

KENT COUNTY COURTHOUSE CELLULAR PHONE POLICY

I. GENERAL PROVISIONS: For security reasons, all cellular telephones, camera phones or other personal communication devices including but not limited to BlackBerries, Sidekicks, Pagers, PDAs, iPods, Walkmans or any other equivalent MP3 or CD player or recording device, hereafter referred to as devices, are not permitted in the Kent County Courthouse (KCCH) with the exception of exempt persons. Exempt persons are those persons specifically enumerated in Section II below or as otherwise permitted by order of the judicial officer before whom the particular case or proceeding is pending. Any device found in the possession of a person in the KCCH contrary to this policy may be subject to seizure and forfeiture.

II. EXEMPT PERSONS: The following shall be exempt from the prohibition against carrying a cellular telephone, camera phone, BlackBerry, or other personal communication device or recorder into the KCCH:

- a. Judicial Officers.
- b. Court employees assigned to work at the KCCH.
- c. State employees who are entering the KCCH on official business.
- d. Building and maintenance tradesmen, equipment repairmen, vendors, etc. may be permitted to retain their personal communication devices, upon a determination by the Capitol Police that they do not pose a security risk and that the access to such devices is necessary for their work in the KCCH. These individuals should provide Capitol Police with proper identification.
- e. Local, State, and Federal Law Enforcement Officers on official business and possessing proper credentials.
- f. Attorneys who present their picture identification card and a valid Delaware Supreme Court issued membership card.

III. Cell phone or communication device usage by those persons included in Section II shall not take place in any courtroom, public hallway, bathroom, etc. If it is necessary to use a cell phone the person must find a non-public area such as an empty courtroom, or bailiff's office (with permission). Permitting those persons included in Section II to use their devices in public areas, when the general public in general cannot even have their devices, will not be permitted. If this occurs the offender will lose his/her cell phone privileges. Remember, if you leave it on or "power up" and you receive an incoming call at an inappropriate time or place, you risk losing your privilege.

IV. If a cell phone or other device "goes off" in any courtroom in the courthouse, the presiding judge may confiscate the device, impose a financial penalty, or any other appropriate sanction, including the loss of cell phone privileges and order the removal of that person or persons from the courthouse, and restrict the privilege of reentry.

V. PRIMARY RESPONSIBILITY: The Capitol Police and Capitol Security Officers will have the primary responsibility for determining the exemption of any person not described under this policy. That determination will be based on sound, generally accepted, security practices and procedures. The Capitol Police and Capitol Security Officers are authorized by the Superior Court, to confiscate permanently or otherwise, any device and/or remove any person who attempts to enter with a device. Any person who refuses to remove the device or cooperate with the Capitol Police or Capitol Security Officer may not enter the KCCH and are subject to arrest.

**William L. Witham Jr.
Resident Judge
Superior Court Kent County**