

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF NEW YORK

GENERAL ORDER #26

In the Matter of: Courthouse Security and Limitations
on the use of Electronic Devices within
United States Courthouses in the
Northern District of New York

Introduction:

The Federal Rules of Criminal Procedure and Judicial Conference Policy prohibit the taking of photographs in the courtroom during judicial proceedings or the broadcasting of judicial proceedings from the Courtroom.¹ In the past, enforcement of this policy was limited to the prohibition of cameras in the Courtroom. However, as technology advances, there are an ever-growing number of wireless communication devices that have the capability of recording and/or transmitting sound, pictures, and video. Currently, these devices include, but are not limited to, cell phones, camera phones, personal data assistants (PDA's), laptop computers, IPADs, as well as other emerging portable computing devices. Many of these devices are also capable of wireless internet access and have recording capabilities. In order to enforce the Federal Rules of Criminal Procedure and Judicial Conference Policy this General Order sets forth the limitations on the use of electronic devices inside United States Courthouses within the Northern District of New York.

Courthouse Security.

- (1) Screening and Search. All persons entering a federal courthouse in this district and all items carried by them are subject to appropriate screening and search by a United States Marshal, Court Security Officer, or any law enforcement officer. Persons may be requested to provide identification and to state the nature of their business in the courthouse. Anyone refusing to cooperate with these security measures may be denied entrance to the courthouse.

¹FRCrP Rule 53 provides: Except as otherwise provided by a statute or these rules, the court must not permit the taking of photographs in the courtroom during judicial proceedings or the broadcasting of judicial proceedings from the courtroom.

Judicial Conference Policy states that the courtroom proceedings in civil and criminal cases in the district courts may not be broadcast, televised, recorded, or photographed for the purpose of public dissemination. Guide to Judiciary Policies and Procedure, vol.10, ch.4, Sections 420&430.

- (2) Prohibitions. The taking of photographs and the use of any broadcasting equipment within any federal courthouse are prohibited, except with the permission of the court. This prohibition shall not apply to non-court federal agency tenants within their space. When necessary, tenants will coordinate use of any such equipment with the United States Marshals Service.

Use of Electronic Devices.

- (1) No one other than court officials and officers of the court engaged in the conduct of court business shall bring any cameras, video cameras, recording equipment, dictaphones, pagers, cellular phones - including camera phones, personal data assistants (PDA's) and computers into courtrooms. These devices are prohibited in all courtrooms, except with permission of the court. Members of the Bar of the Northern District of New York as Officers of the Court may retain their cell phones and laptop computers while in Court, however the cell phones must be turned off in the Courtrooms. Petit Jurors will also be allowed to bring their cell phones, kindles, other tablet devices, and laptops² to the courthouse, however, all cell phones, other tablet devices, kindles and laptops must be turned over to the Court Security Officers prior to jury deliberation. Grand Jurors will be instructed by the Clerk of Court not to bring their cell phones, kindles, other tablet devices or laptop computers to the Courthouse. Officers of the court may keep their cellular phones - including camera phones and personal data assistants (PDA's) on their person while in court as long as they are **turned off**. Bluetooth devices used by anyone other than court employees in the performance of their official duties must be turned off in the courtrooms as they will interfere with the court reporting equipment. If a cellular phone or PDA goes off during a court proceeding, the attorney may be sanctioned by the presiding judge. The camera and recording devices which are included in mobile computing devices will not be used while inside a United States Courthouse. Sanctions may include a fine of up to \$1000.00 and the loss of the privilege of keeping a cellular phone, PDA or other mobile computing device on their person while at the federal courthouse. Requests to bring mobile computing devices into a courtroom by a pro se party to a case will be allowed only upon application to and permission from the presiding judge.
- (2) The court will allow the use of cameras and other equipment during ceremonial proceedings, including naturalization proceedings, mock trials, or a judge's investiture. Permission to bring this equipment into the courthouse for these proceedings can be arranged through the United States Marshal's Service or the Clerk of Court.
- (3) In non-ceremonial proceedings, audio and audio-visual equipment³ may be utilized only for the limited purpose of presentation of the evidence, perpetuation of the record of the proceedings, and security. At the discretion of the presiding judge, in certain cases where the use of an overflow room is necessary for spectators and the media, the court may permit the use of closed-circuit television linking the courtroom with another location. This same technology may also be approved where a disruptive defendant has been detained, and

²Petit Jurors shall be given notice by the Clerk of Court that should they choose to bring their cell phones, laptop computers, kindles or other tablet devices to the Courthouse, that the Court shall not be responsible for the safekeeping of these devices. Furthermore, Court staff should instruct petit jurors not to bring their laptop computers, kindles, other tablet devices to the Courthouse while the jury is deliberating on a case.

³These guidelines do not apply to courtroom security surveillance cameras, nor change the policy adopted by the September 2009 Judicial Conference regarding those cameras.

closed-circuit television and audio are linked to the holding cell. The restrictions on the use of mobile computing equipment and cell phones as noted above in this order will apply to the overflow rooms.

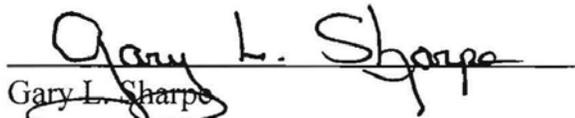
- (4) Members of the media who are credentialed, may be allowed to bring in a laptop computer or cell phone at the discretion of the presiding judge for use in limited areas within the courthouse (ie: in cases involving media coverage, a room may be designated by the Court for use by the media.) The media representatives would be allowed to use their cell phones and laptops from the media room. However, at no time, will members of the media be allowed to use their mobile computing devices to record or photograph while in the courthouse. Members of the media may use their mobile computing devices to take notes and to transmit their notes only from a designated area to their publisher while in the courthouse. Sanctions may include a fine of up to \$1000.00 and the loss of the privilege of keeping a cellular phone, PDA or other mobile computing device on their person while at the federal courthouse.
- (5) Contractors working for the United States Government that have obtained the appropriate background check may be allowed to keep their cell phones and mobile computing devices if necessary for the work being performed within courthouses in the Northern District. Contractors should make arrangements through the United States Marshals Service or Court Security Officers before bringing their equipment in.

Grand Jury Security.

- (1) The secrecy of the grand jury proceedings is a matter of preeminent concern. When a grand jury is convened, the surrounding area is restricted to law enforcement officers, involved attorneys, witnesses, and employees and customers of agencies on the premises. The United States Marshals Service may secure the floor of the grand jury session as necessary to preserve the secrecy of the grand jury and protect witnesses from any unwanted interference. No electronic devices are allowed in the Grand Jury Room without the permission of the United States Attorney. Grand Jurors will be instructed by the Clerk of Court not to bring their cell phones, kindles, other tablet devices or laptop computers to the Courthouse.

SO ORDERED THIS 16th DAY OF December, 2011

at: ALBANY, NEW YORK



Gary L. Sharpe
Chief U.S. District Judge