

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

In re: \_\_\_\_\_ :

ADOPTION AND IMPLEMENTATION OF THE MODEL THIRD CIRCUIT ELECTRONIC DEVICE POLICY : STANDING ORDER 05- 03

\_\_\_\_\_ :

This Standing Order of the District of New Jersey is intended to ensure compliance with the Model Circuit Electronic Device Policy which this Court adopted in September 2004.

**IT IS THEREFORE ORDERED THAT:**

In light of the Court's adoption and implementation of the Model Third Circuit Electronic Device Policy, a copy of which is attached hereto, and pending a complete formal review of Local Civil Rule 501.1 by the Committee of Rules of Practice and Procedure and the Board of Judges, and with notice and opportunity for public comment to be given in the future, the Court determines that under 28 U.S.C. § 2071(e) and Local Civil Rule 83.2 there is an immediate need for the suspension of Local Civil Rule 501.1 governing possession and use of Electronic Equipment, and said Rule is hereby suspended for a period not to exceed one year and until further Order of this Court.

/s/ John W. Bissell  
JOHN W. BISSELL  
Chief Judge

DATED: July 26, 2005

**United States District Court  
District of New Jersey  
Electronic Device Policy**

**Adopted July 26, 2005**

## **I. Objective**

This policy establishes that “Electronic Devices,” as defined herein may be brought into courthouses subject to all appropriate security screening and that such Electronic Devices must be rendered inoperable in courtrooms and judicial chambers, unless use is authorized in such areas by the presiding judicial officer. A significant goal of this policy is to create circuit-wide consistency for the benefit of the public, attorneys and employees.

## **II. Scope**

This policy identifies authorized devices, establishes the classes of individuals who may possess authorized devices, sets out the basis for exceptions to the policy, and specifies guidelines for security screening and establishing areas where use of electronic devices may be prohibited. **The use of electronic devices in courthouses and courtrooms is subject to existing judiciary court policies regarding inappropriate and unauthorized activity, including U.S. Judicial Conference prohibition against “broadcasting, televising, recording or taking photographs in the courtroom and areas immediately adjacent thereto. . . .”**

## **III. Exception**

Nothing in this policy prevents a judge, on an individual case basis, and with adequate notification, from temporarily establishing a ban on all Electronic Devices to be carried into a courtroom.

## **VI. Explanation of Terms**

*Electronic Devices* refers to those devices (both currently available as well as future technology) that have as their primary function wireless communication, the storage and retrieval of digitized data, and computer applications.

The list of covered devices includes, but is not limited to, electronic devices that serve as cell phones, pagers, Palm Pilots/digital assistants, pocket computers, laptop computers, notebook computers, Blackberries, wireless network cards, and Internet cards or devices. Devices that serve only as cameras, audio recorders or video recorders are not covered by this policy, and remain subject to regulation by local court rules and orders.

## **V. Authorization**

Electronic Devices may be brought into the courthouse, whether in the possession of attorneys, jurors, court employees, public, or press. Unless specifically authorized by the presiding judicial officers, all Electronic Devices must be rendered inoperable before entering any courtroom or judicial chambers. Use of Electronic Devices shall remain subject to Judicial Conference and local court policies **regarding inappropriate use and unauthorized activity.**

Permission to carry these devices, with all of the sensitive data they may contain, into the

courthouse, is intended as a convenience to those possessing such devices and to ease the burden on court security staff at building entrances. **This policy is not to be construed as granting permission to *use* any of these devices.**

## **VI. Enforcement**

### **A. Physical Security**

Current policies regarding physical security will remain in effect. Security officers at courthouse entrances will screen all Electronic Devices for explosives, weapons, etc. Nothing in this policy is intended to limit the authority of the security officers to determine the appropriate means of screening Electronic Devices and to bar the possession of any Electronic Device determined to pose a security threat.

### **B. Prohibited Uses**

Unless authorized by the presiding judicial officer, all Electronic Devices shall be rendered inoperable prior to entering any courtroom or judicial chambers. Courts may, by local rule or order, further restrict the use of any Electronic Devices inside the courthouse.

#### **1. Notification**

Policies proscribing *use* of Electronic Devices, with appropriate penalties, will be prominently displayed in the courthouse, on the court's web site, and in mailings to potential jurors and grand jurors.

The court's employee handbook will clearly state the use policy pertaining to employees of the judiciary, including law clerks.

#### **2. Courtrooms**

Unauthorized use of Electronic Devices in courtrooms will be addressed by courtroom security or court staff pursuant to local regulations.

#### **3. Jurors**

Jurors in possession of Electronic Devices will surrender these devices to court staff prior to entering the jury room to commence deliberations.

#### **4. Grand Jurors**

Grand jurors in possession of electronic devices will surrender these devices to court staff prior to entering the Grand Jury room.

**C. Case-by-Case Exceptions**

In the event a judge temporarily establishes a complete ban of any Electronic Device for the duration of a trial, screening for possession of Electronic Devices will occur, if practicable, in close proximity to the relevant courtroom, with a portable screening station/magnetometer, or other appropriate device. Additional security staff should be requested for this function.

**D. Court Security Officers**

**1. Physical Security**

Court Security Officers (CSOs) will be responsible for physical screening of devices at courthouse entrances in accordance with policies established by the United States Marshal, and will be responsible for barring any Electronic Device determined to pose a security threat.

**2. Custodial Duties**

CSOs will not have any custodial duties regarding the checking and storing of Electronic Devices except as may be required on a case-by-case temporary basis as outlined in § VI.(C) above.

**E. Implementation of This Policy**

This policy will be implemented as a Standing Order of the Court with limited or unlimited duration as the court determines.