

VIRGINIA: IN THE CIRCUIT COURT OF NELSON COUNTY

IN RE: COURTHOUSE SECURITY

ORDER

By the authority vested in the Presiding Judge of the Circuit Court of Nelson County, the Court doth ADJUDGE, ORDER, and DECREE that the following security rules are promulgated effective June 1, 2020:

1. All persons, except those set forth in paragraph 5 below, must submit to screening by a metal detection device at the entrance to the Courthouse prior to entry. Upon a positive reading by the metal detection device, a person may be searched and/or denied entry into the courthouse building;
2. Any person who has a pacemaker, defibulator, or other electronic or mechanical medical device implanted within their body may elect to not pass through the metal detection device, but must submit to a search of their person by a deputy sheriff prior to entering the Courthouse;
3. All containers, briefcases, pocketbooks, backpacks, computers, computer cases, electronic devices, satchels, boxes, files, folders and bags shall be searched prior to being allowed into the courthouse building. The persons set forth in paragraph 5 below are exempted from the search of their containers etc., set forth above. Any person who does not want their container, etc., searched may elect to return that item to a motor vehicle prior to entering the Courthouse;
4. Pursuant to § 18.2-283.1 of the Code of Virginia, no person shall bring into the Courthouse any weapon, gun, ammunition, explosive, stun weapon, or any weapon set forth in § 18.2-308(A) of the Code of Virginia. Prohibited weapons under this paragraph shall include mace or other caustic substance or agent, knives of any kind including pocketknives, and any weapon that might subsequently be added by legislative enactment to §§ 18.2-283.1 or 18.2-308(A) of the Code of Virginia. The provisions of this paragraph shall not apply to any "law enforcement officer" as defined by § 9.1-101 of the Code of Virginia, or "conservator of the peace," as defined by § 19.2-12, so long as such person is entering the Courthouse on official duties and is not a litigant to a case on the date of entry. A concealed handgun permit does not permit a person to bring a firearm into the Courthouse;

- a. However, unless a conservator of the peace has been granted the express consent of the presiding judge, only law enforcement officers may possess a weapon of any type in the courtroom.
5. All judges, magistrates, attorneys-at-law licensed by the Commonwealth of Virginia, probation officers, full-time employees working in the Courthouse, Nelson County constitutional officers and their deputies, members of the Nelson County Board of Supervisors, "law enforcement officers" as defined by § 9.1-101 of the Code of Virginia, and "conservators of the peace," as defined by § 19.2-12 are exempted from the screening and search requirements set forth in paragraphs 1 & 3 above. If the deputy sheriff working at the entrance to the Courthouse does not recognize the person entering in any of the above capacities, the deputy sheriff may require identification from the person prior to allowing entry without screening or search. For instance, an attorney-at-law may be required to produce a valid and current Virginia State Bar card for identification;
6. Any person violating the terms of this Order may be held in contempt of court, breach of peace or charged with violating any applicable provision of the Code of Virginia or the United States Code; and
7. No animals shall be allowed into the courthouse building. Notwithstanding the above, any guide dog, hearing dog or service dog as defined in § 51.5-44 shall be allowed in the courthouse building. In addition, other animals may be allowed in the courthouse building with the express permission of the presiding judge of the court in which the hearing will be held.

PORTABLE ELECTRONIC DEVICES

1. Definition of "Portable Electronic Device"

The term "Portable Electronic Device" is defined to include personal computers, tablet computers, mobile telephones (including cell phones and any form of telephone with cameras and audio and video recording and transmission capabilities), electronic calendars, e-book readers, and "smart" watches.

2. Possession and Use of Portable Electronic Devices

The following policies and procedures govern the possession and use of Portable Electronic Devices in the courthouse building and in the courtroom.

