

## **Court of King's Bench of Alberta**

### **The Provincial Court of Alberta**

## **Use of Electronic Devices Policy**

**Effective March 16, 2023**

### **Purpose**

This policy sets out the permitted and prohibited uses of electronic devices in the Court of King's Bench of Alberta and The Provincial Court of Alberta.

### **Judicial Discretion**

Nothing in this policy affects the authority of a judge or either Court to exercise its discretion to prohibit the possession of, or to determine what use, if any, can be made of electronic devices in a courthouse or in a courtroom during all or part of a proceeding.

Nothing in this policy affects the authority of either Court to implement its own policy or create different procedure that supersede this policy.

### **Application**

This policy applies to all Court proceedings, whether held in person or remotely, and to all courthouses, whether temporary or permanent locations.

This policy applies to all persons attending courthouses or courtroom proceedings throughout the Province of Alberta including Accredited Media, lawyers, articling students, law students, self-represented parties, parties to legal proceedings, and witnesses.

A presiding judge may provide jurors with specific directions that supersede this policy.

### **Definitions**

In this policy:

- a. "Accredited Media" means a member of the media on the Court of King's Bench of Alberta and The Provincial Court of Alberta Media Undertaking List;
- b. "Court" means the Court of King's Bench of Alberta and/or The Provincial Court of Alberta;
- c. "courthouse" means any building that temporarily or permanently contains a courtroom;

- d. “courtroom” means a room in which a proceeding takes place before a judge, and includes virtual or remote court proceedings where one or more participant is attending the proceedings by video- or audio-conference;
- e. “electronic device” means any device capable of transmitting and/or recording data or audio, including smartphones, cellular phones, still and video cameras, voice recorders, computers, laptops, tablets, notebooks, personal digital assistants, and other similar devices.
- f. “judge” means a Justice of the Court of King’s Bench of Alberta, Provincial Court Judge, Applications Judge of the Court of King’s Bench of Alberta, or Justice of the Peace.

### **Prohibited Use of Electronic Devices by the Public**

Members of the public are not permitted to use electronic devices during courtroom proceedings. Electronic devices possessed by members of the public must be turned off and kept out of sight. This does not apply to persons who require the use of an electronic device to accommodate a disability.

Members of the public are not permitted to use an electronic device inside a courthouse to produce, record, video, or take still photographs except in accordance with the Court Information Access Guide for Alberta.

### **Permitted and Prohibited Uses of Electronic Devices by Lawyers, Self-represented Parties, and the Media**

#### Lawyers and Self-represented parties

Lawyers, articling students, law students assisting lawyers, and self-represented parties are not permitted to audio record Court proceedings but may use electronic devices in the courtroom.

Lawyers, articling students, law students assisting lawyers, and self-represented parties are not permitted to use an electronic device inside a courthouse to produce, record, video, or take still photographs except in accordance with the Court Information Access Guide for Alberta.

#### Media

Accredited Media are not permitted to use electronic devices in a courtroom or courthouse except in accordance with this policy and the Court Information Access Guide for Alberta.

Accredited media may use electronic devices to audio record a courtroom proceeding for the sole purpose of ensuring the accuracy of reporting of the official court record, and for no other purpose, subject to the following restrictions:

- a. Audio recording devices may only be used when a proceeding is in session;
- b. Audio recording devices must be turned off when a proceeding is adjourned;
- c. Audio recording devices must not be left unattended in the courtroom at any time;
- d. Recorded communications which do not form part of the official record, such as private conversations between counsel and the presiding judge or between counsel and clients, shall not be used for any purpose; and
- e. Audio recordings must not be shared outside of the media organization, sold, broadcast, or transmitted in any fashion.

Accredited Media are not permitted to use an electronic device inside a courthouse to produce, record, video, or take still photographs except in accordance with Court policy and the Court Information Access Guide for Alberta.

#### Use of Electronic Devices by Lawyers, Self-represented Parties and the Media

On request by Court security or Court staff, lawyers, articling students, law students, self-represented parties, and Accredited Media using electronic devices must produce identification verifying their role in the proceedings.

Electronic devices must be in silent mode and used in a discreet manner.

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; or
- c. Be used for voice communication within a courtroom.

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

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, or access to, information.

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**

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 subject to one or more of the following sanctions:

- a. Required to turn off the electronic device;
- b. Required to forfeit the device in the courtroom;
- c. Required to leave the courtroom or courthouse;
- d. A suspension or revocation of accredited media status;
- e. Prosecution for any violation of a publication ban, sealing order, or other restriction on publication;
- f. A direction to remove photographs, video images, or audio recordings from social media or elsewhere;
- g. Declared in, and punished for, contempt of court;
- h. Any other direction or order of the Court; or
- i. Any other action or sanction permitted by law.

### **Wireless Networking**

The Court takes no responsibility for the availability, performance, or security of the wireless network or of any device using the network. Troubleshooting and technical support are the sole responsibility of the owner of the electronic device.