

**IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO AND PINELLAS COUNTIES, FLORIDA**

ADMINISTRATIVE ORDER NO. 2010-040 PI-CIR

RE: COURT SECURITY – PINELLAS COUNTY

The Sheriff, either in person or by deputies, must attend all terms of the circuit court and county court held in Pinellas County and may be ordered to provide security to sequestered juries. See §§ 30.15(1)(c), and 30.501, Florida Statutes.

In order to promote the safety and security of all court facilities and proceedings in Pinellas County; and

In order to ensure access to court proceedings as guaranteed by the First Amendment in a manner that also protects the public interest in providing for the orderly and safe transaction of court business, and

In order to assist the Chief Judge, the Circuit Court Judges, the County Court Judges and the Sheriff in carrying out their respective constitutional and statutory duties, and

In accordance with Article V, section 7, Florida Constitution, Rule of Judicial Administration 2.215, and section 43.26, Florida Statutes

IT IS ORDERED:

1. Definitions

For purposes of this administrative order, the term “court facility” means the areas in a courthouse where court functions are performed and includes but is not limited to courtrooms, hearing rooms, judicial chambers, offices of court staff, witness rooms, juror assembly rooms, jury deliberation rooms, the offices of the Clerk of the Circuit Court, and adjacent areas such as restrooms, break rooms, conference rooms, and reception areas in the following locations and includes any other buildings subsequently designated for court functions:

The Criminal Justice Center, 14250 49th Street North, Clearwater,
The Clearwater Courthouse, 315 Court Street, Clearwater,
The Clearwater Historic Courthouse, 324 South Ft. Harrison Avenue, Clearwater,
The St. Petersburg Judicial Building, 545 1st Avenue North, St. Petersburg,
The 501 Building, 501 1st Avenue North, St. Petersburg,
South County Traffic Court, 1800 66th Street North, St. Petersburg, and
North County Traffic Court, 29582 U.S. Highway 19 North, Clearwater.

2. Sheriff’s responsibilities

The Sheriff of Pinellas County must take reasonable steps as defined in this Administrative Order to provide for:

- a. the safety of the Court, lawyers, parties, witnesses, jurors, court staff, and the public in court proceedings, and
- b. the orderly and safe transaction of court business.

The Sheriff may take additional lawful steps if in the Sheriff's professional judgment such steps are desirable to achieve these goals as long as the additional steps are not in conflict with an Administrative Order or an order of a presiding judge.

3. Security in court proceedings

The Sheriff of Pinellas County must provide security for all circuit court and county court proceedings including, but not limited to:

- a. all trials and hearings conducted by judges unless otherwise directed by the judge, and
- b. all proceedings or hearings, except Baker Act hearings of general and special magistrates, hearing officers, arbitrators, and mediators (excluding private arbitrators and mediators), unless otherwise directed by the magistrate, hearing officer, arbitrator, or mediator.

All security measures within a courtroom or hearing room are subject to the presiding judges or presiding officer's ability to control the conduct of court proceedings.

4. Orderly and safe transaction of court business

For purposes of this paragraph only, the term "court facility" also includes areas for ingress and egress to the portions of a courthouse where court functions are performed and includes but is not limited to the courthouse lobby, hallways, stairwells, escalators, and elevators.

a. Conduct prohibited in a court facility

In order to ensure the integrity of the judicial process and the orderly and safe transaction of court business, a citizen's first amendment right to observe court proceedings or to access court facilities may be restricted. See e.g., *Huminski v. Corsones*, 396 F. 3d 53 (2d Cir. 2004); *Braun v. Baldwin*, 346 F. 3d 761 (7th Cir. 2003); *Mead v. Gordon*, 583 F. Supp. 2d 1231 (D. Oregon 2008). Accordingly, in order to provide for an orderly and safe place to transact court business, the following conduct is not permitted in a court facility:

