



JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL

State of Louisiana
DEPARTMENT OF JUSTICE
P.O. BOX 94005
BATON ROUGE
70804-9005

May 15, 2015
OPINION 15-0027

90-A-1 PUBLIC FUNDS & CONTRACTS
La. R.S. 33:4713
La. R.S. 33:4715
LA DIST COURT RULES Rule 5.2

Mr. Paul G. Moresi, III
Assistant District Attorney
P.O. Box 1140
Abbeville, LA 70511

Security provided in the courthouse is the responsibility of the parish governing authority. However, the judges are authorized to implement rules of decorum and conduct within their courtroom, including prohibiting the use of cellular telephones.

Dear Mr. Moresi,

This office is in receipt of your request for an opinion of the Attorney General regarding security procedures being employed at the Vermilion Parish Courthouse ("Courthouse").

According to your request, in December 2013 the Vermilion Parish Police Jury ("Police Jury") adopted security procedures in the form of Ordinance 2013-O-23 for the Courthouse and the premises on which it is located. Your request further indicates that on January 16, 2015, the Police Jury received a copy of an *en banc* Order dated January 15, 2015, issued by the Judges of the Fifteenth Judicial District Court which set forth additional security procedures at the Courthouse, some of which are not included in Ordinance 2013-O-23. One of the additional security procedures is a restriction on who may possess cell phones in the Courthouse.

Based on the foregoing facts, you ask for our opinion on the following questions:

1. Who has the authority to establish security procedures for the Courthouse?
2. Who has the authority to establish security procedures in the courtrooms, judicial offices, and hallways of the Courthouse?
3. Who has the authority to establish the procedures for cell phone use within the Courthouse?

On more than one occasion our office has addressed the issue of courthouse security and generally opined that security provided in the courthouse is the responsibility of the parish governing authority. See La. Atty. Gen. Op. Nos. 12-0187, and 92-742. For

example, in Attorney General Opinion No. 12-0187 we were asked whether the East Baton Rouge Sheriff's Office is responsible for providing security for the Nineteenth Judicial District Courthouse. There, we recognized that La. R.S. 33:4713 governs, generally, a parish's obligation to provide for court, and provides, in pertinent part, as follows:

(A). Each parish shall provide and bear the expense of a suitable building and requisite furniture for the sitting of the district and circuit courts and such offices, furniture, and equipment as may be needed by the clerks and recorders of the parish for the proper conduct of their offices and shall provide such other offices as may be needed by the sheriffs of these courts and by the tax collectors and assessors of the parish and shall provide the necessary heat and illumination therefor.

Further, we noted that La. R.S. 33:4715 mandates "[t]he police jury of each parish shall provide a good and sufficient court-house." Ultimately, we determined that security provided in the courthouse is the responsibility of the governing authority.

Therefore, in accord with the prior opinions of this office, it is the opinion of this office that the Police Jury bears the general responsibility for providing security at the Courthouse and has the general authority to establish the appropriate security guidelines and procedures at the Courthouse. This would include the general authority to establish security procedures in courtrooms, judicial offices, and hallways of the Courthouse, as well as the general authority to establish procedures for cell phone use at the Courthouse.


Although it is the opinion of this office that the Police Jury has the general authority to establish the appropriate security guidelines and procedures at the Courthouse, we are also of the opinion that a district judge has the authority to regulate cell phone use in his/her courtroom and judicial offices, as well as the general authority establish guidelines and procedures concerning courtroom behavior and decorum. La. C. C. P. art. 193 and La. R.S. 13:472 allow for judges to adopt court rules sitting en banc "for the conduct of judicial business." Additionally, Rule 6.1 of the Rules for Proceedings in District Court states, in pertinent part, that "a judge may prohibit the use of electronic devices, including cellular telephones and recording devices, in a courtroom."

In summary, it is the opinion of this office that the Police Jury has the general authority to establish the appropriate security guidelines and procedures at the Courthouse. This would include the authority to establish security guidelines and procedures for the courtrooms, judicial offices, and hallways located within the Courthouse, as well as the authority to establish procedures for cell phone use at the Courthouse. Notwithstanding, district judges have the authority to regulate cell phone use in his/her courtroom and judicial offices, as well as the general authority establish guidelines and procedures concerning courtroom behavior and decorum.

We hope this sufficiently answers your inquiry; however, if we may be of further assistance, please do not hesitate to contact our office.

Yours very truly,

JAMES D. "BUDDY" CALDWELL
Attorney General

By: 
ANDREA L. BARIENT
Assistant Attorney General