

F I L E D
Clerk of the Superior Court

DEC 28 2022

By: A. Cabrales

THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

IN RE COURT SECURITY

**GENERAL ORDER OF THE
PRESIDING DEPARTMENT**

ORDER NO. 010123-01

THIS COURT FINDS AND ORDERS AS FOLLOWS:

The San Diego County Sheriff's Department ("Sheriff") is designated as the Court Security Officer in San Diego. Thus, the Sheriff is charged with assuring the security of facilities within which the courts of this county conduct official business.

The Sheriff utilizes weapons screening measures, including metal detection and x-ray equipment. The Sheriff has confiscated prohibited materials as a result of these security measures.

Judicial notice is taken of the increasing acts of violence that occur within the courthouses in this country, state and county, and to their occupants. Thus, there is a clear need to protect the courts and those within it from a danger of violence.

IT IS HEREBY ORDERED that all persons entering or otherwise present in any facilities within which courts conduct official business shall submit to any request by the Sheriff, or other authorized security personnel, to participate in a weapons screening process involving metal detection and x-ray equipment. The Sheriff shall post signage clearly visible to the public before

1 entry into any facility at which weapons screening is utilized that metal detection and x-ray screening
2 is in place, and advising that individuals may choose not to enter the facility rather than submit to
3 the weapons screening process.

4 The Sheriff, or other authorized security personnel, is authorized to inspect any item that is
5 otherwise lawful to possess to determine whether it poses a danger to the security of the courthouse,
6 and if so, may forbid possession of it in the facility by allowing the individual who possesses it to
7 remove it from the building. The Sheriff, or other authorized security personnel, is also authorized
8 to confiscate all ammunition.

9 The Sheriff, or other authorized security personnel, is vested with the discretion to exempt
10 from the screening process all judicial officers, all court and county employees, San Diego City and
11 Deputy City Attorneys, and peace officers on official business who display current, valid,
12 photographic identification.

13 IT IS FURTHER ORDERED that no person shall possess within a courthouse facility a
14 firearm, knife, tear gas, taser, stun gun, ammunition, or other dangerous or deadly weapon or
15 material, as listed or defined, inter alia, in Penal Code sections 171b, 244.5, 17240, and 17250
16 (“Weapon” or “Weapons”). This prohibition shall be enforced without regard to whether the
17 individual possesses a valid license or permit for the Weapon. The following individuals are exempt
18 from this prohibition:

- 19 • An on-duty peace officer, either in uniform or, if not in uniform, presenting
20 identification to security staff, who is attending to law enforcement business at the
21 courthouse facility. Security personnel may verify the identity of any officer by
22 requesting proper identification. If the identity of an officer cannot be verified
23 through identification carried by the officer or through reasonable efforts by
24 security personnel, this exemption shall not apply. In addition, this exemption shall
25 not apply to any peace officer while he or she is in the courthouse on personal
26 business, such as appearing as a party to or witness in an action pending before the
27 court, or service of jury duty;

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- When a Weapon is evidence in a case and an individual, who is authorized by the state to do so, is delivering it to the court, and the Weapon is properly secured to prevent accidental discharge or release;
- Judicial officers who possess a valid license to carry a concealed weapon;
- Court employees who are working in the Central Courthouse or Hall of Justice, but only with regard to pepper spray, provided the court employee is otherwise permitted to possess such pepper spray pursuant to applicable law, including, but not limited to, Penal Code section 22810. This exemption shall not apply to any court employee while he or she is in the courthouse on personal business, such as appearing as a party to or a witness in an action pending before the court.

Disobedience of this order is punishable as a contempt of court and under the general laws of the State of California.

Nothing in this order is intended to nor shall diminish the legal and lawful authority of (1) the Sheriff as a peace officer; or (2) an individual judicial officer's right to control the order in his or her courtroom by further restricting the possession of Weapons in his or her courtroom. (Code of Civ. Proc., § 128).

Disobedience of this order is punishable as a contempt of court and under the general laws of the State of California.

This order shall become effective on January 1, 2023, and expire on December 31, 2023, unless otherwise ordered by this court.

Service of this order is ordered on the San Diego Sheriff's Department.

IT IS SO ORDERED.

DATED: December 28, 2022


HONORABLE MICHAEL T. SMYTH
PRESIDING JUDGE