

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

In re: Courthouse Security and Limitations
on the Possession and Use of Cameras,
broadcast, communications, and recording
equipment and Personal Electronic Devices
(PEDs) within United States Courthouses and
United States Court Facilities in the Western
District of New York

AMENDED GENERAL
ORDER No. 161

Due to the proliferation of personal electronic devices that can perform two-way communications and make video and audio recordings, from cell phones to wrist watches and smart glasses, and the Court's concern for the security of the Court spaces as well as the integrity of its proceedings,

THE COURT HEREBY ORDERS:

1. Definition of PED: For the purposes of this Order, Personal Electronic Devices ("PED") shall include, but not be limited to, any electronic device that provides two-way communications, the ability to record video or audio, or the ability to transmit or connect to a cellular, cloud, Wi-Fi signal, or other radio frequency device. This includes, but is not limited to, cellular telephones, tablet computers, laptop computers, notebook computers, smart watches, personal digital assistants, and other emerging portable and wearable computing and communications devices. Examples of such devices are iPhones, Android phones, iPads, Apple Watches, smart glasses, Samsung Galaxy Tab, and two-way radios. For purposes of this Order, PED shall also include E-cigarettes, Vape items, and any other alternative smoking device that poses a potential threat of explosion due to battery malfunctions.

2. Prohibition: Except as provided in this Order, no person may possess or

use a camera or PED in the United States Courthouses and United States Court facilities¹ in the Western District of New York. Further, all such devices are subject to inspection and confiscation to determine whether there has been a violation of this General Order. Unless explicitly allowed per this order, members of the general public shall turn off all cameras, PEDs, and recording devices and surrender them to Court Security upon entry into the Courthouses or Court Facilities.

3. Recording or Transmitting Judicial Proceedings: Under no circumstances shall any camera or PED be utilized to photograph, broadcast, or transmit judicial proceedings, or grand jury proceedings, or to conduct audio or video recordings of judicial proceedings, or grand jury proceedings, whether these proceedings are held in open court, closed court, or in the chambers of a judge of this Court. *See* Rule 53 of the Local Rules of Criminal Procedure; Rule 83.5 of the Local Rules of Civil Procedure; Rule 5073 of the Local Rules of Bankruptcy Procedure; and the Guide to Judiciary Policies and Procedures, vol. 10, chapters four and five.

4. Employees, Contractors, Guests of Tenants: Employees of the District and Bankruptcy Courts, the United States Probation Office, the United States Marshals Service, the Federal Protective Service, the General Services Administration, and contractors employed by these agencies engaged in the conduct of court business, as well as employees of tenant agencies in the Keating Federal

¹ The Kenneth B. Keating Federal Courthouse and Federal Building includes both a Courthouse and Federal Building. In this General Order, Court Facilities include any court-leased space in the Keating Federal Building, and any other space where Court proceedings are being conducted, such as temporary use of buildings in the District for Bankruptcy or naturalization proceedings.

Building, are permitted to bring any camera or PED into the Courthouses and Court Facilities of this District. Employees and contractors described above may use a camera or PED anywhere in the Courthouses or Court Facilities, except such devices shall be turned off or placed on silent mode while in any courtroom. Guests of tenants in the Keating Federal Building are permitted to bring a PED into the building if escorted by a member of the tenant agency. Also, representatives of claimants in proceedings arranged by the Social Security Office of Hearings Operations are permitted to bring and use PEDs necessary to their representation at hearings. The Social Security Office of Hearings Operations will provide a list of authorized representatives to the Federal Protective Service and to the U.S. Marshal and regularly update the list. Any representative who is not on the approved list must be escorted by a member of the Office of Hearings Operations.

5. Law Enforcement Agents and Officers: Law enforcement agents and officers whose responsibilities include maintaining custody of individuals who have been arrested until their initial appearance and subsequent release or remand to the custody of the U.S. Marshals Service, may bring their PEDs into the Courthouses and Court Facilities to assist them. All PEDs must be placed in silent mode upon entering the Courthouses or Court Facilities.