- i. Conduct that disrupts court proceedings,
- ii. Conduct that violates the rule of sequestration of witnesses,
- iii. Conduct that intimidates or attempts to intimidate a party, witness, victim, victim's family, attorney, or judge in a court proceeding,
- iv. Conduct that purposefully obstructs the passage of other persons in the facility,

- v. Conduct that causes bias or prejudice or attempts to cause bias or prejudice to the trier of fact if such activities are allowed to occur,
- vi. Conduct that may prejudice jurors,
- vii. Conduct that may reasonably pose a threat to other persons in the facility,
- viii. Conduct that may reasonably pose a threat to property.
- ix. Entry into restricted areas of the court facility.

b. Conduct prohibited in a courtroom

All conduct that is prohibited in a court facility is prohibited in a courtroom. The following additional conduct is not permitted in a courtroom or hearing room during court proceedings unless otherwise authorized by the presiding judge or presiding officer:

- i. The wearing of any clothing that reflects disrespect for or disrupts court proceedings,
- ii. Talking by persons in the audience during the proceedings,
- iii. The use of a cell phone, laptop, PDA, texting device, or other electronic equipment, that disrupts court proceedings,
- iv. Unauthorized communication to persons outside of the courtroom,
- v. Possession of personal property banned from the courtroom,
- vi. Any other behavior that interferes with the dignified and solemn nature of court proceedings.

This subparagraph is not intended to restrict the right of the press to report on court proceedings in accordance with Rule of Judicial Administration 2.450 and Administrative Order 2008-076.

c. Enforcement of restrictions on conduct

When a deputy sheriff observes conduct that is prohibited in a courtroom or in a court facility, the deputy must warn the individual to cease the behavior. If the individual continues to engage in prohibited behavior in a courtroom or court facility, the deputy sheriff must remove the individual from the courtroom or court facility unless the individual is a party, attorney, witness, or juror in the proceeding, in which case the behavior must be brought to the attention of the presiding judge or presiding officer. A warning is not required if the individual is engaging in disorderly conduct prohibited by § 877.03, Florida Statutes, disturbing assemblies prohibited by § 871.01, Florida Statutes, or otherwise engaging in criminal conduct.

When persons are removed from the courtroom or court facility, the deputy sheriff must place reasonable time, place, and manner restrictions on the individual's return to the courtroom or court facility. Such restrictions are to be based upon the reason for the individual's removal. Unless specifically authorized by the Court, an individual may not be prohibited from attending hearings in his or her case, from responding to a summons or subpoena, or from filing pleadings with the Clerk of the Circuit Court, but such access may, without Court authorization, be restricted by requiring that the individual be accompanied by a deputy sheriff or court security personnel.

5. Weapons prohibited

Except for judges, bailiffs, detectives and supervisors in the Pinellas County Sheriff's Office who are assigned to court security and other law enforcement officers as provided in this paragraph, no person possessing a firearm, taser, electronic control weapon, ammunition, knife, mace, pepper spray, or dangerous weapon may enter or occupy a court facility.

a. Excepted law enforcement officers

The following other law enforcement officers who meet the requirements listed below in subparagraph 5.b., are exempt from the prohibition in this paragraph:

- i. Pinellas County deputy sheriffs,
- ii. Pasco County Sheriff,
- iii. Pasco County deputy sheriffs, and
- iv. Law enforcement officers whose agency has entered a Memorandum of Understanding with the Pinellas County Sheriff regarding the Sheriff's parameters for the admission of law enforcement officers with weapons into court facilities.

b. Requirements for excepted law enforcement officers

The excepted law enforcement officers specified in this Administrative Order may enter or occupy a court facility with a weapon, provided the officer:

- i. is in a recognized law enforcement uniform,
- ii. is in the court facility on official business,
- iii. displays appropriate identification,
- iv. has any firearm in his or her possession in a secure holster, and has any other weapon similarly secured on the officer,
- v. has received training on appropriate conduct in a courtroom, and
- vi. has been trained in how to react in the event of emergency event or other security threat in a courtroom or courthouse.

c. Exceptional circumstances

In his discretion, the Sheriff may temporarily prohibit other law enforcement officers from carrying weapons into a court facility. The Sheriff may also temporarily authorize representatives of law enforcement agencies not described above to carry weapons into a court facility when needed for assistance with the Sheriff's response to an exceptional circumstance.

d. Authority of the presiding judge, hearing officer, or magistrate

Each judge, hearing officer, and magistrate retains the discretion to prohibit the above excepted law enforcement officers from carrying weapons in proceedings before him or her. The judge or presiding officer may exercise such a prohibition for every proceeding or on a case-by-case basis.

