



CHAMBERS OF
TARA M. DESAUTELS
Presiding Judge
Department 1

René C. Davidson Courthouse
1225 Fallon Street
Oakland, CA 94612

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA
GENERAL DIRECTIVE BY THE PRESIDING JUDGE

DIRECTIVE NO: 2020-22

SUBJECT: EXPRESSIVE ACTIVITY

(A) Purpose and Intent

It is the purpose and intent of the Court in adopting this General Directive to ensure the safe and orderly use of court facilities; to minimize activities which unreasonably disrupt, interrupt, or interfere with the orderly and peaceable conduct of court business in a neutral forum free of actual or perceived partiality, bias, prejudice, or favoritism; to provide for the fair and orderly conduct of hearings and trials; to promote the free flow of pedestrian and vehicular traffic on sidewalks and streets around court facilities; and to maintain proper judicial decorum.

The intent of this General Directive is to allow and accommodate free speech as long as it does not interfere with court business and the purpose of the court.

The Court further adopts this General Directive to facilitate safe, peaceful, and orderly public access to courthouses unhindered by threats, confrontation, interference, noise pollution, or harassment that may be directed at court users including but not limited to those court users waiting in line outside a courthouse.

The Court intends this General Directive to be enforced in a content-neutral fashion. The directive regulates only conduct occurring in and around court facilities without regard to the content of any particular message, idea or form of speech. The Court does not intend to ban all expressive activities from the environs surrounding court facilities and intends that this rule be construed so as to provide for ample alternative channels for communication of information near but not within court facilities nor on courthouse grounds. (See *Comfort v. MacLaughlin* (C.D. Cal. 2006) 473 F.Supp.2d 1026).

(B) Demonstrations, distributions, solicitation, and other expressive activity

(1) Definitions

- (a) "Prohibited Activity" shall mean the acts of demonstrating, protesting, gathering, picketing, parading, distributing literature or other materials to the general public, recording or broadcasting (other than news media recording or broadcasting which is covered by Alameda County Superior Court Local Rule 1.7), soliciting sales or donations, engaging in commercial activity unless otherwise authorized by this rule or the Court, or engaging in oral or demonstrative protest, education or counseling.
- (b) "Walkway" shall mean (a) the area of any corridor or sidewalk, or other path of pedestrian movement, directly from the edge of the public sidewalk nearest an entrance to any building containing a courtroom to that entrance; (b) the area of any corridor or sidewalk leading directly from any parking lot within a curtilage to an entrance to any building containing a courtroom; or (c) a corridor or passageway within a multi-purpose, commercial, or private building that leads directly to the part of the building containing a courtroom.
- (c) "Curtilage" shall mean the area between any building containing a courtroom and the nearest edge of the public sidewalk surrounding the building. It shall not include the area adjacent to that portion of a multi-purpose, commercial or private building that does not contain a courtroom.
- (d) "Courthouse" shall mean any building containing at least one courtroom. It shall also include that portion of a multi-purpose, commercial or private building that contains at least one courtroom.
- (e) "Sound amplification devices" and "sound amplification equipment" includes bullhorns, speakers, drums, pipes, cowbells, horns, triangles, airhorns, bells, sirens, alarms, clappers, stereos, music players, car horns, boomboxes, musical instruments, and any other noise-makers.

(2) Prohibitions

- (a) No person shall engage in any prohibited activity within the interior of a courthouse, or engage in any prohibited activity that affects the interior of a courthouse.

