

Rule 83.2. Security.

The purposes of this Local Rule are to promote security for all persons who enter federal courthouses (or the portions of federal buildings occupied by the District Court), to protect the integrity of judicial proceedings, to facilitate legitimate use of electronic devices for communication or for the storage, retrieval, or presentation of information, and to comply with the mandates of the Federal Rules of Criminal Procedure and the policies of the Judicial Conference of the United States.

(a) Courthouse Security; ~~Photographs and Broadcasting.~~

(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 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) *Photographs and Broadcasting.* Unless the court grants permission, no person may take photographs or use broadcast equipment within a federal courthouse. This prohibition does not apply to non-court federal agency tenants within their own space. When use is necessary, tenants must coordinate use of such equipment with the United States Marshals Service.

(3) *Weapons Prohibited.* No weapons are permitted in a courtroom, except:

(A) when carried by United States Marshals Service personnel or a person specifically authorized by the United States Marshals Service; or

(B) when they are used as exhibits. The custodian must render the weapon inoperative and present it for a safety check by United States Marshals Service personnel before introducing the weapon as an exhibit.

(4) *Other Prohibited Items.* Unless the court gives permission, **or except as otherwise provided in this Local Rule**, the following are prohibited in a courtroom:

(A) cameras;

(B) video cameras;

(C) recording equipment;

(D) dictaphones;

- (E) pagers;
- (F) cellular phones and smartphones;
- (G) personal digital assistants; and
- (H) computers and tablets.

(5) Grand Jury Security. 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, participating attorneys, witnesses, and court employees. The United States Marshals Service and Court Security Officers may secure the floor of the grand jury session as necessary to preserve the secrecy and protect witnesses from any unwanted interference.

(b) Possession and Use of Electronic Devices.

Possession and use of electronic devices is prohibited except in accordance with this Local Rule.

(1) Federal Rules and Judicial Conference Policy. The Federal Rules of Criminal Procedure prohibit the taking of photographs in the courtroom during judicial proceedings or the broadcasting of judicial proceedings from the courtroom. Judicial Conference Policy states that courtroom proceedings in civil and criminal cases may not be broadcast, televised, recorded, or photographed for the purpose of public dissemination.

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. Many of these devices are also capable of wireless Internet access. In order to enforce the Federal Rules of Criminal Procedure and Judicial Conference Policy, this Local Rule sets forth the limitations on the use of electronic devices inside United States Courthouses within the District of Vermont.

(2) Definition of Electronic Devices. As used in this Local Rule, the phrase “electronic device” embraces all equipment (regardless of how it is powered or operated) that can be used for:

- wireless communication; or
- receiving, creating, capturing, storing, retrieving, sending, or broadcasting any signals or any text, sound, or images; or
- accessing the Internet or any other network or off-site system or equipment for communicating or for storing or retrieving information.

(3) *Possession of Electronic Devices.* Subject to court security screening procedures, court officials, law enforcement, members of the Bar of the United States District Court for the District of Vermont, and credentialed members of the media in possession of Media Identification Cards issued by the Clerk of the Court may bring electronic devices into the courthouse. Devices must remain in the possession of the permitted individual. Jurors will be allowed to bring their cell phones into a courthouse, however, all cell phones must be turned over to the Court Security Officers.

(4) *Use of Electronic Devices.* Subject to court security screening procedures and to other provisions of this Local Rule, authorized persons may use electronic devices in a non-disruptive manner in the common areas of the building. With the exception of court personnel, court reporters, Court Security Officers, and U.S. Marshals, **no electronic device may be used to record or photograph any judicial proceeding or courtroom for any purpose without express permission, in advance, from the presiding judge.**

(A) Counsel who wish to use electronic devices in any courtroom during and in connection with judicial proceedings must secure permission, in advance, from the presiding judge.

(B) Cell phones, pagers, and other electronic communication devices may not be activated inside courtrooms. Such devices may also not be used in any mode that uses any sound to alert the user to incoming communication.

(C) Except as authorized for the taking of the official record of judicial proceedings or grand jury deliberations by a court reporter or court recording operator, no part of any judicial proceedings or any deliberations by a petit jury or a grand jury may be recorded, or transmitted.

(D) Petit Jurors may not use or possess any electronic device in a courtroom during judicial proceedings or in a jury room. On a case-by-case basis, access to

a juror's cellphone may be allowed by the presiding judge for specific purposes, such as arranging transportation and child care.

(E) Grand jurors may not use or possess any electronic device during or in connection with any proceeding.

(F) 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.

(G) 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. The restrictions on the use of mobile computing equipment and cellphones as outlined in this Local Rule will apply to the overflow rooms.

(H) The court may 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 Marshals Service or the Clerk of Court.

(5) Sanctions. Unauthorized use of an electronic device during a court proceeding may be subject to contempt proceedings before the presiding judge or another judicial officer designated by the presiding judge. Any person violating this policy in a courtroom shall be immediately removed from the court and may lose the privilege of keeping an electronic device on their person while at the federal courthouses in the District.

(6) Media Identification Card. A non-transferable Media Identification Card allows members of the media who have been issued such cards to possess electronic devices for use in designated areas within the courthouse. Media Identification Cards will be valid for three years unless requested and issued for the duration of a particular event or case. Cards will be issued to approved members of a recognized media provider who have a need for an identification card in order to fulfill their various assignments. Media Identification Cards will not be granted to individuals who are employed in the business, advertising or circulation departments.

Application instructions, requirements and an application form for Media Identification Cards are available at any Clerk's Office location or from the court's website, www.vtd.uscourts.gov.

~~(b) Prohibited Items.~~

~~(1) Weapons Prohibited.~~ No weapons are permitted in a courtroom, except:

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~~(B) when they are used as exhibits. The custodian must render the weapon inoperative and present it for a safety check by United States Marshals Service personnel before introducing the weapon as an exhibit.~~

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~~_____ (B) video cameras;~~

~~_____ (C) recording equipment;~~

~~_____ (D) dictaphones;~~

~~_____ (E) pagers;~~

~~_____ (F) cellular phones; and~~

~~_____ (G) computers.~~

~~(c) Grand Jury Security.~~

~~(1) Restricted Access.~~ When a grand jury is convened, the surrounding area is restricted to:

~~_____ (A) law enforcement officers;~~

~~_____ (B) involved attorneys;~~

~~_____ (C) witnesses; and~~

~~_____ (D) employees and customers of agencies on the premises.~~

~~(2) United States Marshals Service Authority.~~ The United States Marshals Service may secure the surrounding area as necessary to preserve the grand jury's secrecy and protect witnesses from unwanted interference.