

08-02 VIOLATIONS OF THE SUPERIOR COURT'S GENERAL ORDER

Number 08-02

Effective February 6, 2008

VIOLATIONS OF THE SUPERIOR COURT'S

GENERAL ORDER

PURPOSE

This Directive provides Court Services personnel with procedures to follow when confronted with violations of the Superior Court's General Order. Although not every situation can be anticipated, this Directive will provide guidance when dealing with difficult and perplexed issues.

BACKGROUND

The Superior Court of the State of California issued a General Order that describes prohibitive activity within 100 feet of any doorway to all courthouses. The original General Order, dated November 15, 2005, was conclusively upheld by a United States District Court and is a valid order.

In an effort to keep the General Order current, whenever there is a new Presiding Judge, the existing General Order will be re-signed. However, the General Order remains valid and enforceable until a new order replaces it. See attached document.

ORDER

Compliance will be the main objective of the General Order. All Branch Supervisors shall have a working relationship with their Site Judge. This will ensure cohesiveness and a mutual understanding of the objectives at the time of enforcement. Each Branch Supervisor shall discuss the General Order with the Site Judge and convey Court Services Division's procedures for addressing violations of the General Order. It is

imperative that the Site Judge understands the following procedures and is aware of the requests that will be made by members of this Department.

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POLICY

When a violation of the General Order is occurring and observed by any Sheriff's personnel, the Branch Supervisor shall be immediately notified. The Branch Supervisor shall respond to the location to observe the activity and to confirm that a violation of the General Order is in fact occurring. The Branch Supervisor shall advise the Area Lieutenant of the circumstances. The Area Lieutenant shall monitor the situation and notify the Unit Commander.

At the direction of the Unit Commander, the Branch Supervisor or designee shall make contact with the person(s) violating the General Order. The Branch Supervisor shall advise the involved person(s) that they are in violation of the General Order, and that they must comply with the requirements of the General Order. Additionally, the Branch Supervisor shall provide the person(s) with a copy of the General Order and request compliance.

NOTE: THE EMPHASIS OF THIS DIRECTIVE IS TO GAIN COMPLIANCE WITH THE GENERAL ORDER.

If the Branch Supervisor gains compliance, he or she shall advise the Area Lieutenant of the results of their contact. The Area Lieutenant shall advise the Unit Commander, who will determine if notice to the Site Judge is warranted.

The Branch Supervisor shall complete an entry into the Branch Automated Information Management (AIM) report, documenting the incident.

If the person(s) refuses to comply with the request of the Branch Supervisor, the Branch Supervisor shall contact the Area Lieutenant, who will advise the Unit Commander. The Area Lieutenant, Unit Commander, or another Lieutenant from within Court Services Division shall respond to the courthouse and assume command of the situation.

The Lieutenant shall initiate contact with the person(s) and a video recording of the contact shall be made to document the violation. During this contact, the Lieutenant shall once again **solicit compliance** with the General Order, the Lieutenant will also reiterate the Civil Code violation to the person(s) committing the violation, and clearly convey to the person(s) that there is a potential for arrest, and/or Court imposed sanctions of up to \$1,500, if they continue to violate the General Order.

If the person(s) now complies and ceases violating the General Order, the Lieutenant shall notify the Unit Commander, an entry into the Branch's AIM report shall be made, a Chief's Memo shall be written to document the incident, the video tape shall be placed in the Branch's safe, preserved for one year, and a reference number will be assigned.

If the person(s) again refuses to comply with the General Order, the Lieutenant shall advise the Unit Commander that all possible efforts have been made to gain compliance with the General Order. The Unit Commander shall notify the Area Commander, who will advise the Chief of the situation.

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At the direction of the Unit Commander, after consultation and concurrence with an Area Commander or the Chief, the onsite Lieutenant shall contact the Superior Court

Director of Security at work (213) 893-1052, Cell (310) 480-8727 or the Los Angeles Superior Court Counsel at work, (213) 893-1224; Cell, (213) 200-3533, and advise them of the situation.

At this point, the Site Judge shall be advised of the situation and no further action shall be taken until the Superior Court representative arrives on scene.

NOTE: The decision to delay any further action shall not preclude any member of this Department from taking the appropriate steps if a criminal offense occurs. The purpose of the Superior Court representative responding to the courthouse is to assist with any and all legal documents to address the civil violation of the General Order.

The Lieutenant shall immediately notify the Unit Commander that a Superior Court representative has been notified and they are responding to the situation.

A Court Services Division Representative (of the rank of Unit Commander or above) shall respond to the location, and consult with the Superior Court representative to assess the situation and discuss all of the available options. The Superior Court Representative will assist with all legal requirements to address the violation of the General Order.

