

**ADMINISTRATIVE ORDER OF THE CHIEF JUDGE 2018-06
THIRD JUDICIAL DISTRICT
HUERFANO AND LAS ANIMAS COUNTIES**

ELECTRONIC DEVICES IN JUDICIAL BUILDINGS

In consultation with the Las Animas Board of County Commissioners, the Huerfano County Board of County Commissioners and the Sheriffs of Las Animas and Huerfano Counties, the following order applies to Huerfano & Las Animas County Courthouses and judicial buildings.

Pursuant to the authority granted to the undersigned Chief Judge by Chief Justice Directive 95-01, "Authority and Responsibility of Chief Judges," the undersigned, in the role of Chief Judge of the Third Judicial District, enters the following order concerning the possession and use of electronic devices, including but not limited to mobile phones, video recorders, laptops, PDAs, computer tablets, iPads, or any other device capable of capturing photographs or creating audio or video recordings within the Huerfano County Courthouse and Las Animas County Courthouse.

THE COURT HEREBY ORDERS:

The use of all electronic devices, including but not limited to mobile phones, personal digital assistants (PDAs), laptops, video recorders, computer tablets, iPads, and all devices capable of capturing photographs or creating audio or video recordings, is strictly controlled within court facilities. Prohibited uses include all photography and videography including sound recordings, broadcast sound, and broadcast still or moving images. More highly restrictive access in an individual courtroom, if applicable at the discretion of the Judicial Officer, shall be posted at the courtroom entrance.

**I. IN ALL HALLWAYS AND PUBLIC AREAS OF JUDICIAL BUILDINGS
(All areas other than Courtrooms):**

Electronic devices may be used so long as such use is not disruptive of court proceedings. All electronic devices, such as those listed above, must be set to vibrate or silent ring settings and may **never** be used to capture images, videos, or sound recordings. **The use of any type of audio- or video-recording device, anywhere in the courthouse, including but not limited to the court clerk's office, the court clerk's window, probation department and other official work areas of the courthouse, is strictly prohibited without express consent of the Court.** A Judicial Officer may further restrict use and possession of electronic devices that are disruptive of court proceedings or create a potential danger to anyone in or around the court facilities.

This order is not meant to preclude media from audio and video recordings of Board of County Commissioners (BOCC) meetings and election activities that historically have been open to members of the media. Each BOCC may independently authorize audio and/or video recordings of County meetings, elections, events and proceedings as they deem appropriate.

II. IN ALL COURTROOMS:

All electronic devices shall be turned off when entering the courtroom and shall remain turned off at all times while in the courtroom unless approval is otherwise given by the presiding judicial officer. Any electronic transmission of information from the courtroom is prohibited without express consent of the Court. No person, except court personnel and media operating under a court approved order for expanded media coverage, may make a sound or photographic recording of any proceeding or person including, but not limited to, jurors, witnesses, attorneys, court personnel, or parties. Official transcripts of proceedings may be ordered through the office of the Clerk of Court. A Judicial Officer may further restrict use and possession of electronic devices in the courtroom.

III. MEDIA:

Court Facility Access: Members of the media desiring access to the courthouse with cameras or other recording devices shall be required to present a valid media credential and photo identification or official business card presented at the security checkpoint.

With a valid media credential, cameras shall be permitted and may be used in the hallways and public areas of the courthouse. In consultation with the judicial officer, the court executive will make arrangements for media staging areas in public hallways so as not to impede access to courts or interfere with court proceedings.

Video/audio recordings and still photography of prospective jurors, jurors, victims, and court personnel shall be prohibited.

All others wishing to request access to the facility with cameras or other recording devices with the intent to capture any type of photographs, video, or audio, must complete the form for expanded media coverage provided on the Judicial Department's website.

Courtroom Access: Current rules for expanded media access govern the use of cameras in courtrooms. See Rule 3, Chapter 38 of Colorado Supreme Court Rules, Public Access to Records and Information. Additional information is available at the Colorado Courts website <https://www.courts.state.co.us/userfiles/file/Media/Cameras%20in%20the%20Courtroom%202015%20update.pdf>

IV. Attorneys:

Attorneys conducting business in Las Animas or Huerfano County Courthouses are authorized to use electronic devices within the public hallways and courtrooms provided their use is for official court business and such use does not cause a distraction or disturbance to court proceedings.

V. VIOLATIONS:

Anyone found to be in violation of this Order may be subject to contempt proceedings. Sanctions for contempt of Court may be remedial, punitive, or both, including a fine and/or a jail sentence. All judicial officers, court security personnel, and law enforcement officers are authorized to prohibit any electronic item when they have probable cause to believe that such item is being used in violation of this order. If a law enforcement officer has probable cause to believe that any phone, camera, or other electronic device was used or is being used in a courtroom, a hallway, or a public area of a courthouse building in violation of this Order, he or she may immediately confiscate such item. Law enforcement officers shall have the discretion to temporarily secure—in the courthouse involved—any item confiscated for purposes of conducting an investigation of a violation of this Order.

The item confiscated may be searched with the consent of the owner of the item. In the alternative, if consent is refused or cannot be obtained, a law enforcement officer may apply for a search warrant. A law enforcement officer may conduct a warrantless search of the item without the owner's consent and without a search warrant only when an exception to the warrant rule applies or when otherwise authorized by law. Any application for a search warrant must be prepared and submitted to the on-duty judicial officer as soon as practicable and without undue or unnecessary delay. An application for a search warrant shall be reviewed by the on-duty judicial officer as soon as practicable and without undue or unnecessary delay. If the search of an electronic device reveals that it contains potential evidence that may be material to an allegation of indirect contempt, a law enforcement officer may request that the judicial officer presiding in the courtroom involved (or, in the case of a violation occurring outside a courtroom, the Chief Judge) issue a citation for contempt. In the event of alleged direct contempt, the judicial officer presiding in the courtroom involved shall decide whether to commence contempt proceedings. If a citation for contempt issues or if a judicial officer initiates direct contempt proceedings, the electronic device in question may be impounded by law

enforcement pending resolution of the citation for contempt. The judicial officer assigned to the courtroom (or, in the case of a violation occurring outside a courtroom, the Chief Judge) may hold a contempt hearing and determine what sanctions, if any, to impose.

Dated September 26, 2018

BY THE COURT:

Claude W. Appel

Claude W. Appel, Chief District Judge