who are required to appear in court; (b) take into custody persons being committed to the jail or otherwise being remanded to the custody of the sheriff for any purpose as may be authorized for by law; and,

3. The sheriff shall continue to provide, at the direction of the trial judge assigned to any particular case, security measures in the courtroom as may be necessary.

4. Except as otherwise provided herein, this order has immediate effect.

DATED: 8-25-16



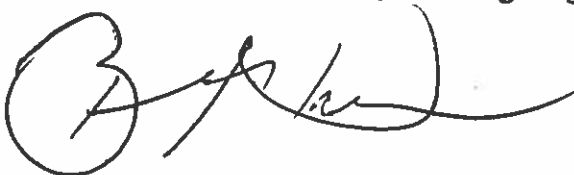
HONORABLE MICHAEL L. JACONETTE, Chief Judge - Calhoun County Courts



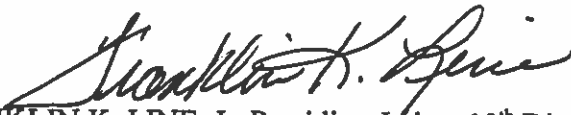
HONORABLE JOHN A. HALLACY, Chief Judge Pro Tempore - Calhoun County Courts



HONORABLE SARAH S. LINCOLN, Presiding Judge , Criminal/Civil Division - Circuit Court



HONORABLE BRIAN K. KIRKHAM, Presiding Judge, Family Division - Circuit Court



HONORABLE FRANKLIN K. LINE, J., Presiding Judge, 10<sup>th</sup> District Court

CERTIFIED COPY OF  
ORIGINAL ON FILE

  
37<sup>th</sup> JUDICIAL CIRCUIT  
DEPUTY COURT CLERK

# Calhoun County Judicial Council

Honorable John A. Hallacy  
Chief Judge Pro Tempore

Honorable Brian K. Kirkham  
Presiding Judge, Circuit Court Family Division

Honorable Sarah S. Lincoln  
Presiding Judge, Circuit Court Civil/Criminal Division

Honorable Franklin K. Line, Jr.  
Presiding Judge, District Court

Honorable Michael L. Jaconette  
Chief Circuit, Probate and District Judge



Jeffrey S. Albaugh  
Circuit-Probate Court Administrator  
Council Administrator

Katherine K. Ambrose  
District Court Administrator

Cindy Rude  
Probate Court Manager - Register

August 26, 2016

Honorable Matt Saxton, Calhoun County Sheriff  
Marshall Regional Law Enforcement Center  
714 Old U.S. 27 North  
Marshall, MI 49068

Dear Sheriff Saxton:

This letter and the enclosed order will serve as written follow up to my earlier notification to you at our meeting on July 13, 2016 that, effective January 1, 2017, no court employee will be authorized or permitted to have the custody or care of any person appearing in any Calhoun County court (whether the proceeding is conducted by judge, magistrate or referee) or to take into custody or detain any person for that purpose who is committed to the custody of or is being committed to the custody of the Sheriff pursuant to any law. The order applies to all three county courts and is made in accordance with MCL 600.581 and other applicable laws of the State of Michigan.

On and after January 1, 2017, or at a sooner date if mutually agreeable to you, the judges will expect you or your deputy to attend sessions of the circuit, probate and district courts, including those conducted by magistrates and referees, as needed to accompany inmates required to appear in court proceedings or to take into custody those persons who are being committed to the custody of the sheriff for jail or transport and are not given a delayed report to jail date. As you know, this process has long been in effect for the circuit and probate courts, including the family division of the circuit court, and is now being extended to the district court. As I indicated at our meeting, this change is being ordered due to our judiciary's continuing concern that inmates and persons being taken into the custody of the sheriff should be attended to at all times by the trained professionals for which this is their normal duty. Until this point, under a long standing practice, this important task was undertaken as an incidental duty by employees of the district court referred to as Court Service Officers who principally function as courtroom clerks. In light of the Berrien County tragedy and other courtroom acts of violence which have occurred in Michigan and across our nation, our judges feel it is no longer prudent from either a public or staff safety viewpoint to have our employees undertake these incidental yet vital duties. We further have serious concerns for the liability which may attach from having a court employee, even if deputized by the sheriff, perform a function that is not a statutory responsibility of the courts.

This change in the handling of inmates and those being taken into custody or who are otherwise lawfully detained in no way should be taken as a negative reflection upon you or your officers and how you and they have performed your responsibilities to this point. You and your staff have performed professionally and responsibly in this capacity with the limited resources at hand. This decision, rather, is borne from the recognition by our judiciary that these vital duties must be performed consistently across all three courts by trained law enforcement officers provided through the Office of the Sheriff.

Jeff Albaugh, our Circuit-Probate Court and Judicial Council Administrator, and Kate Ambrose, our District Court Administrator, remain available to assist in the efforts that will be needed to effectuate this change. As stated at the meeting, we are prepared to consider scheduling changes where it is possible and practicable to assist in minimizing the need for you to request additional budget resources from the county. We recognize, however, that you may need to seek additional resources from our funding unit and will be supportive of your efforts in this regard. Ideally, we would prefer to have this change fully implemented well before January 1, 2017, if possible, but have set this as the effective date due to our understanding that you will need time to address this matter with the county and with your own administrative team.

At the meeting, you also indicated that action on the recommendations made in the security review performed last year by the Supreme Court security analyst was also needed to better serve the staff and public utilizing the services of the courts and other agencies of the Justice Facility. In our transmittal of the report earlier to the county, we indicated our support for full implementation of those recommendations and we stand by that now with even a greater sense of urgency. On this issue, our administrators are prepared to work with you and the county to undertake the steps necessary to fully implement the recommendations.

We look forward to continuing the excellent working relationship achieved under your administration of the Office of the Sheriff and to working through these important issues with you and the county.

Sincerely,



Michael L. Jaconette,  
Chief Judge - Calhoun County Courts

C: Circuit and District Judges  
Honorable Derek King, Chairperson, Calhoun County Board of Commissioners  
Kelli D. Scott, Calhoun County Administrator/Controller  
Brad Wilcox, Assistant County Administrator  
Region 5 State Court Administrator Jill Booth  
Court Administrators  
Tim Hurtt, Calhoun County Undersheriff  
James McDonagh, Calhoun County Chief Deputy Sheriff