



# COMMONWEALTH OF VIRGINIA

## *JUDICIAL DISTRICT 2-A*

### ACCOMACK COUNTY GENERAL DISTRICT COURT NORTHAMPTON COUNTY GENERAL DISTRICT COURT

## **POLICY FOR THE USE OF PORTABLE ELECTRONIC DEVICES IN COURTHOUSES AND COURTROOMS**

May 4, 2020

### **Purpose of the Policy**

On December 5, 2018, the Supreme Court of Virginia recommended a Model Policy to the district courts and circuit courts of the Commonwealth of Virginia regarding the Use of Portable Electronic Devices in Courthouses and Courtrooms. This Policy follows the recommended Model Policy. In addition, it is in effect a restatement of the policies and practices previously followed by the General District Courts of Accomack and Northampton Counties.

As defined in the Policy, portable electronic devices include personal computers, tablet computers, mobile telephones (including cell phones and any form of telephone with cameras and audio and video recording and transmission capabilities), electronic calendars, ebook readers, and “smart” watches.

The use of portable electronic devices in our society has increased dramatically, and many users see these devices as a necessary incident to their personal and working lives. People rely on these devices for purposes ranging from organizational or data storage activities to ensuring personal security. Appropriate use at the courthouse will allow people to access information for presentation to the court, and it will allow people to transact other necessary business. Inappropriate use can be a danger, cause distractions, and demean the order and processes of the court. The purpose of this Policy is to establish a written policy, fully consistent with existing practices, that respects the interests and needs of the people who enter the courthouses and general district courtrooms of Accomack and Northampton Counties.

Policies barring portable electronic devices may prevent self-represented litigants or other court users from effectively presenting evidence in their cases, successfully accessing court resources or information, or communicating with others while in the courthouse. By authorizing the possession and use of portable electronic devices in courthouses for evidentiary and other legitimate purposes, the Policy improves access to justice and judicial efficiency by establishing known processes and procedures.

The use and possible misuse of portable electronic devices present legitimate security concerns. Weapons can be disguised as portable electronic devices. Possible misuses of portable

electronic devices include the unauthorized creation of video and audio recordings that can be posted on social media or in other public forums; unauthorized communication with jurors or witnesses; and, threats and intimidation directed towards parties, witnesses, jurors, or other people. Every person who enters a Virginia courthouse must be protected from such dangers and behavior. Additionally, the use and misuse of portable electronic devices can cause either intentional or unintentional disruptions in the order and processes of the courts. The Policy recognizes the need to maintain security, safety, and order in the courts of the Commonwealth.

It is important for all users of the courts and court facilities to know whether they can bring portable electronic devices into courthouses, and whether they can use them in courtrooms in appropriate circumstances. When court users and members of the public carrying portable electronic devices are denied entry to a courthouse without reasonable prior notice that their devices are not permitted in the courthouse or courtroom, they may experience great inconvenience. They sometimes must store their portable electronic devices in unsecured locations, risking the loss of the devices and the information that the devices contain. The Policy recognizes that notice of a court's policy regarding the possession and use of portable electronic devices must be accessible and effective. The Policy also recognizes that any restrictions on possession or use of such devices should be accompanied by reasonable access to on-site storage for the devices.

After considering the interests of the judiciary, the users of the courthouses and courtrooms of the Commonwealth, and the sheriffs who are responsible for court security, the Supreme Court of Virginia approved and recommended the Model Policy which forms the basis for the following Policy for the Accomack and Northampton County General District Courts.

## **POLICY**

### **1. Definition of "Portable Electronic Device"**

The term "Portable Electronic Device" is defined to include personal computers, tablet computers, mobile telephones (including cell phones and any form of telephone with cameras and audio and video recording and transmission capabilities), electronic calendars, e-book readers, and "smart" watches.

### **2. Possession and Use of Portable Electronic Devices**

The following policies and procedures govern the possession and use of Portable Electronic Devices in the courthouses and in the general district courtrooms in Accomack and Northampton Counties.

#### **A. In the Courthouse:**

In consideration of the small size of the lobbies of the courthouses in Accomack and Northampton Counties, Portable Electronic Devices are generally not to be allowed in the courthouse without the permission of the presiding judge, and subject to security screening, including courthouse screening devices, and the following rules:

- (1) If permitted by the presiding judge, Court visitors may use Portable Electronic Devices in the common areas of the courthouse, such as lobbies, conference rooms, and hallways. Further restrictions, including restricting mobile telephone conversations to designated areas, may be

imposed as needed to maintain safety, security, proper behavior, order, and the administration of justice. All Portable Electronic Devices must be placed in a silent mode, such as vibrate, at all times within the courthouse.

(2) Using Portable Electronic Devices to take photographs, make audio or video recordings, or to transmit live audio or video transmission or streaming is prohibited except with prior written authorization by the presiding judge.

