

1 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA BARBARA

2
3 IN RE: COURTHOUSE SECURITY, : Case No.: Administrative Order 2008-01
4 :
5 : ADMINISTRATIVE ORDER OF THE
6 : PRESIDING JUDGE

7 **THE COURT FINDS AS FOLLOWS:**

8 The Santa Barbara Superior Court provides court services to the communities of Santa Barbara County.
9 Court users include persons from within Santa Barbara County who come before our courts seeking
10 justice in the resolution and adjudication of disputes. Those involved in court cases sometimes
11 experience frustrations and hostilities which have resulted in violence in the courthouse. All persons who
12 come before our courts are entitled to a safe and secure courthouse, to the extent reasonably practical;

13 The Santa Barbara County Sheriff is the Court Security Officer, responsible for providing security
14 within and without all court locations in Santa Barbara County; Providing such security is necessary to
15 ensure the safety for all court users and personnel, including, but not limited to, litigants, witnesses,
16 attorneys, families, court employees, judicial officers, and all other individuals who come before, or
17 conduct business with our courts;

18 Reported incidents of courthouse violence in California, and across the nation, have given rise to
19 a justified increased concern for the safety of those who use our courts;

20 Courthouse violence is a real and present risk that gives rise to the need to ensure proper
21 courthouse security;

22 One of the most effective ways to ensure proper courthouse security is by use of weapons
23 screening;

24 Courthouse weapons screening should be no more intrusive than is reasonably necessary to
25 ensure effective detection of items that could reasonably be used as weapons and to ensure such items
are not allowed to be brought within the courthouse;

1 As the Court Security Officer, the Sheriff should develop a list of items that could reasonably be
2 used as weapons and not permitted within the courthouse. Said list should be submitted to the Presiding
3 Judge for approval. Said list should be revised from time to time as needed.

4 All persons entering the courthouse should be given reasonable notice by way of appropriate
5 signage that their persons and property shall be subject to search and screening. Such search and
6 screening is necessary to ensure proper court security.

7 **NOW, THEREFORE, IT IS ORDERED:**

8 To the extent reasonably and economically practical, the Santa Barbara County Sheriff, in conjunction
9 with court contracted private security personnel, shall conduct weapons search and screening at all court
10 locations. Such search and screening may include use of metal detection equipment; x-ray equipment;
11 physical pat-down of persons; inspections of property; and by use of other methods and equipment
12 reasonably calculated to detect items that could reasonably be used as weapons.

13 All persons entering or otherwise present in any court location shall consent to such search and
14 screening upon request by the Sheriff. Proper signage advising that persons are subject to search shall
15 be posted and shall be deemed a request to conduct search and screening. Entering a court location
16 shall be deemed consent to such search and screening. Any person who refused to permit such search
17 and screening shall be prohibited from entering the court location.

18 The Court may utilize non-sworn, private security personnel to effectuate and conduct such
19 search and screening. A request to search and/or screen by such private security personnel shall be
20 deemed a request by the Sheriff under the authority of this order.

21 The Sheriff shall establish an entry screening policy for review and adoption by the court.

22 Said entry screening shall include a list of items that may reasonably be used as weapons,
23 thereby posing a security risk to those using, or working within, our courts. Such list may include items
24 that, although otherwise lawful to possess, may, nevertheless, pose an unacceptable security risk within a
25 court location. Such list shall be submitted to the Presiding Judge for approval. Upon approval of said list

1 by the Presiding Judge, the items described therein shall be deemed to pose an unacceptable security
2 risk within the courthouse, and shall be prohibited from all court locations. Said list shall be attached
3 hereto as "Exhibit A" and shall be incorporated herein by this reference. No person shall be allowed to
4 enter a court location while in possession of any items described in said list. Said list may be revised from
5 time to time. Each revision shall be submitted to the Presiding Judge for approval and incorporated
6 herein.

7 No person entering, or otherwise present, within a court facility shall possess a firearm, knife,
8 teargas, taser, stungun, or similar weapons or device, as defined or listed in Penal Code Sections 171(b),
9 244.5, 12401 and 12402. This prohibition shall be enforced whether or not the person possesses a valid
10 license, certificate, or permit therefore. Notwithstanding the above, the Sheriff is authorized, in his
11 discretion, to exempt from this prohibition, a peace officer displaying current, valid, and official
12 photographic identification, who is on official business within the court facility; PROVIDED, HOWEVER,
13 that a peace officer shall not possess any weapons within a court facility wherein a proceeding is pending
14 in which the peace officer is a party.

15 At each court location, the Court shall cause to be posted signage that is clearly visible to the
16 public prior to entry, declaring the prohibition of the possession of items referenced herein and further
17 notifying that all persons are subject to search.

