Court of Appeal for British Columbia | Supreme Court of British Columbia | Provincial Court of British Columbia

Policy on Use of Electronic Devices in Courtrooms

EFFECTIVE DATE: September 17, 2012
(amended January 15, 2024)

Now an Appendix in Access Policy

Moved to Appendix C of Access Policy

Purpose and Scope

This policy sets out the permitted and prohibited use of electronic devices in courtrooms of the Court of Appeal, the Supreme Court and the Provincial Court of British Columbia.

Definitions

1. In this policy, the following definitions apply:

   a. "accredited media" means media personnel who are accredited pursuant to the Courts' *Media Accreditation Policy.*

   b. "courtroom" means a room in which a hearing takes place before a judicial officer, and includes virtual or remote court proceedings where one or more participants is attending the proceedings by video- or audio-conference.

   c. "electronic device" means any device capable of transmitting and/or recording data or audio, including cameras, video recorders, smartphones, cellular phones, computers, laptops, tablets, notebooks, personal digital assistants, or other similar devices.

   d. "judicial officer" means:

      i. a Justice or division of the Court of Appeal, or a Registrar of the Court of Appeal;

      ii. a Justice, Associate Judge, or Registrar of the Supreme Court; or

      iii. a Provincial Court Judge, Judicial Justice, Judicial Case Manager, or Justice of the Peace.

Prohibitions on the Use of Electronic Devices

2. Except as permitted under this policy, the use of electronic devices in courtrooms to transmit and receive text is prohibited.

3. In addition, an electronic device may not be used in a courtroom:

   a. in a manner that interferes with the court sound system or other technology;

   b. in a manner that interferes with courtroom decorum, is inconsistent with the court functions, or otherwise impedes the administration of justice;

   c. in a manner that generates sound or requires speaking into the device;

d. to take photographs or record video images except as permitted in this policy;

e. to audio record or digitally transcribe the proceedings, including making a transcript using video conference software, except as permitted by this policy.

Permitted Use of Electronic Devices in the Court of Appeal

4. In a courtroom of the Court of Appeal, any person may use an electronic device to transmit or receive text in a discreet manner that does not interfere with the proceedings.

Permitted Use of Electronic Devices in the Supreme Court and the Provincial Court

5. In courtrooms of the Supreme Court and of the Provincial Court

   a. accredited media; and

   b. lawyers who are members of the Law Society of British Columbia,

   may use electronic devices to transmit and receive text in a discreet manner that does not interfere with the proceedings.

Permitted Audio Recording by Accredited Media in All Courts

6. In courtrooms of the Court of Appeal, the Supreme Court and the Provincial Court, accredited media may use electronic devices to audio record a proceeding for the sole purpose of verifying their notes and for no other purpose subject to the following restrictions:

   a. electronic recording devices may only be used when a proceeding is in session;

   b. electronic recording devices must be turned off when a proceeding is adjourned;

   c. electronic recording devices must not be left unattended in the courtroom at any time; and

   d. any audio recording must be destroyed once verification of notes is complete.

7. Members of the media should also consult the Court of Appeal's Record and Courtroom Access Policy, the Supreme Court's Policy on Access to the Court Record, the Supreme Court's PD 48 - Video Recording or Broadcasting of Court Proceedings, the Provincial Court's Access to Court Proceedings Policy, and the Media Accreditation Process.

Permitted Use of Electronic Devices During Ceremonies Held at the Court of Appeal, Supreme Court and Provincial Court

8. During ceremonies, family members and friends may take photographs or record video images and/or audio for their personal use, provided they do so in a way that does not interfere with others' enjoyment of the ceremony and is consistent with upholding the dignity and decorum of the Court. Such photographs, video images, and audio recordings may not be posted on social media, nor used for publication or broadcast.

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9. Accredited media wishing to take photographs or record video images and/or audio during ceremonies to publish or broadcast immediately or at a later date must apply to the Chief Justice or Chief Judge of the respective court for authorization to do so.

10. The use of large cameras or other equipment that would obstruct lines of sight for members of the public is not permitted.

Discretion of Judicial Officers

11. Nothing in this policy affects the authority of the presiding judicial officer(s) to determine what, if any, use can be made of electronic devices in a courtroom.

Publication Bans, Sealing Orders, Restrictions on Publication

12. 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 information.

13. Anyone using an electronic device to transmit information from a courtroom has the responsibility to identify and comply with any publication bans, sealing orders, or other restrictions that have been imposed either by statute or by court order.

Penalties

14. A person using an electronic device in a manner prohibited by this policy may be subject to one or more of the following sanctions:

    a. a direction to turn off the electronic device;
    b. a direction to leave the courtroom;
    c. a direction to forfeit the media accreditation card to the sheriff;
    d. citation, and prosecution for contempt of court;
    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
    g. any other direction or order of the court.

For more information about this policy please contact:

Court of Appeal	Supreme Court	Provincial Court
Superior Courts Communications Officer **Email:** SCJCommunicationsOfficer@bccourts.ca		*Legal Counsel* https://www.provincialcourt.bc.ca/about-court/media

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