6. Members of the Bar and Non-Lawyer Professionals: Any member of the Bar of this Court, acting in that member's professional capacity and not as a litigant or witness in a case in this District or the grand jury, and who possesses a valid Court-issued Identification Card, non-lawyer professionals assisting a member of the Bar of

this Court, or an attorney with the United States Attorney's Office, an attorney with the Office of the United States Trustee (including Bankruptcy Trustees) or an attorney with the Federal Public Defender's Office, or an attorney admitted *pro hac vice*, may bring a PED into the Courthouses and Court Facilities of this District for that attorney's or non-attorney professional's own use. The PED must not be used in a manner that disrupts or interferes with any judicial proceeding. No PED may be brought into any courtroom or judicial chambers if the judicial officer to whom the courtroom or chambers is assigned prohibits such devices. Members of the Bar and non-attorney professionals assisting them must ensure that such devices are turned to silent mode beyond the first-floor lobby of the Courthouses or equivalent space in a Court Facility. Members of the Bar and non-lawyer professionals are permitted to use such devices in the attorney conference rooms and telephone rooms, as well as in the attorney lounge of the Robert H. Jackson United States Courthouse in Buffalo, in the lobbies outside the courtrooms of both buildings *provided that* such use is not disruptive of court proceedings, and at any other location if given permission by the Chief Judge.

7. Press: Requests by members of the press² for recording inside the Courthouses or Court Facilities will be considered by the Chief Judge or her designee. Members of the press must complete an application to the General Services

² A "member of the press" means an individual who gathers and reports the news, by publishing, broadcasting, or cablecasting articles, commentaries, books, photographs, video, film, or audio by electronic, print, or digital media such as radio, television, newspapers, magazines, wire, books, and the Internet, including but not limited to an employee of a newsgathering organization or a self-employed newsperson.

Administration on GSA form 3453 (Application/Permit for Use of Space in Public Buildings and Grounds), which will be routed through GSA channels and the Chief Judge or her designee. Generally, recording will be limited to specified areas of the first-floor lobbies in the Courthouses or Court Facilities. Members of the press are permitted in any Courthouse and Court Facility, but not with any camera, recording device, or PED, unless otherwise permitted via the procedure described above. Members of the press are permitted in any courtroom, but not with any camera, recording device, or PED unless permitted by statute, Federal, or Local Rule (*see, e.g.*, Fed. R. Crim. P. 53 (prohibition in criminal cases); Loc. R. Civ. P. 83.5 (requires approval by the Chief Judge); Rule 5073 of the Local Rules of Bankruptcy Procedure (prohibition in Bankruptcy cases)).

8. Ceremonial Proceedings: Upon request to the Chief Judge or presiding judicial officer, an individual may be permitted to use PEDs and cameras during ceremonial proceedings, including naturalization proceedings, mock trials, or a judge's investiture.

9. Violations: Any violation of this Order may result in, but not be limited to, an arrest for contempt of court, a fine of up to \$1,000, and forfeiture of the device used or possessed in violation of this Order. Members of the Bar or non-attorney professionals who assist them who violate this Order shall be required to immediately surrender the member's Court-issued Identification Card to the District Court Clerk's Office, or a court official designated by the presiding judicial officer.

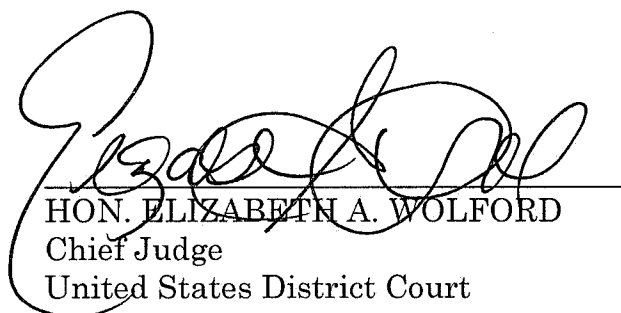
10. Suspension: The Chief Judge may suspend the privileges granted by this Order at any time for any reason.

11. Enforcement: Judicial officers, the United States Marshal, Deputy U.S. Marshals, court security officers, and any other federal security force authorized by law have the authority and discretion to enforce this Order.

12. Effective Date: This Order supersedes and replaces the previously issued General Order No. 161, and its effective date shall be November 9, 2023.

IT IS SO ORDERED

Dated: November 9, 2023
Rochester, New York



HON. ELIZABETH A. WOLFORD
Chief Judge
United States District Court