

KENT COUNTY COURTHOUSE CELLULAR PHONE POLICY

I. GENERAL PROVISIONS: For security reasons, all cellular telephones, camera phones or other personal communication devices (e.g. Blackberries, Sidekicks, pagers, PDA's etc.) 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 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 at 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 a 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 phones in public areas, when the public in general cannot even have a cell phone, will not be permitted. If this occurs the offender will lose his/her cell phone privileges. Remember, if you leave it on or "powered up" and you get an incoming call at an inappropriate time or place, you risk losing your privilege.

IV. If a cell phone or communication 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.

IV. 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.

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