If the Superior Court representative obtains a court order for the detention of the person(s) in violation of the General Order, the Lieutenant shall make contact with the involved person(s), the person(s) shall be advised that they have been ordered into court because of the described General Order violations.

If the person(s) complies with the court order, the person shall be escorted to the Site Judge, and the Site Judge will render a decision regarding the violation of the

General Order.

If the Site Judge decides to admonish the person(s) regarding the General Order and the person(s) is released, an Incident Report (sh-ad 49) is required to document the incident. The classification for the report is, "Civil Contempt of Court - 1209 (a) Code of Civil Procedures" and the stat code is 441 - Special Investigations.

If the person is remanded to the custody of the Sheriff's Department for a violation of the General Order, personnel shall follow the procedures as outlined in Court Services Directive 06-04, Procedures for Handling Temporary Remands. An Incident Report (sh-ad 49) is required. The classification for such a report is, "Civil Contempt of Court - 1209 (a) Code of Civil Procedures" and the stat code is 441 - Special Investigations.

NOTE: A VIOLATION OF THE GENERAL ORDER IS CONSIDERED A CIVIL REMAND, THIS IS NOT A CRIMINAL OFFENSE. A SPECIAL HANDLE DESIGNATION FORM SHALL BE PROCESSED.

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If the person(s) continues to violate the General Order by refusing to comply with the court order which orders them into court, the person(s) is now in contempt of a court order (violation 166 (a) 5 P.C.) and may be arrested. This violation is specifically related to the court order obtained by the Superior Court representative, not the General Order, ordering our Department personnel to bring the person(s) in violation of the General Order to the courtroom. This is a separate violation from the General Order. If this occurs, no matter what decision the Site Judge renders regarding the General Order, the person(s) shall be taken into custody for contempt of a court order, all booking requirements as outlined in Court Services Directives 06-03 Misdemeanor

Acceptance and Release Criteria for Court Lockups and 04-11 Live Scan of Remand

Bookings shall be followed.

UNIT COMMANDER'S RESPONSIBILITY

It is the Unit Commanders' responsibility to assign a Lieutenant to manage this incident at the Branch level. It is imperative that all Branch Supervisors and Area Lieutenants are familiar with the General Order and this Directive.

It is the Unit Commanders' responsibility to assure that all Branch Supervisors and Area Lieutenants have discussed the General Order with their Site Judge and ensure they are familiar with the Sheriff's Department protocols for dealing with a violation of the General Order.

AFFECTED DIRECTIVES/PUBLICATIONS

Manual of Policy and Procedures, Section 3-01/025.00 (Use of Force) - Provides additional guidance defining "Duties".

Manual of Policy and Procedures, Section 5-09/430.00 - Provides supplemental policy defining levels of force reporting.

APPROVED: **Original Signed**

RICHARD J. BARRANTES, CHIEF

COURT SERVICES DIVISION

SUPERIOR COURT OF THE STATE OF CALIFORNIA JAN 23 2009

GENERAL ORDER

NOTICE TO ALL PERSONS ENTERING COURTHOUSES IN LOS ANGELES

To ensure the safe and orderly use of court facilities, and to minimize activities which unreasonably disrupt, interrupt, and interfere with

the fair and orderly conduct of trials, and the orderly and peaceable conduct of the court business in a neutral forum free of actual or

perceived partiality, and to facilitate safe, peaceful and orderly public access to courthouses unhindered by threats, confrontation, noise

pollution or harassment, the Court hereby orders:

I. Demonstrations, Distributions and Solicitation

A. The following definitions apply to this Section.

1. "Prohibited Activity" shall mean demonstrating, picketing, distributing literature or other materials to the general public, soliciting sales or donations, or engaging in oral protest, education or counseling.

2. "Walkway" shall mean: (1) the area of any paved corridor or sidewalk, or other path of pedestrian movement, directly from (a) the edge of the public sidewalk nearest an entrance to any building, or part of a building, containing a courtroom to (b) that entrance; (2) the area of any paved corridor or sidewalk leading directly from (a) any parking lot located in a Curtilage to (b) an entrance to any building, or part of a building, containing a courtroom; or **(3)** a corridor within a multi-purpose building that leads directly to the part of the building containing a courtroom.

3. "Curtilage" shall mean the area between any building containing a courtroom and the edge of the public sidewalk surrounding the building. It shall not include the area adjacent to or near that portion of a multipurpose building that is not used for court-related facilities.

B. Prohibitions

1. No person (other than authorized court personnel or peace officers in the performance of their official duties) shall engage in any Prohibited Activity within a courthouse, or within that portion of any other building containing courtrooms and/or court-related offices.