18 Nothing in this order is intended to, nor shall be construed as to, diminish the legal and lawful
19 authority of the Sheriff to perform any and all functions of a peace officer.

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21 This order is effective immediately.

22
23 Dated: _____

24 Hon. J. William McLafferty

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APPENDIX 'A'

1.0 Prohibited Items – by Statute.

1.1 Any item or article having the potential to inflict or cause physical harm shall be inspected to determine whether it has been filed, sharpened, honed, or in any other manner altered to the extent that it meets the definition of prohibited weapons as defined in Penal Code sections 12020 and 171 b.

1.2 Prohibited items shall include all weapons or instruments described in the following Penal Code sections:

1.2.1 171 b P.C. – Unauthorized possession of weapons in state or local public buildings or at public meetings.

1.2.2 244.5 P.C. – Stun gun or taser; assault, punishment.

1.2.3 653k P.C. – Switch blade knife/gravity knife having a blade longer than two inches; possession in motor vehicle; carrying; sale or disposition, definitions.

1.2.4 12402 P.C. – Tear gas, weapon.

1.2.5 12020 P.C. – Manufacture, import, sale supply or possession of certain weapons and explosives.

2.0 Prohibited items by order of the Court.

2.1 General prohibited items listed as follows:

2.1.1 Firearms possessed by anyone other than peace officers, regardless of CCW. The only exceptions to this are judicial officers who possess a valid CCW and authorized armored car personnel during the course of business.

2.1.2 Firearms possessed by peace officers when attending Family Law Court or when the peace officer is a party to an action pending before the court.

- 1 2.1.3 All bullets and ammunition possessed by anyone other than peace officers, regardless of
2 CCW. The only exceptions to this are judicial officers with a CCW and authorized armored car
3 personnel.
- 4 2.1.4 All taser guns.
- 5 2.1.5 All stun guns.
- 6 2.1.6 All gun shaped lighters.
- 7 2.1.7 Toy or replica guns.
- 8 2.1.8 Handcuffs – Except those possessed by sworn peace officers.
- 9 2.2 Chemical agents listed as follows:
- 10 2.2.1 All mace, pepper gas, animal repellent, butane fuel.
- 11 2.3 Knives listed as follows:
- 12 2.3.1 Buck type – all size blades.
- 13 2.3.2 Swiss Army/utility type knives – all size blades.
- 14 2.3.3 Butter and steak knives – all size blades.
- 15 2.3.4 Multi-tool knives – all size blades.
- 16 2.3.5 Concealable/disguised knives – all size blades.
- 17 2.4 Scissors listed as follows:
- 18 2.4.1 All sewing types with a length in excess of 3 inches.
- 19 2.5 Razors listed as follows:
- 20 2.5.1 Single blades.
- 21 2.5.2 All box cutters.
- 22 2.5.3 All "Exacto" type tools (open retractable razor with handle).
- 23 2.6 Clothing items listed as follows:
- 24 2.6.1 Excess clothing – beyond what is reasonable for personal use and
25 current weather conditions.

1 2.7 Tools listed as follows:

2 2.7.1 All large tools (screwdrivers, pliers, wrenches, hammers, etc.) in
3 excess of 6 inches in length. The only exceptions to this are maintenance personnel of the Court
4 or County or approved and identified contractors of the Court or County.

5 2.7.2 Ice picks.

6 2.8 Miscellaneous items include:

7 2.8.1 Darts.

8 2.8.2 Letter openers.

9 2.8.3 Pieces of heavy duty wire/heavy gauge chains with an overall
10 length in excess of 24 inches.

11 2.8.4 Laser pointers – Except those for use by attorneys in courtroom
12 presentations.

13 2.8.5 Skateboards/skates.

14 2.8.6 Needles/syringes (non-diabetic person(s) without prescription).

15 2.8.7 Handcuff keys – Except those possessed by sworn peace officers.

16 2.8.8 “Come-along” sticks/key chain size.

17 2.8.9 Flammable liquids.

18 **NOTE:** In all cases, a sworn supervisor or their designee may use their discretion to determine if any item
19 (other than those listed above) presents a safety or security risk to the court environment and may
20 exclude that item from being brought into the court facility when deemed appropriate. When such
21 discretion is exercised, the employee prohibiting a particular item from being brought into the court facility
22 shall prepare a memorandum. The memorandum shall include a description of the item and the
23 justification for not allowing the item into the court facility. The memorandum shall be directed to the Court
24 Services Lieutenant via chain of command. The Lieutenant will forward a copy of the memorandum to the
25 Presiding Judge and Assistant Presiding Judge.

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Dated this 8th day of July, 2008

J.WILLIAM MCLAFFERTY
PRESIDING JUDGE
Superior Court of California
County of Santa Barbara