6. Security checkpoints

a. The Sheriff of Pinellas County must take such reasonable steps as are necessary to ensure that no firearms, tasers, electronic control weapons, ammunition, knives, mace, pepper spray, other dangerous weapons, or other items that can be used as weapons, are in the possession of any individuals entering a court facility except as authorized in this Administrative Order. These steps may include but are not limited to use of facial recognition systems, metal detection devices, hand-held electronic scanning devices, personal or other searches by official law enforcement officers, pat-down or other search by security officers with consent of the person. If a person refuses the request of a law enforcement officer to submit to any security measure, the person may be denied access beyond the security device in the courthouse.

b. If a person who is in a courthouse is taken into custody, the bailiff take all reasonable steps to notify the Court if such person is a witness, defendant, victim, or attorney in a pending proceeding before the Court. Upon notification from the Court that the person is needed for court proceedings, the bailiff must follow the Court's direction. At the Criminal Justice Center in Pinellas County, if the bailiff is notified by the Court that the person is not needed immediately for court proceedings, the person may be booked into the jail on an expedited basis and made available in the pending proceeding as soon as can reasonably be accomplished.

c. The Pinellas County Department of General Services must post a notice outside the entrance to security checkpoints that persons entering the facility or that portion of the facility are subject to security procedures.

d. Facial recognition systems must be operated in such a manner to ensure that scans which do not produce a match are not retained in the system.

e. At the public entrance to all court facilities in Pinellas County any judge, judicial assistant, or court employee displaying identification must not be subject to security measures unless the law enforcement officer has a reasonable basis to question the validity of the identification; however, at the Criminal Justice Center, any judicial assistant or court employee using the public entrance may be subject to security measures except for facial recognition measures.

f. Any contractor for the court, employee of the offices of the State Attorney, Public Defender, and the Clerk of the Circuit Court for Pinellas County, attorney with an identification issued by the Sheriff as set forth in subparagraph g, or other county officer or employee using the public entrance to a court facility must pass through the metal detection devices located at such public entrance.

g. Members of The Florida Bar, in good standing, who have their principal office in the Sixth Judicial Circuit or who practice regularly in Pinellas County, may apply to the Sheriff of Pinellas County for a picture identification card that will allow access to the Criminal Justice Center through the employee entrance. The attorneys will be screened at the employee entrance. The Sheriff must issue such identification cards to attorneys meeting this requirement, who are approved by the Chief Judge, who pass a background check, who pay a reasonable fee for such identification card, and who otherwise satisfy any other reasonable requirements that the Sheriff may impose to ensure security.

Administrative Order 2009-072 PI-CIR is hereby rescinded.

DONE AND ORDERED in Chambers at Clearwater, Pinellas County, Florida this 23rd day of July 2010.

ORIGINAL SIGNED July 23, 2010
BY J. THOMAS MCGRADY, CHIEF JUDGE

cc: All Pinellas Judges
The Honorable Bernie McCabe, State Attorney
The Honorable Bob Dillinger, Public Defender
The Honorable Ken Burke, Clerk of the Circuit Court, Pinellas County
The Honorable Jim Coats, Sheriff, Pinellas County
The Honorable Bob White, Sheriff, Pasco County
The Office of Regional Counsel
Suzanne Mucklow, Executive Director, Pinellas County Clerk's Office
Gay L. Inskeep, Trial Courts Administrator
Captain Tim Pupke, Court Security Division, Pinellas County Sheriff's Office
Bar Associations, Pasco and Pinellas Counties
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