A. In the Courthouse Building:

Portable Electronic Devices are allowed in the courthouse building subject to security screening, including courthouse screening devices, and the following rules:

Court visitors may use Portable Electronic Devices in the common areas of the courthouse, such as lobbies and hallways. Such devices may also be used in any office in the courthouse building by employees working in the courthouse building, Nelson County constitutional

officers and their deputies, and members of the Nelson County Board of Supervisors; or if authorized by that office's supervisor or designee. Further restrictions, including restricting mobile telephone conversations to designated areas, may be imposed as needed to maintain safety, security, proper behavior, order and the administration of justice.

Using Portable Electronic Devices to take photographs, make audio or video recordings, or to transmit live audio or video streaming is prohibited except with prior written authorization by a judge of the Circuit or District Court.

Other Electronic Devices: Cameras, video cameras, video recording equipment and recording devices ("other electronic devices") not classified as Portable Electronic Devices are not allowed in the courthouse except for use at events such as investitures, ceremonies and weddings. Other electronic devices may be allowed in the courthouse with prior written authorization by a judge of the Circuit or District Court.

C. In the Courtroom:

Portable Electronic Devices shall not be brought into or used in the courtroom without authorization from the presiding judge. A presiding judge may authorize the possession and use of Portable Electronic Devices in the courtroom and may impose restrictions on such possession and use. If the possession of Portable Electronic Devices in the courtroom is authorized, they must remain silent at all times. They shall only be used for the purposes and in the manner authorized by the presiding judge. Photography, video recording, audio recording, or video transmission or communication of any information using any media from inside the courtroom is strictly prohibited without prior written authorization of the presiding judge.

i. In the Circuit Courtroom

All judges, magistrates, attorneys-at-law licensed by the Commonwealth of Virginia, probation officers, the judicial administrative assistant, employees of the circuit court clerk's office, "law enforcement officers" as defined by § 9.1-101 of the Code of Virginia, and "conservators of the peace," as defined by § 19.2-12 are authorized to bring Portable Electronic Devices into the Circuit Courtroom. Such devices must remain silent at all times. Photography, video recording, audio recording, or video transmission or communication with any sequestered witness of any information using any media from inside the courtroom by any person authorized by subsection (2)(C)(i) is strictly prohibited without prior written authorization of the presiding judge. The presiding judge may impose additional restrictions in individual situations as warranted.

D. Confiscation of Equipment and Ejection of User:

Any person using a Portable Electronic Device, or Other Electronic Devices as defined in section 2A above, in violation of this or any other court order or policy may be removed from the courthouse building, found in contempt of court, and subject to penalties as provided by law. Any Portable Electronic Device used in violation of this or any other

court order or policy may be confiscated, and the Sheriff shall not be responsible or liable for any damage to or loss of a confiscated device.

E. Further Limitations by Judges:

A judge may further limit or ban the possession or use of any Portable Electronic Device: (1) pursuant to Virginia Code § 19.2-266 (to regulate media coverage of judicial proceedings); (2) if possession or use of the Portable Electronic Device may or does interfere with the administration of justice or cause any threat to safety or security; or (3) for any other reason.

3. Posting Notice of this Policy

The policy order of this Court regarding the possession and use of Portable Electronic Devices shall be posted on the court's home page on the Virginia Judicial System website; on the court's local website (if any); at the courthouse entrance; and in the Clerk's Office.

4. Storage of Portable Electronic Devices

Storage locker units for Portable Electronic Devices may, as available, be provided at the security entrance to the courthouse for anyone who is not allowed to bring their devices into the courtroom. Other forms of on-site storage also may be provided as available. Such storage of devices is limited to persons who represent to security personnel that they have no other means of storage available to them, such as a vehicle parked on or near the courthouse building premises.

ENTERED this 29 of May 2020.


_____, PRESIDING JUDGE
MICHAEL R. DOUCETTE

A Copy, Teste:
NELSON COUNTY CIRCUIT COURT
Lisa D. Bryant, Clerk
By: 

Deputy Clerk