

**VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF DANVILLE****RE: POSSESSION AND USE OF PORTABLE ELECTRONICS IN COURTHOUSE**

It appearing to the Court that pursuant to Virginia Code § 8.01-4, as amended, it is necessary to promote proper order and decorum and the efficient and safe use of courthouse facilities and the Clerk's office, the Court **ORDERS** that:

- 1) The Possession and Use of Portable Electronics in the James F. Ingram Justice Center (Danville Courthouse) shall be prohibited by members of the general public **UNLESS** necessary for the conduct of official business within the Courthouse or **UNLESS** permission is granted by the Sheriff of the City of Danville, who is primarily responsible for ensuring the safety of the building and its occupants.
- 2) The general prohibition outlined above **SHALL NOT** apply to Members of the Bar, Employees of the Circuit Court, Circuit Court Clerk, General District Court, Juvenile and Domestic Relations District Court (including Probation and Court Services), Sheriff's Office, Law Enforcement Officers, Probation Officers, Court Reporters, and credentialed members of the Media. In addition, the Sheriff may, at his discretion, allow vendors, contractors, delivery persons, and other persons who have been approved pursuant to application and screening may possess and use portable electronic devices.
- 3) Any person who requires the use of a portable electronic device as a component of a medical device – including but not limited to insulin pumps, hearing aids, cardiac defibrillators – may disclose such need to the Security Officer at the front of the Courthouse; pursuant to the Americans with Disabilities Act, no person shall be denied the use of such device as may be necessary to deal with any medical issue.
- 4) Any person who requires the use of a portable electronic device for evidentiary purposes shall disclose such need to the Security Officer at the front of the Courthouse. That officer shall take such steps as necessary to ensure that the portable electronic device is made available in the designated Courtroom where the litigant/witness shall be present for a trial or hearing.
- 5) ANY portable electronic device admitted to the Courthouse may be subject to screening to ensure that it is not a weapon or a danger to any occupant of the building.
- 6) ANY portable electronic device admitted to the Courthouse shall be kept and used in such a manner as to prevent the disruption of any Court proceeding and shall not be used in any way to compromise the right of litigants to a fair trial. Accordingly, such devices shall be placed in silent mode, shall not be used to communicate with witnesses during trial, shall not be used to record any portion of any proceeding without the express permission of a presiding Judge, shall not take photographs or make video recordings, shall not be used to live stream any event without the express prior authorization of a presiding Judge.

- 7) The Sheriff shall cause to be made available storage lockers – at no cost to the general public – to ensure that individuals who bring portable electronic devices to the Courthouse but are prohibited from use within the building have a secure place to store their property until they leave the building.
- 8) Any person using or possessing a portable electronic device in violation of this Order may be removed from the courthouse, found in contempt of court, and is subject to prosecution for other violations of law as may be applicable. A conviction of summary contempt is punishable by a fine of up to \$250.00 or up to ten days of incarceration. Punishment of plenary contempt is punishable by confinement in jail for not more than twelve months and a fine of up to \$2500.00, either or both. In addition, 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.
- 9) A portable electronic device includes, but is not limited to any phone, smart phone, cell phone, recording device, computer, laptop computer, electronic calendar, tablet, camera, transmitter, smartwatch or radio.

The Clerk shall post a true copy of this Order at the entrance to the courthouse and to all courtrooms and transmit copies to the Clerks of the General District and Juvenile and Domestic Relations District Courts, members of the Danville Bar Association, the Danville Sheriff's Office and the Danville Police Department. Entered this 3<sup>rd</sup> day of October, 2022.

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James J. Reynolds, Judge