

IN THE MESA MUNICIPAL COURT, COUNTY OF MARICOPA,
STATE OF ARIZONA

In the Matter of:)
)
USE OF RECORDING DEVICES IN A)
COURTHOUSE AND OTHER COURT)
FACILITIES)
)
)
)

Administrative Order No. 2021–007
(Superseding Administrative Order 2021–04: Use of Recording Devices in a Courthouse and Other Court Facilities, dated 8/17/2021.)

WHEREAS Rule 122, Rules of the Supreme Court of Arizona prohibits the use of cameras capable of photographing, recording, or broadcasting still or moving images in a *courtroom* without express approval of the judge assigned to that proceeding; and

WHEREAS Rules 122(h) and (k), and 122.1(e), Rules of the Supreme Court of Arizona permits the use of personal audio recorders in a *courtroom* during a proceeding only when the judge is on the bench, but only *after* notifying the judge or the judge's staff prior to using the device, and the use of the device is not obtrusive, distracting, or otherwise contrary to the administration of justice; and

WHEREAS Rule 122(k), Rules of the Supreme Court of Arizona prohibits the use of personal audio recorders in a *courtroom* to record or broadcast jurors' statements or conversations, or bench conferences between a judge and counsel; and

WHEREAS Rule 122(k), Rules of the Supreme Court of Arizona prohibits the use of personal audio recorders *anywhere in the courthouse* to record or broadcast off-the-record conferences between attorneys and their clients, or between attorneys; and

WHEREAS Rule 122.1 specifies the permitted uses of portable electronic devices in a *courthouse* and Rule 122.1(c)(2) expressly prohibits anyone from taking a photograph or audio or video recording of an individual outside the courtroom without that individual's express consent; and

WHEREAS Rule 122.1(c)(3) grants this court the authority by administrative order to adopt further reasonable limits on photography and audio or video recording in a courthouse that are not inconsistent with Rules 122 and 122.1; and

WHEREAS, except as provided in Rules 122 and 122.1(c-e), a person's use of a portable electronic device in a courthouse may be limited or terminated by a judge or court administrator, or their designee, if the activity is disruptive to court operations or it compromises courthouse security; and

WHEREAS this court takes very seriously the safety of all those who enter this courthouse and recognizes that the safety of those who participate in the judicial process is essential to serving the citizens and doing justice in all cases and, therefore, the need to protect the privacy and security interests of crime victims, individuals seeking protective orders, witnesses, and jurors, and to ensure the safety of all who visit or work in court facilities is paramount; and

WHEREAS many people at a court facility are compelled to be there for jury service or to appear as a witness, including undercover law enforcement officers, or to conduct business that is private or not yet public, and can only be done at a court; and having their image recorded and displayed on the internet can put these persons in jeopardy, expose them to embarrassment and intimidation, and discourage participation in the judicial process; and recordings of the interior of court facilities, including security officers and devices, could be used to circumvent court security protocols.

IT IS THEREFOR ORDERED that, except as provided in Rules 122(h) and (i), any person who seeks to record a court proceeding must submit a written or electronic request to the judge who will conduct the proceeding that meets the requirements of Rule 122 and specifically Rule 122(c).

IT IS FURTHER ORDERED, except as provided in this Order, that all types of video recording and photography, including sharing video or live-streaming to social media sites, or other types of broadcasting (hereinafter collectively referred to as “recording”) are prohibited in the courthouse or any facility during its use as a court; building entrances; exits; and adjacent restricted parking areas **unless the person recording obtains advance written consent of the subjects being recorded and permission of this court’s presiding judge or designee.** This prohibition extends to recording the inside of a court facility through a door or window.

IT IS FURTHER ORDERED that a person who seeks to make a recording in a court facility **other than a courtroom** must submit a written request to designated court staff that provides the name 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 date of recording.** If permission for the proposed activity is denied due to an unacceptable location, date, time, or manner, and some alternative is reasonable and acceptable, the court must inform the requester of that alternative.

IT IS FURTHER ORDERED that City of Mesa employees may record images and sound

inside the courthouse for business needs, and do not need written permission. However, this is subject to the authority of the presiding judge, court administrator, or their designee, to limit or terminate a recording that is disruptive to court operations or that compromises court security.

IT IS FURTHER ORDERED that this Order does not extend to offices in the courthouse occupied by non-court agencies such as city attorney/prosecutor, or public defender, as they will have their own internal policies and procedures.

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 warning sign regarding the conduct prohibited by this Order at every public entry point of facilities governed by this Order.
2. Assigned court staff or security officers who observe a person violating this Order will:
 - a. advise the person of the violation orally; and
 - b. provide a written *Portable Electronic Device Violation Warning* form (see attachment); and
 - c. direct the person to immediately stop and delete the recording.
 - d. If the person does not comply with subsection (c), direct the person to leave the facility; and
 - e. if the persons does not comply with subsection (d), call law enforcement.

Dated this 18th day of October, 2021.



John P. Tatz
Presiding Judge