



PRISONERS IN COURT: CONSIDERATIONS FOR TRIBAL SECURITY


A Tribal Court Security Operations Toolkit — National Native Justice Institute | www.nativejustice.us


■ IN-CUSTODY DEFENDANTS IN TRIBAL COURTS

The management of in-custody defendants during court proceedings is one of the most operationally and legally complex responsibilities of tribal court security personnel. In-custody defendants present elevated security risks: they may have motive to escape, cause disruptions, or create confrontations with victims or witnesses who are present in the courthouse. At the same time, due process requires that defendants be able to communicate with counsel, hear proceedings, and participate in their own cases without the appearance of prejudice. Balancing security and constitutional rights requires training, written protocols, and professional judgment.

 Courts have held that excessive or visible restraints on defendants during jury trials can prejudice the jury and violate due process. Security measures must be proportionate and as unobtrusive as legally permissible.

 Prisoners are at their highest escape risk during transport to and from the courthouse and during transitions between holding areas and the courtroom.

 Pre-hearing communication between the security officer, corrections officer, and presiding judge is essential for managing high-risk defendants safely and constitutionally.

 Document every aspect of in-custody defendant management: transport, holding area inspection, courtroom positioning, and any incidents that occur during proceedings.

■ TRANSPORT & ARRIVAL OF IN-CUSTODY DEFENDANTS

Transport Coordination

- Coordinate with the tribal detention facility or transporting agency on arrival time, number of defendants, restraint type, and any known medical or behavioral concerns before transport.
- Ensure a designated, secured entry point is available for in-custody defendant arrival that is separate from public courthouse entries.
- Confirm that the prisoner holding area is secured, inspected, and clear before the defendant arrives.

Receiving & Holding Area Procedures

- Conduct a thorough search of the defendant upon transfer to court custody. Document the search and any items found.
- Inspect the holding area for contraband, security vulnerabilities, and any items that should not be present before and after each use.
- Maintain continuous monitoring of individuals in the holding area. Never leave a prisoner in the holding area unmonitored.

■ COURTROOM MANAGEMENT OF IN-CUSTODY DEFENDANTS

Positioning & Restraints

- Position the in-custody defendant in the courtroom closest to the security officer, with the clearest possible path to the exit and the most restricted access to the gallery.
- Consult with the presiding judge on visible restraint use in advance. The judge has authority to order or restrict the use of visible restraints based on the specific security needs of the proceeding.
- Leg restraints, belly chains, or handcuffs used during court proceedings should be under the table and out of jury view whenever possible, unless the judge has authorized visible restraints based on documented security need.

During-Proceeding Monitoring

- Maintain continuous visual contact with the defendant throughout proceedings. Do not become distracted by gallery activity or courtroom drama.
- Be alert to pre-attack indicators: excessive scanning of exits, agitated whispering with counsel or co-defendants, changes in breathing pattern, muscular tension, and bladed body positioning.
- If a defendant becomes disruptive, first use a calm verbal command. If the disruption continues, approach quietly and position next to the defendant. If necessary, the judge should recess and the defendant should be removed to the holding area.

Return to Custody & Departure

- Return the defendant to the holding area during recesses when possible. Limit time in the courtroom to actual proceedings.
- Conduct a final search of the defendant before transfer back to the transporting agency. Document the search and any items found.
- Complete a written transport and holding log documenting arrival and departure times, search results, and any incidents.

RESOURCES, GRANTS & SUPPORT

Funding, Training, and Support Resources — Tribal Court In-Custody Defendant Management Programs | www.nativejustice.us

■ FEDERAL GRANT RESOURCES

Court Security Funding

- **COPS Tribal Resources Grant (TRG)** – Funds tribal public safety including court security staffing, training, and equipment. cops.usdoj.gov/tribalresources
- **CTAS – Coordinated Tribal Assistance Solicitation** – DOJ consolidated tribal funding for courts, law enforcement, and security programs. justice.gov/tribal
- **BJA Tribal Justice Programs** – Supports tribal court operations and court security capacity. bja.ojp.gov/program/tribal-justice
- **FEMA Tribal Homeland Security Grant Program (THSGP)** – Annual DHS funding for tribal security infrastructure and emergency preparedness. fema.gov/tribal

Corrections & Defendant Management

- **BIA Tribal Detention Programs** – Federal support for tribal detention including transport and court appearance protocols. bia.gov/bia/ojs
- **National Institute of Corrections (NIC)** – Training and technical assistance on prisoner management including court appearance protocols. nicic.gov
- **National Center for State Courts – Court Security** – In-custody defendant management standards for tribal and state courts. ncsc.org

■ STATE & ADDITIONAL RESOURCES

- **State Court Security Standards** – Most state court administrative offices publish court security standards applicable to tribal courts under intergovernmental agreements. Contact your State Court Administrator.
- **State Homeland Security Grants (SHSGP)** – Tribal court security programs may be eligible for state-administered FEMA homeland security funding. Contact your State Administrative Agency (SAA).
- **Tribal Law & Order Act (TLOA) Resources** – TLOA expanded tribal justice authority and DOJ technical assistance for tribal courts and security programs.
- **Grants.gov Tribal Search Tool** – Search all federal grants available to tribal entities. grants.gov (filter: Tribal Government eligibility)

■ HELPFUL TIPS FOR TRIBAL PROGRAMS & LEADERS

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| <p>Develop Written In-Custody Defendant Protocols</p> <p>A formally documented in-custody defendant management protocol covering transport, receiving, holding, courtroom management, and return to custody is the operational and legal foundation of this function.</p> | <p>Conduct Pre-Trial Security Consultations with the Judge</p> <p>A pre-trial consultation between security and the presiding judge for every in-custody proceeding — confirming restraint use, positioning, and emergency protocols — prevents on-the-bench surprises.</p> |
| <p>Establish a Secure Prisoner Entry Point</p> <p>Every tribal courthouse that routinely manages in-custody defendants should have a designated, secured prisoner entry point separate from public access. This single measure eliminates the majority of prisoner-public confrontation risks.</p> | <p>Train Security Staff on Constitutional Restraint Standards</p> <p>Security staff who do not understand the constitutional constraints on visible restraints risk causing case dismissals and civil rights violations. Include constitutional restraint standards in every in-custody management training.</p> |

■ KEY WEBLINKS

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| National Native Justice Institute | www.nativejustice.us |
| National Center for State Courts | ncsc.org |
| COPS Tribal Resources Grant | cops.usdoj.gov/tribalresources |
| BJA Tribal Justice Programs | bja.ojp.gov/program/tribal-justice |

■ PARTNER WITH NNJI — WE ARE READY TO SUPPORT YOUR COMMUNITY

TAKE ACTION TODAY — Contact NNJI at www.nativejustice.us to schedule training, consultation, or access resources.

Strengthening Tribal Justice — One Community at a Time