- (b) No person shall engage in any prohibited activity on the exterior property of a courthouse, or within the curtilage of a courthouse, or engage in any prohibited activity that affects the exterior property of a courthouse.
- (c) No person shall engage in any prohibited activity within 25 feet from either side of, or in front of, the intersection of a walkway and the public sidewalk; or within 25 feet from either side of, or in front of, a doorway to a courthouse.
- (d) No person shall obstruct, harass, impede or interfere with persons entering or leaving a courthouse, or with persons waiting in line to enter a courthouse.
- (e) No person shall approach another person waiting in line to enter a courthouse, within 8 feet of such person, unless such other person consents, for the purpose of engaging in any prohibited activity.
- (f) No person shall engage in any prohibited activity in or near a courthouse with the intent to interfere with, obstruct, or impede the administration of justice or with the intent to influence any hearing, trial, or business of the court, or of any judge, juror, witness, or officer of the court in the discharge of his or her duty.
- (g) No person shall use amplification devices or equipment to engage in prohibited activity on or near any courthouse grounds in a manner that harasses, interferes with or attempts to persuade persons inside a courthouse, with persons entering or leaving a courthouse, with persons waiting in line to enter a courthouse, any hearing, trial, business of the court, judge, juror, witness, or officer of the court in the discharge of his or her duty.
- (h) If sound from any prohibited activity travels onto court property or inside a courthouse, that sound, at any decibel level, is subject to the restrictions of this rule. It is not the decibel level of the sound that is prohibited, it is whether the sound interferes in any way with the business or purpose of the court.

(3) Exclusions

- (a) This directive shall not apply to authorized court personnel or law enforcement officers in the performance of their official duties.

(b) Sections (B)2(a), (B)2(b), and (B)2(c) shall not apply to persons engaged in the stationary solicitation of sales as part of any commercial, primarily non-expressive activity (including but not limited to the sale of newspapers, reading materials, sundries or food stuffs) expressly authorized by a written use permit, license, or agreement from the County or the Court or the Judicial Council of California or other owner of a building containing a courtroom authorizing that activity in a specific space not dedicated to court functions.

(4) Severability

If any provision of this General Directive or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the directive and the application of such provision to other persons and circumstances shall not be affected thereby.

(5) Delegation

To the extent the terms of this General Directive do not accomplish its stated purpose at a courthouse, on delegation by the Presiding Judge, the Supervising Judge responsible for that courthouse is hereby authorized to issue an order to accomplish the stated purpose of this directive.

(6) Other restrictions

This General Directive does not prohibit the Court from imposing any other reasonable time, place and manner restrictions on persons engaged in such activity. There may be more restrictions, depending on the circumstances.

(7) Courtroom

This General Directive does not prohibit any judge from making necessary orders to ensure that judicial proceedings in the judge's courtroom are conducted in an orderly manner and to halt or prevent disruptions of court proceedings.

(C) Compliance with law enforcement

While on or in the premises of any courthouse, all persons shall comply with the lawful requests, directions and orders of any law enforcement officers and their agents in the performance of their duties pursuant to this rule. This General Directive shall not preclude any law enforcement officer from taking appropriate steps outside this directive to ensure the orderly and peaceable conduct of court business at a courthouse, or to enforce the laws of California.

(D) Posting and service of General Directive

This General Directive shall be posted at each public entrance to a courthouse and at such other places that will reasonably provide notice of this directive to persons entering such courthouse. The Sheriff of Alameda County and his or her deputies and their agents are directed to serve a copy of this directive personally on any person who appears to be in violation thereof, to advise such person of the apparent violation.

(E) Violations

If the apparent violation continues after such notice, the Sheriff of Alameda County and his or her deputies and their agents may (depending on the circumstances) either take immediate remedial action or immediately notify the Presiding Judge, Executive Officer, or Supervising Judge responsible for that courthouse, so the court can determine whether informal or legal proceedings should be initiated to ensure compliance with this directive.

(F) Penalties

Violation of this General Directive may result in the imposition of sanctions in amounts of up to \$1,500 per violation pursuant to Code of Civil Procedure section 177.5. Additionally, violation of this directive may result in imprisonment for up to six months in the county jail, pursuant to Penal Code section 166. If there are violations of other specific laws outside this directive, those penalties shall also apply, including fines, fees, restraining orders and imprisonment.

This directive shall expire on December 31, 2020.

Issued: January 1, 2020



Tara M. Desautels, Presiding Judge
Superior Court of California, County of Alameda