

THE USE OF ELECTRONIC DEVICES IN COURTROOMS OF THE SUPREME COURT OF PRINCE EDWARD ISLAND

This protocol applies to all persons attending the Supreme Court of Prince Edward Island Courtrooms throughout the Province of Prince Edward Island and sets out the permitted and prohibited use of electronic devices in these courtrooms.

Definitions

1. In this policy, the following definitions apply:
 - a. “courtroom” means a room in which a hearing takes place before a judicial officer.
 - b. “judicial officer” means a Justice of the Supreme Court, a Registrar, a Justice of the Peace or the Prothonotary.
 - c. “electronic device” means any device capable of transmitting and/or recording data, audio or video, including smartphones, cellular phones, computers, laptops, tablets, notebooks, personal digital assistants, pagers, video or still cameras, audio recorders or any other device which produces, records or transmits texts, audio, video, or still photographs.

Prohibitions on the Use of Electronic Devices

2. Except as permitted under this policy, the use of electronic devices in courtrooms to transmit and receive texts or to take photos or video images is prohibited.
3. An electronic device may not be used in a courtroom:
 - a. in a manner which interferes with the court sound system or other technology;
 - b. in a manner which interferes with courtroom decorum, is inconsistent with the Court functions, or otherwise impedes the administration of justice;
 - c. in a manner which generates sound or requires speaking into the device;
 - d. to record or digitally transcribe the proceedings except as permitted by this policy.

Permitted Uses of Electronic Devices

4. In courtrooms of the Supreme Court:
 - a. members of the media who have signed an undertaking with the Court;
 - b. lawyers who are members of the Law Society of Prince Edward Island, or who appear in the Supreme Court under the occasional appearance rule, or law clerks; and,
 - c. law enforcement officers;

may use electronic devices in silent mode to make notes, update a file, or to transmit or receive texts in a discreet manner which does not interfere with the proceedings.

Permitted Audio Recording by Media

5. In the courtrooms of the Supreme Court of Prince Edward Island, members of the media, who have given a written undertaking to the Court, may use electronic devices to audio record a proceeding for the sole purpose of verifying their notes and not for rebroadcast or any other purpose.

Discretion of Presiding Judge

6. Nothing in this policy affects the authority of the presiding Justice of the Supreme Court to determine what, if any, use can be made of electronic devices in a courtroom.

Publication Bans, Sealing Orders, Restrictions on Publication

7. Nothing in this policy alters the effect of a publication ban, sealing order or other restriction imposed by statute or the Court, limiting the publication of information.
8. Anyone using an electronic device to transmit information from the Courtroom, in accordance with this policy, has the responsibility to identify and comply with any publication bans, sealing orders, or other restrictions that have been imposed either by statute or by Court Order.

Penalties

9. A person using an electronic device in a manner prohibited by this policy may be subject to one or more of the following sanctions:
 - a) a direction to turn off the electronic device;
 - b) a direction to leave the courtroom;
 - c) forfeiture of the media's exemption under this policy;
 - d) citation and prosecution for contempt of Court;
 - e) prosecution for any violation of a publication ban, sealing order, or other restriction on publication; or
 - f) any other order of the Court.
10. Persons permitted to use electronic devices under this policy are also required to abide by the *Acceptable Use Policy for Prince Edward Island Court Services WI-FI Network*, attached as Schedule "A".

(Sgd)
Jacqueline R. Matheson
Chief Justice - Supreme Court
of Prince Edward Island
September 9, 2014

SCHEDULE "A"

Acceptable Use Policy for Prince Edward Island Court Services WI-FI NETWORK

This acceptable use policy is used to define what activities can be used on Court Services WIFI network.

1. The purpose of installation of a WI-FI network is to support persons who are accessing research materials and documents during court cases.
2. The WI-FI network is not to be used for any personal activity that may cause embarrassment to you or the courts, and must not be used to access or promote inappropriate sites, including but not limited to pornography, racism, hatred, gambling, obscenity or any illegal activities.
3. You are responsible and accountable for the use of your user ID, passwords and other access control items. They may not be shared.
4. You must not violate the privacy of other users and their accounts, regardless of whether those accounts are securely protected. Technical ability to access other's accounts does not, by itself, imply authorization to do so.
5. You should not leave your computer unattended and unlocked while logged into the network.
6. Willful or intentional violations of this agreement will be considered to be misconduct and violators of the agreement may be denied access to the Court WI-FI network.
7. The Court does not warrant that wireless access to the Internet will be uninterrupted, error free, or free of viruses or other harmful components.
8. Broadcasting of judicial proceedings is prohibited.

I have read and understand "The Acceptable Use Agreement for Prince Edward Island Court Services WiFi Network" and recognize that technical monitoring takes place to protect the system and ensure users are complying with this policy. I agree to access and use the Court provided computer technology only in accordance with the terms and conditions set out in this Agreement.

Date: _____

Name of User: _____

Witness: _____

User Signature: _____