

OCT 01 2008

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA BARBARA

GARY M. BLAIR, EXEC. OFFICER

By *Gary M. Blair*  
Deputy Clerk

**IN RE: COURTHOUSE SECURITY**

**AMENDED GENERAL ORDER OF THE  
PRESIDING JUDGE**

This General Order amends the court's General Order of July 8, 2008.

**THE COURT FINDS AS FOLLOWS:**

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

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

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

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

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

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

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

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

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

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

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

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

24 Appendix "A" hereto is a list of items that, although otherwise lawful to possess, nevertheless,  
25 pose an unacceptable security risk within a court location. No person shall be allowed to enter a court

1 location while in possession of any items described in Appendix "A." Appendix "A" may be revised from  
2 time to time. Each revision shall be submitted to the Presiding Judge for approval and incorporation  
3 herein.

4 No person entering, or otherwise present, within a court facility shall possess a firearm, knife,  
5 teargas, taser, stungun, or similar weapons or device, as defined or listed in Penal Code Sections 171(b),  
6 244.5, 12401 and 12402, and these items are included in Appendix "A." This prohibition shall be enforced  
7 whether or not the person possesses a valid license, certificate, or permit therefor. Notwithstanding the  
8 above, the Sheriff is authorized, in his discretion, to exempt from this prohibition, a peace officer  
9 displaying current, valid, and official photographic identification, who is on official business within the  
10 court facility; PROVIDED, HOWEVER, that a peace officer shall not possess any weapons within a court  
11 facility wherein a proceeding is pending in which the peace officer is a party.

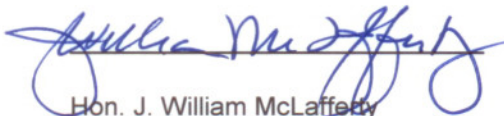
12 At each court location, the Court shall cause to be posted signage that is clearly visible to the  
13 public prior to entry, declaring the prohibition of the possession of items referenced herein and further  
14 notifying that all persons are subject to search.

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

17 The court may enforce this order by sanctioning any violation of the order as a contempt of court  
18 and imposing any monetary or other punishment provided by law, including, without limitation, Code of  
19 Civil Procedure §§ 177.5 and 1218. However, nothing in this order shall limit arrest and prosecution under  
20 any other law, including, without limitation, Penal Code § 166 and/or Penal Code § 602(y).

21  
22 This order is effective immediately.

23  
24 Dated: October 1, 2008

25  
  
Hon. J. William McLafferty

# 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.

- 1           2.1.2   Firearms possessed by peace officers when attending Family Law Court or when the  
2           peace officer is a party to an action pending before the court.
- 3           2.1.3   All bullets and ammunition possessed by anyone other than peace officers, regardless of  
4           CCW. The only exceptions to this are judicial officers with a CCW and authorized armored car  
5           personnel.
- 6           2.1.4   All taser guns.
- 7           2.1.5   All stun guns.
- 8           2.1.6   All gun shaped lighters.
- 9           2.1.7   Toy or replica guns.
- 10          2.1.8   Handcuffs – Except those possessed by sworn peace officers.
- 11          2.2     Chemical agents listed as follows:
- 12                 2.2.1   All mace, pepper gas, animal repellent, butane fuel.
- 13          2.3     Knives listed as follows:
- 14                 2.3.1   Buck type – all size blades.
- 15                 2.3.2   Swiss Army/utility type knives – all size blades.
- 16                 2.3.3   Butter and steak knives – all size blades.
- 17                 2.3.4   Multi-tool knives – all size blades.
- 18                 2.3.5   Concealable/disguised knives – all size blades.
- 19          2.4     Scissors listed as follows:
- 20                 2.4.1   All sewing types with a length in excess of 3 inches.
- 21          2.5     Razors listed as follows:
- 22                 2.5.1   Single blades.
- 23                 2.5.2   All box cutters.
- 24                 2.5.3   All "Exacto" type tools (open retractable razor with handle).
- 25          2.6     Clothing items listed as follows:

1 2.6.1 Excess clothing – beyond what is reasonable for personal use and  
2 current weather conditions.

3 2.7 Tools listed as follows:

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

7 2.7.2 Ice picks.

8 2.8 Miscellaneous items include:

9 2.8.1 Darts.

10 2.8.2 Letter openers.

11 2.8.3 Pieces of heavy duty wire/heavy gauge chains with an overall  
12 length in excess of 24 inches.

13 2.8.4 Laser pointers – Except those for use by attorneys in courtroom  
14 presentations.

15 2.8.5 Skateboards/skates.

16 2.8.6 Needles/syringes (non-diabetic person(s) without prescription).

17 2.8.7 Handcuff keys – Except those possessed by sworn peace officers.

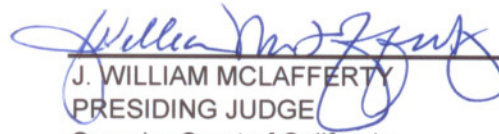
18 2.8.8 “Come-along” sticks/key chain size.

19 2.8.9 Flammable liquids.

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

1 Services Lieutenant via chain of command. The Lieutenant will forward a copy of the memorandum to the  
2 Presiding Judge and Assistant Presiding Judge.

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4  
5 Dated this 1st day of October, 2008

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8 

9 J. WILLIAM MCLAFFERTY  
10 PRESIDING JUDGE  
11 Superior Court of California  
12 County of Santa Barbara