

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY**

GENERAL ORDER NO. 2018-09

IN RE: COURTHOUSE SECURITY AND LIMITATIONS ON THE USE OF PORTABLE COMMUNICATION DEVICES WITHIN THE UNITED STATES COURTHOUSES IN THE WESTERN DISTRICT OF KENTUCKY

INTRODUCTION

The Federal Rules of Criminal Procedure¹ and Judicial Conference Policy² prohibit the taking of photographs in the courtroom during judicial proceedings or the broadcasting of judicial proceedings from the courtroom. 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 Portable Communication Devices³ that have the capability of recording and/or transmitting sound, pictures, and video. Many of these devices are also capable of wireless internet access and have recording and photographic 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 Western District of Kentucky.

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 (CSO), 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 is prohibited, except with the permission of the court. This prohibition will 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.

¹ Fed. R. Crim. P. 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.

² 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, Section 410.

³ “Portable Communication Devices” include, but are not limited to, cellular phones, smart phones, laptop computers, tablet computers, devices that wirelessly connect to and pair with computers and smartphones to transmit data (including smart watches, earpieces, headphones and fitness trackers) audio recorders, still cameras and video cameras as well as all other similar portable computing devices.

USE OF PORTABLE COMMUNICATION DEVICES

(1) **Courthouse Use.** The guidelines for portable communication devices brought into courthouses in the Western District vary slightly between the District's divisions.

- a. **Louisville Courthouse.** Employees and members of the general public, including visitors, vendors, attorneys and anyone having business in the courthouse, are permitted to bring portable communication devices through security screening and into the courthouse.
- b. **Bowling Green Courthouse.** Employees and members of the general public, including visitors, vendors, attorneys and anyone having business in the courthouse, are permitted to bring portable communication devices through security screening and into the courthouse.
- c. **Owensboro and Paducah Courthouses.** No one other than employees, officers of the court engaged in the conduct of court business and law enforcement personnel shall bring any portable communication through security screening and into the courthouse.
- d. **Fort Campbell.** No one other than employees, officers of the court engaged in the conduct of court business and law enforcement personnel shall bring any portable communication through security screening and into the courthouse.
- e. **Fort Knox.** Portable communication devices are allowed in the courthouse and courtrooms of Ft. Knox during magistrate judge proceedings but must remain in the "off" position while in or near the courtrooms unless previously approved by the judicial officer.

(2) Courtroom Use⁴.

No one other than court employees, officers of the court engaged in the conduct of court business and law enforcement personnel shall bring any portable communication device into courtrooms, witness rooms, jury rooms, chambers or associated space except with the permission of the presiding judicial officer. All persons authorized to possess their devices in these spaces must place such devices in silent mode during all in-court proceedings.

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.

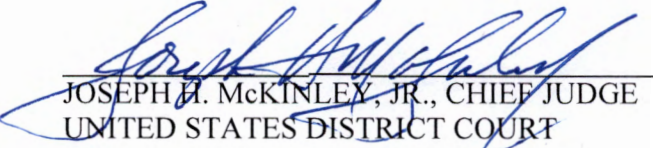
In non-ceremonial proceedings, audio and audio-visual equipment may be utilized only for the limited purpose of presentation of the evidence, perpetuation of the record of the proceedings, and security. At the discretion of the presiding judge, in certain cases where the use of an overflow room is necessary for spectators and the media, the court may permit the use of closed-circuit television linking the courtroom with another location.

⁴ The United States Bankruptcy Court for the Western District of Kentucky may promulgate separate policies and procedures governing the use of electronic devices in its Courtrooms and other space(s) in District Court facilities in which bankruptcy trustees conduct creditor meetings or confirmation hearings or in which the Bankruptcy Court conducts other proceedings.

This same technology may also be approved where a disruptive defendant has been detained, and 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.

This General Order supersedes and vacates General Order 2005-04.

IT IS SO ORDERED this 1st day of August, 2018.



JOSEPH H. MCKINLEY, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT

ENTERED

AUG 01 2018

VANESSA L ARMSTRONG
BY 
DEPUTY CLERK