

SUPREME COURT OF THE NORTHWEST TERRITORIES

Policy on the Use of Electronic Devices in the Courtroom

Effective January 3, 2019

Purpose

1. This policy sets out the permitted and prohibited uses of electronic devices in courtrooms of the Supreme Court of the Northwest Territories (the Court).

Definition

2. In this policy “electronic device” means any device capable of transmitting and/or recording data or audio, including smartphones, smartwatches, cellular phones, still and video cameras, voice recorders, computers, laptops, tablets, notebooks, personal digital assistants and other similar devices.

Prohibited Use of Electronic Devices by the Public

3. Members of the public are not permitted to use electronic devices in the courtroom. Electronic devices possessed by members of the public must be turned off and kept out of sight.

Permitted and Prohibited Uses of Electronic Devices by Lawyers

4. Subject to sections 5 to 7, lawyers are permitted to use electronic devices in the courtroom.
5. Electronic devices must not be used to audio record court proceedings.
6. Electronic devices must be in silent mode and used in a discreet manner.
7. Electronic devices must not:
 - a. Interfere with courtroom decorum or the proper administration of justice;
 - b. Interfere with court recording equipment or other courtroom technology;
 - c. Be used for voice communication; or
 - d. Be used to video record or take photographs.

Permitted and Prohibited Uses of Electronic Devices by the Media

8. Subject to sections 5 to 7, members of the media who have entered into a signed Supreme Court of the Northwest Territories Undertaking on the Use of Electronic Devices in the Courtroom are permitted to use electronic devices in the courtroom.

Judicial Discretion

9. Nothing in this policy affects the authority of a judge or the Court to determine what use, if any, can be made of electronic devices in the courtroom.

Publication Bans, Sealing Orders, Restricted Court Access Orders, and Other Restrictions

10. Anyone using an electronic device to transmit information from the courtroom is responsible for identifying and complying with publication bans, sealing orders, restricted court access orders and other restrictions on publication and/or court access imposed by statute or court order.

Enforcement

11. On request by a security officer, lawyers and media members using electronic devices must produce identification verifying their status.
12. Anyone using an electronic device in a manner inconsistent with this policy or in violation of an order of a judge or the Court may be:
 - a. Required to turn the device off;
 - b. Required to forfeit the device to a security officer while in the courtroom;
 - c. Required to leave the courtroom; and/or
 - d. Declared in, and punished for, civil contempt of court.

Review

13. This policy is subject to review six months following its implementation.

Questions or comments about this policy can be directed to Jeff Round, Director, Court Services at 867-767-9285, ext. 82335 or jeff_round@nwtcourts.ca