1-02/065.10 Procedure for Violation of the General Order Prohibiting the Use of Cameras or Recording Devices in a Courthouse or Court Related Structure

Purpose and Posting of the Order:
The purpose of the General Order Prohibiting the Use of Cameras or Recording Devices in the Courthouse is to protect the public, all parties involved in a case, and court personnel, and to facilitate the fair and orderly resolution of cases.

A copy of the order shall be posted near every security entry point into each court building. The order advises the public that a "violation of this order may result in seizure of the device, monetary sanctions pursuant to section 177.5 of the Code of Civil Procedure, and/or a finding of contempt pursuant to section 128 and 1209 of the Code of Civil Procedure, and/or arrest pursuant to Penal Code (P.C.) Sections: 166 (a) (4) and 166 (a) (5) (Contempt of Court), and 632 (Eavesdropping)."

Additional charges that may relate to a violation of this order could be P.C. sections 132 thru 141 (crimes related to Witness Intimidation).

Note: A picture does not have to be taken for a violation to have occurred. The simple act of holding the phone up in a manner that infers a picture is being taken is enough to intimidate a witness or victim.

Should the individual refuse to comply with the lawful investigative actions of sworn personnel, 148 (a) (1) P.C. may also be considered.

Defining a Violation of the Order:
The Superior Court's General Order Prohibiting Use of Cameras in the Courthouse specifically states:

"No one except authorized court and court security personnel may engage in photographing, recording, or broadcasting, or activate any camera, microphone, recorder or broadcasting device in any courtroom or courthouse in the County were the court conducts business, including all entrances, exits, hallways, escalators, elevators, and adjacent or subterranean court parking areas except as prohibited by Local Rule 2.17 and California Rule of court 1.150, or as permitted by this order or other order of a judge as set forth herein."

Any action that conflicts with the above definition by the court is a violation of this order.

Actions to be taken if a Violation of this Order is suspected:
When a violation of the Camera General Order is witnessed or suspected, Department members shall immediately "Contain, Control and Notify."

In accordance with the Superior Court's General Order Prohibiting Use of Cameras in the Courthouse, take the following actions:

- Advise such individual orally of the order;
- Take steps to provide the person with a written copy of the order as soon as practical;

- Additionally, court personnel shall request the violating party delete the photograph(s) and/or video(s).

If they comply with this request, no criminal or malicious intent is suspected, no violation of the purpose of this order is believed to have transpired (as defined above), and no detention or seizure has occurred, then the matter can be concluded. However a CAL entry shall be made documenting the contact.

Should circumstance “warrant immediate corrective action because the person persists in violating this order despite being informed of it, or has violated the order in a way that appears to have significant adverse impact upon court security or the fair and orderly resolution of cases,” sheriff’s personnel shall notify the branch supervisor and in accordance with requirements of the General Order of the Superior court:

- Take possession of the device in the safest and most professional manner possible; and
- Bring the person without unnecessary delay to the courtroom judicial officer, nearest available site judge, district supervising judge, assistant presiding judge, or presiding judge as may be appropriate to determine if there is sufficient cause to believe there has been a violation of this order without good cause or substantial justification.

Determination between a Consensual Encounter, Detention and/or Seizure:
If investigating personnel take custody of the device, a seizure has occurred. If during .this encounter there is resistance to the request or there is a prolonged period where the violating party is not free to leave, then a detention has occurred. A consensual encounter is when the person complies completely and voluntarily with our requests.

Procedures for Detentions, Seizures, and Deletion of Records:
The following procedures shall take place whenever a detention and/or seizure has occurred:

- The Branch Supervisor (minimum rank of Sergeant) shall be immediately notified with additional timely notification made to the Area Lieutenant and Security Operations Unit.
- A SH-R-49 will be prepared by the initial deputy investigating this violation of the Civil Order. The Classification line shall read “Suspicious Circumstances / Possible Violation of a Court Order, 166 (a) (4) P.C.” The retention shall be “9” and the stat code shall be “444.” The narrative of the report shall include the suspect’s actions and statements, probable cause for detaining the individual, the seizure of the device (if applicable), judge’s orders, and actions of deputy personnel.
- A Chief’s Memo shall be prepared by the branch supervisor.
- A C.A.L. entry shall be made.