(3) Other Electronic Devices: Cameras, video cameras, video recording equipment and recording devices (“other electronic devices”) not classified as Portable Electronic Devices are not allowed in the courthouse except for use at events such as investiture ceremonies and weddings. Other electronic devices may be allowed in the courthouse with prior written authorization by the presiding judge.

(4) If authorization is granted by the presiding judge of the general district court, such authorization shall apply only to the lobby of the applicable courthouse. Authorization shall not be deemed to apply to the juvenile and domestic relations district courts on the second floor of the courthouses in Accomack and Northampton Counties, or the Circuit Court on the second floor of the courthouse in Northampton County. If authorization is granted by the presiding judge of a court on the second floor of either courthouse, or by the person in charge of another office located within the courthouse, the authorized person shall be allowed to carry a Portable Electronic Device through the first floor lobby to the second floor or to the office where such use has been duly authorized. The persons in charge of other offices located in the courthouses, including the Magistrate’s office and Court Services in Accomack County, and the Circuit Court Clerk and Commonwealth’s Attorney in Northampton County, may establish policies or may grant or deny permission for use of Portable Electronic Devices within their offices.

(5) Any authorization or exception granted hereunder shall be solely for the case(s) in which the person is participating, or the day of the authorization, and shall not be deemed to be an ongoing authorization or a modification of this Policy.

**B. In the Courtroom:**

Portable Electronic Devices shall not be brought into or used in the courtroom without authorization from the presiding judge. A presiding judge may authorize the possession and use of Portable Electronic Devices in the courtroom and may impose restrictions on such possession and use. If the possession of Portable Electronic Devices in the courtroom is authorized, they must remain silent at all times. They shall only be used for the purposes and in the manner authorized by the presiding judge. Photography, video recording, or video or audio transmission or streaming of any information using any media from inside the courtroom is prohibited without prior written authorization of the presiding judge. Devices that only record audio, such as hand-held tape recorders, may be used pursuant to Section 16.1-69.35:2 of the Code of Virginia, with notice to the presiding judge and the other parties involved in the proceeding to be recorded.

**C. Attorneys:**

Attorneys who are members of the Virginia State Bar and who represent a client in a case in the Court may bring a Portable Electronic Device into the courthouse and into the courtroom, provided that the attorney follows the other rules in this Policy. Attorneys attending court solely

for a case in which the attorney is a party (a traffic summons, for example) shall be subject to this Policy in the same manner as any other member of the public.

**D. Members of the News Media:**

Members of the news media are governed by the Local Rules adopted by the general district courts of this District as of June 18, 2013, and by Virginia Code § 19.2-266.

**E. Confiscation of Equipment and Ejection of User:**

Any person using a Portable Electronic Device in violation of this or any other court order or policy may be removed from the courthouse, found in contempt of court, and subject to penalties as provided by law. Any Portable Electronic Device used in violation of this or any other court order or policy may be confiscated, and the Sheriff shall not be responsible or liable for any damage to or loss of a confiscated device.

**F. Further Limitations by Judges:**

Notwithstanding any other part of this Policy, the Chief Judge or any presiding judge may further limit or ban the possession or use of any Portable Electronic Device: (1) pursuant to Virginia Code § 19.2-266 (to regulate media coverage of judicial proceedings); (2) if possession or use of the Portable Electronic Device may or does interfere with the administration of justice or cause any threat to safety or security; or (3) for any other reason.

**3. Posting Notice of this Policy**

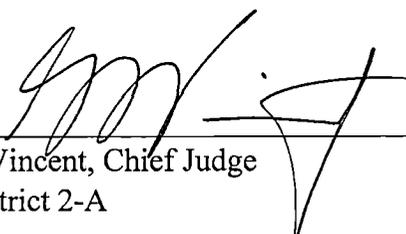
The policy of each court regarding the possession and use of Portable Electronic Devices shall be posted on the court's home page on the Virginia Judicial System website; on the court's local website (if any); at the courthouse entrance; and, in the Clerk's Office.

**4. Storage of Portable Electronic Devices**

If the possession of Portable Electronic Devices in the courtroom is prohibited or restricted, then storage for the devices shall be provided at the security entrance to the courthouse for anyone who is not allowed to bring their devices into the courtroom. Storage locker units are recommended as the means for storing the devices. Other forms of on-site storage may be provided. Storage of devices may be limited to persons who represent to security personnel that they have no other means of storage available to them, such as a vehicle parked on or near the courthouse premises.

It is **ORDERED** that the foregoing written Policy is adopted as a restatement of the policies and practices previously followed by the General District Courts of Accomack and Northampton Counties.

Enter this Order this 4th day of May, 2020.

  
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Gordon S. Vincent, Chief Judge  
Judicial District 2-A