2. No person (other than authorized court personnel or peace officers in the performance of their official duties) shall obstruct or unreasonably interfere with individuals entering or leaving a courthouse or the portion of any other building containing courtrooms and/or court-related offices, or with any line of individuals waiting to enter a courthouse or pass through an entrance to any building, or part of a building,

containing a courtroom and/or other court-related offices.

3. No person (other than authorized court personnel or peace officers in the performance of their official duties) shall engage in any Prohibited Activity within 15 feet from either side of, or 15 feet in front of, a doorway to any building, or part of a building, containing a courtroom.

4. No person (other than authorized court personnel or peace officers in the performance of their official duties) shall engage in any Prohibited Activity on, or within 15 feet from any edge of, a Walkway.

5. No person (other than authorized court personnel or peace officers in the performance of their official duties) shall, within 100 feet of any doorway to any courthouse, or the portion of any other building containing a courtroom, knowingly approach another person, within eight feet of such person, unless such other person consents, for the purpose of passing a leaflet or handbill to, displaying a sign to, or engaging in oral protest, education or counseling with such other person.

6. No person (other than authorized court personnel or peace officers in the performance of their official duties) shall engage in any Prohibited Activity on the Curtilage.

7. No amplification equipment shall be permitted within the Curtilage, or within 25 feet of a Walkway or a doorway to any building, or part of a building, containing a courtroom.

C. Exclusions

1. Parts I(B)(1), (3), (4) and (6) shall not apply to individuals engaged in the stationary solicitation of sales as part of any commercial, primarily non-expressive activity (including the sale of newspapers or reading items in conjunction with the sale of non-speech-related items such as candy or snacks or other food) that is affirmatively authorized by a written space permit, license, or lease from the County of Los Angeles or other owner of a building containing one or more courtrooms authorizing that activity in a specific space not dedicated to court functions.

2. Only Parts I(B)(2) and (5) shall apply to individuals located on a public sidewalk. Accordingly, nothing in this General Order proscribes any Prohibited Activity if both of the following conditions are met: (a) the

activity occurs on a public sidewalk and not on the Curtilage; and (b) the activity occurs more than 100 feet from (i) any doorway or entrance to any courthouse or (ii) any doorway or entrance to the portion of any other building containing a courtroom.

D. Severability Clause

1. If any provision of this General Order or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Order and of the application of such provision to other persons and circumstances shall not be affected thereby.

11. Restrictions on weapons

A. All persons are prohibited from entering a Los Angeles County courthouse with a firearm or deadly or dangerous

weapon unless they are state or Federal law enforcement officers on official business, or persons lawfully entitled to

carry such a weapon who have the written consent from the Presiding Judge or the Supervising Judge of the affected

courthouse to bring such weapon into the courthouse.

B. Under no circumstances shall any peace officer bring a firearm or deadly or dangerous weapon into a Los Angeles

County courthouse if the peace officer is entering the courthouse as party litigant in a private action unless written

permission to do so has first been obtained from the Presiding Judge or the Supervising Judge of the affected courthouse to bring such weapon into the courthouse.

C. Upon entering any courtroom or court office, all persons in the possession of a firearm or deadly or dangerous weapon,

including armed peace officers, must immediately identify themselves to the courtroom bailiff, court liaison, or court

clerk, and indicate they are carrying a weapon and the purpose for their visit.

111. Compliance with law enforcement directions. While on or in the premises of any courthouse in Los Angeles County, all

persons are ordered to comply with the lawful requests, directions, and orders of Sheriff Deputies and their agents in the

performance of their duties.

IV. Posting and Service of Order. This Order shall be posted at each entrance to every courthouse in Los Angeles County, at each

elevator entrance or at such other places as will reasonably apprise all persons entering such courthouses of its provisions. The

Sheriff of Los Angeles County and his deputies and their agents are directed to serve a copy of this Order personally on any

person who appears to be in violation thereof, advise such person of the apparent violation, and, if the apparent violation

continues after such notice, and the matter cannot otherwise be resolved, to notify the Court's Director of Security, Court

Counsel, or Site Judge, as may be available in that order, to determine if proceedings should be initiated to seek monetary

sanctions, imprisonment or other relief with regard to the violation. This order shall not preclude any peace officer from taking

appropriate steps if a criminal offense occurs or exigent circumstances warrant immediate action..

V. Penalties. Violation of this Order may result in the imposition of sanctions in amounts of up to \$1,500 per violation pursuant

to Code of Civil Procedure section 177.5 andlor prosecution for criminal viola

GOOD CAUSE APPEARING THEREFOR,

IT IS SO ORDERED, on January 23,2009.

CHARLES W. MCCOY JR., Presiding Judge