

GENERAL ORDER No 58
REGULATING POSSESSION AND USE OF
ELECTRONIC DEVICES IN THE COURTHOUSE

The purposes of this General Order are to promote security for all persons who enter federal courthouses (or the portions of federal buildings occupied by the District Court), to protect the integrity of judicial proceedings, to facilitate legitimate use of electronic devices for communication or for the storage, retrieval, or presentation of information, and to comply with the mandates of the Federal Rules of Criminal Procedure and the policies of the Judicial Conference of the United States.

I. Definition: "Electronic Device"

As used in this General Order, the phrase "electronic device" embraces all equipment (regardless of how it is powered or operated) that can be used for

- A. wireless communication; or
- B. receiving, creating, capturing, storing, retrieving, sending, or broadcasting any signals or any text, sound, or images; or
- C. accessing the internet or any other network or off-site system or equipment for communicating or for storing or retrieving information.

II. Federal Rule of Criminal Procedure 53 prohibits "the taking of photographs in the courtroom during judicial proceedings or the broadcasting of judicial proceedings from the courtroom."

III. Policy of the Judicial Conference of the United States prohibits, in both civil and criminal cases in all district courts, broadcasting, televising, recording, or photographing courtroom proceedings for the purpose of public dissemination.

IV. Additional Rules in this District.

Except as may be otherwise ordered by a judge of this court, possession and use of electronic devices and cameras in federal courthouses in this district, and in the portions of buildings in which judicial proceedings are held, shall be governed by the following rules and policies:

A. Court security personnel will screen all electronic devices and cameras before permitting them to be brought into the courthouse or into any facility or portion of any facility in which a judicial proceeding is held. The purpose of this screening is to make sure that the items do not contain weapons, dangerous devices or materials, or contraband.

1. Court security personnel may bar from the courthouse, or from portions of a building in which judicial proceedings are held, any item that appears to pose a threat to security or safety.
2. In response to a violation of any provision of this General Order, or of any court order addressing matters covered by this General Order, court security personnel may order immediate compliance, direct the offender to leave the courtroom or the building,

temporarily confiscate the device(s) used in violation of these rules, and/or report the violation to the presiding judge, the Chief Judge, and/or the United States Attorney.

B. Subject to the screening described in the preceding paragraph and to other provisions of this General Order, electronic devices may be brought into the courthouse and may be used in a non-disruptive manner in the common areas of the building.

C. Photographs may not be taken and images may not be captured by any means in the courthouse or in the courthouse portions of the building (this prohibition does not apply to sketch artists).

D. Except as may be permitted pursuant to paragraph E, below, or as authorized for the taking of the official record of judicial proceedings or grand jury deliberations by a court reporter or court recording operator, or as necessary to facilitate necessary language translations, no part of any judicial proceedings or of any deliberations by a petit jury or a grand jury may be recorded, or transmitted.

E. With the exception of court personnel and court reporters, and with the further exception of laptops, PDAs or their equivalent used by counsel during and in connection with judicial proceedings, no electronic device may be used in any courtroom without express permission, in advance, from the presiding judge.

1. Counsel who wish to use electronic devices other than laptops, PDAs or their equivalent during and in connection with judicial proceedings must secure permission, in advance, from the judge presiding over those proceedings.

2. Cell phones, pagers, and other electronic communication devices may be activated only in the 'vibration' mode inside courtrooms or jury rooms. Such devices may not be activated in courtrooms or jury rooms in any mode that uses any sound to alert the user to incoming communication.

F. Jurors may not use any electronic device in a courtroom during judicial proceedings or in a jury room during or in connection with deliberations. Grand jurors may not use any electronic device during or in connection with any proceedings before or deliberations by the grand jury. Cell phones, pagers, and their equivalent may be activated in courtrooms or jury rooms only in the 'vibration' mode.

ADOPTED: October 20, 2005

FOR THE COURT:



Vaughn R Walker
United States District Chief Judge