

IN THE SUPREME COURT OF THE STATE OF ARIZONA

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| In the Matter of: |) | |
| |) | |
| REGULATING USE OF PHOTOGRAPHIC |) | Administrative Order |
| AND VIDEO RECORDING DEVICES |) | No. 2019 - <u>142</u> |
| AT APPELLATE COURTHOUSES AND |) | (Replacing Administrative Order |
| OTHER DESIGNATED FACILITIES |) | Order No. 2019-126) |
| |) | |

This Administrative Order replaces Administrative Order No. 2019-126, issued on October 16, 2019.

The Chief Justice exercises the Court’s administrative supervision over all the courts of the state. Supreme Court Administrative Order No. 2012-22 recognized “the safety of those who participate in the judicial process is essential to serving the citizens and doing justice in all cases.” Therefore, the Court must protect the privacy and security interests of people who attend Arizona appellate courthouses and appellate court-related proceedings at other designated facilities, including parties who have vital liberty and property interests at stake, victims of crimes, and persons required to participate in foster care review board proceedings. Having their image recorded and displayed on the internet while at a courthouse, other designated facility, or a court-related proceeding at another facility can put these persons in jeopardy, expose them to embarrassment and intimidation, and discourage participation in the judicial process.

The Arizona judiciary must secure the trust and confidence of persons who have business with the court and of the general public by maintaining decorum and minimizing distraction and disruption that would be caused by indiscriminate video and photographic recording at appellate courthouses and appellate court-related proceedings at other designated facilities. Additionally, video of the interior of courthouses and other designated facilities, including security officers and devices, displayed on the internet could be used to circumvent court security protocols. This Order implementing Rule 122.1 concerning courthouses and other designated facilities is needed in addition to the regulation of video recording and photography at a judicial proceeding governed by Supreme Court Rule 122 and Rule 122.1(c)-(e).

Therefore, pursuant to Article VI, Section 3, of the Arizona Constitution and Rule 122.1 of the Rules of the Supreme Court,

IT IS ORDERED, except as provided in this Order, that all types of video recording, photography, including sharing video or live-streaming to social media sites, or other types of broadcasting (hereinafter collectively referred to as “recording”) are prohibited within the buildings located at 1501 West Washington, Phoenix, Arizona, at 400 West Congress, Tucson, Arizona in areas dedicated to court use, in other designated facilities, including use by a Foster Care Review Board (FCRB) and the Judicial Education Center, and in secured areas within any

other designated facility during use by the Supreme Court, or the Court of Appeals, Division One or Two, unless the person proposing a recording obtains advance written consent of the subjects and permission of the chief justice, chief judge, or designee. This requirement applies to persons intending to record the interior of an appellate courthouse or another designated facility through the exterior surface of the building.

IT IS FURTHER ORDERED that any activity that threatens any person, disrupts court operations, or compromises court security at entrances and exits and on patios, steps, and adjacent parking areas dedicated to court use is prohibited.

IT IS FURTHER ORDERED that a person who seeks to make a recording in an appellate courthouse, in another designated facility, or in the secured area of another location where an appellate court-related proceeding is held, but outside a proceeding itself, must submit a written request to the Administrative Office of the Courts' Public Information Officer that provides the name and contact information of the requester, the written consent of persons to be recorded, and the proposed recording location, date, time, and manner. To assure timely response, the request should be made at least two business days prior to the proposed recording date. If permission for the proposed activity is denied due to an unacceptable location, date, time, or manner, and some alternative is acceptable, the court will inform the requester of that alternative.

IT IS FURTHER ORDERED that scheduled open sessions of public meetings and court-connected educational and ceremonial events, such as school visits, investitures, and State Bar admission ceremonies may be recorded without advance permission subject to the authority of judges or justices, clerks of the court, chairs of court councils, committees, boards or commissions or court management to limit or require termination of recording that threatens any person, disrupts court operations, or compromises court security, or could reveal confidential or private documents or information.

IT IS FURTHER ORDERED that recording is permitted by the court and by court staff in the performance of official duties.

IT IS FURTHER ORDERED that this Order does not prohibit use of a personal recording device or scanner to copy a case file document that is otherwise available for public inspection and copying. This Order does not apply to the office space at a court facility occupied by non-court agencies.

IT IS FURTHER ORDERED that a law enforcement officer with a body-worn camera may activate the recording function of the camera when providing security within a court facility or when responding to a call for law enforcement assistance.

IT IS FURTHER ORDERED that court personnel provide notice and enforce this Order as follows:

1. The court will post a copy of this Order on the court's web site.

2. The court will post a warning sign regarding the conduct prohibited by this Order at every public entry point of an appellate courthouse and other designated facility governed by this Order.
3. Assigned court staff or security officers who observe a person violating this Order will:
 - a. advise the person of the violation orally,
 - b. when applicable, provide a written Photography and Video Recording Violation Warning in a form like that attached,
 - c. direct the person to immediately stop a prohibited recording or activity,
 - d. if the person does not comply, direct the person to leave the appellate courthouse or other designated facility, and
 - e. if the person does not comply, call law enforcement.

Dated this 6th day of November, 2019.

ROBERT BRUTINEL
Chief Justice

**PHOTOGRAPHY AND VIDEO RECORDING VIOLATION
WARNING**

1. Arizona Supreme Court Rule 122: Use of Recording Devices in a Courtroom, prohibits use of recording devices in a courtroom unless permission is given by the judge in advance.
2. Arizona Supreme Court Rule 122.1: Use of Portable Electronic Devices in a Courthouse, authorizes judges, clerks of court, and court administrators to “limit or terminate [recording] activity that is disruptive to court operations or that compromises courthouse security.”
3. Article VI, Section 3, of the Arizona Constitution authorizes the Chief Justice to establish court security policies and procedures.
4. Administrative Order No. 2019-142: Regulating Use of Photographic and Video Recording Devices at Appellate Courthouses and Other Designated Facilities, prohibits use of recording devices unless permission is given in advance.
5. You have been observed violating one or more of the above rules and orders governing photography, videotaping, and filming in a court facility, you are:
 - a. Directed to immediately stop photographing and video recording.
 - b. If you refuse, you will be directed to immediately leave the court facility.
 - c. If you refuse, law enforcement will be called, and you may be arrested, may be held in contempt of court, and may be charged with criminal offenses including:
 - (1) A.R.S. §§ 13-1502 or -1503: Criminal Trespass
 - (2) A.R.S. § 13-2904(A)(1)-(4): Disorderly Conduct
 - (3) A.R.S. § 13-2921(A)(2)-(4): Harassment

Recording Violation Warning