UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF NEW YORK

GENERAL ORDER #26

U.S. DISTRICT COURT N.D. OF N.Y. FILED August 17, 2005 LAWRENCE K. BAERMAN

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

Currently the Federal Rules of Criminal Procedure and Judicial Conference Introduction: 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) and laptop computers. 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.

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.1, ch.3, part E.

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.
- (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, personal data assistants (PDA's) and computers into courtrooms. These devices are prohibited in all courtrooms, except with permission of the court. This prohibition also applies to jurors while in the jury deliberation rooms. Officers of the court may keep their cellular phones and personal data assistants (PDA's) on their person while in court as long as they are turned off. If a cellular phone or PDA goes off during a court proceeding, the attorney may be sanctioned by the presiding judge. Sanctions include a fine of up to \$100.00 and the loss of the privilege of keeping a cellular phone or PDA on their person while at the federal courthouse.
- (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.
- (3) In non-ceremonial proceedings, audio and audio-visual equipment may be utilized only for the limited purpose of presentation of the evidence, perpetuation of the record of the proceedings, and security.

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.

SO ORDERED THIS 17th DAY OF AUGUST, 2005

AT: SYRACUSE, NEW YORK

Frederick J. Scullin, Jr., Chief Judge

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