

FIRST JUDICIAL CIRCUIT OF VIRGINIA

JUDGES
RANDALL D. SMITH
JOHN W. BROWN
MARJORIE A. TAYLOR ARRINGTON
RUFUS A. BANKS, JR.



CHESAPEAKE CIRCUIT COURT
307 ALBEMARLE DRIVE, SUITE 400A
CHESAPEAKE, VIRGINIA 23322-5580
757-382-3050
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POLICY REGARDING PORTABLE ELECTRONIC DEVICES

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 camera 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 courthouse and in the courtroom.

A. In the Courthouse:

Portable Electronic Devices are **not** permitted in the courthouse except when possessed by: (i) attorneys who display a Bar photo identification card; (ii) police officers, sheriffs, deputy sheriffs, law enforcement agents or officials, probation officers, and magistrates possessing proper credentials while in the conduct of such person's official duties; (iii) Judges of the Commonwealth, both active and retired; (iv) City and State employees possessing proper credentials who work in the courthouse or who are in the courthouse on official business; (v) court reporters while on official court business; (vi) employees of the Virginia Department of Forensic Science while attending court as a witness; (vii) foreign language interpreters attending court on official court business; or (viii) other individuals upon a determination by the Sheriff that they do not pose a security risk and the ability to access such device is necessary for their work at the courthouse or in the presentation of their case. Possession and use of portable electronic devices by the preceding individuals is subject to security screening and the following rules:

- (1) 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 streaming is prohibited except with prior written authorization by a judge of the Circuit or District Court.

- (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 investitures, ceremonies, and weddings. Other electronic devices may be allowed in the courthouse with prior written authorization by a judge of the Circuit or District Court.

B. In the Courtroom:

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, audio recording, or video transmission or communication of any information using any media from inside the courtroom is prohibited without prior written authorization of the presiding judge.

C. 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.

D. Further Limitations by Judges:

A 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; at the courthouse entrance; and, in the Clerk’s Office.

4. Storage of Portable Electronic Devices

Storage for portable electronic devices is provided at the security entrance to the courthouse for anyone who is not allowed to bring their devices into the courthouse at no cost. The Sheriff shall not be responsible or liable for any damage to or loss of a stored device.