

**IN THE TWENTY-THIRD JUDICIAL CIRCUIT COMPRISED OF BERKELEY,
JEFFERSON AND MORGAN COUNTIES, WEST VIRGINIA**

In Re: Cell phone/electronics policy for the Berkeley County Judicial Center, the Jefferson County Courthouse Complex, and the Morgan County Courthouse

**AMENDED ADMINISTRATIVE ORDER
(AMENDING 22-AD-155)**

This Administrative Order applies to the Berkeley County Judicial Center, the Jefferson County Courthouse Complex, and the Morgan County Courthouse.

Definitions.

Attorney shall mean a member in good standing of the West Virginia State Bar.

Chief Judge shall mean the Chief Circuit Court Judge as selected and acknowledged by administrative order to be serving as chief judge.

Jefferson County Courthouse Complex shall mean the entirety of any building in which judicial/magisterial functions occur, including ancillary functions such as Probation Services, Home Confinement, Mental Hygiene, and Treatment Court(s).

Courthouse Employee shall mean any Judge of any court of the State of West Virginia or employee thereof; any Magistrate of Berkeley, Morgan, or Jefferson Counties and his or her authorized staff; such Magistrate as may be temporarily assigned to serve respectively in Berkeley, Jefferson or Morgan Counties; employees of the respective County Council or County Commission; a vendor of the respective County Council or County Commission whose workspace includes the Berkeley County Judicial Center, the Jefferson County Courthouse Complex, or the Morgan County Courthouse; or an employee of the West Virginia Supreme Court of Appeals.

Department Head shall mean Circuit Clerk, Magistrate Clerk, Prosecuting Attorney, Chief Probation Officer, Chief Court Marshal or Bailiff, or such other person designated by the Chief Judge.

Electronic Device shall mean any device capable of:

- recording sound or images, and/or
- connecting to cellular service and/or internet service, and/or
- providing for contemporaneous communications, and/or
- emitting sounds.

Electronic device includes but is not limited to telephones, computers, watches that security reasonably believes may possess internet or cell connectivity, videorecording devices, and cameras of all types.

Presiding Judicial Officer shall mean that Circuit Court Judge, Family Court Judge, Magistrate, Mental Hygiene Commissioner, or such other judicial officer recognized by the Chief Judge, regarding all such matters as occur within a courtroom assigned to him or her and/or as occur within his or her chambers.

Sworn Law Enforcement shall mean a duly sworn law enforcement officer of the United States, the State of West Virginia, any county, or municipality thereof, and/or of any state or other political subdivision of the United States.

The Following is Ordered by the Chief Judge:

On this day, upon due deliberation and consideration, the Court does find as follows:

WHEREAS, persons are summoned to the courthouse, including witnesses, jurors, and other persons responding to legal process, who have not volunteered so to do, and have not necessarily consented so to do;

WHEREAS, the court desires to preserve the safety and well-being of all persons participating in, and/or attending judicial or quasi-judicial proceedings, including members of the public, court staff, clerks, court security officers, bailiffs, marshals, attorneys, victims' advocates, probation officers, witnesses, jurors, and persons responding to legal process, and to maintain decorum in the courts and environs;

WHEREAS, witnesses, jurors and persons responding to legal process have a right to move about the courthouse without being photographed, recorded or having the precise time of their departure from the security afforded within the courthouse complex communicated to persons outside the courthouse;

WHEREAS, to ensure the safety of all persons in the courts and their environs, dissemination of the means, methods, and procedures of providing court security must be restricted from being recorded and disseminated outside the courthouse complex;

WHEREFORE, it is hereby **ADJUDGED** and **ORDERED** that:

No person, without first obtaining the consent of a judicial officer, shall be permitted to bring into the Berkeley County Judicial Center, the Jefferson County Courthouse Complex, and/or the Morgan County Courthouse electronic devices except judicial officers, courthouse employees, attorneys, and sworn law enforcement officers. There shall be an additional exception for the historic Jefferson County Courthouse Complex as follows: Courthouse security may permit photography of the interior of the first floor of the historic Jefferson County Courthouse including the public display on the first floor of

the historic jail, in their sound discretion, provided that it does not interfere with the normal processes of the courthouse. Permission to record within the historic courtroom on the second floor of the historic Jefferson County Courthouse shall continue to require the permission of the presiding judicial officer.

A presiding judicial officer or department head may give permission for the use of electronic devices within his or her work area on an exceptional basis.

A presiding judicial officer or department head may give standing instructions for regularly occurring events such as weddings, adoption hearings, swearing in ceremonies, treatment court graduations, or such other events pertaining to his or her court or office. Use of such devices in the common areas of the courthouse may be authorized by the Chief Circuit Court Judge, or the presiding judges of Jefferson and Morgan Counties.

The Deputy Marshals and/or Court Bailiffs providing security and ensuring traffic flow at the public entrance shall be authorized to inquire about electronic devices, make a reasonable non-invasive search for such items, and refuse admittance to persons possessing devices prohibited by this order.

The Chief Court Marshal in Berkeley County and the Sheriff or his designee in Jefferson and Morgan Counties shall give reasonable notice of the prohibited items to persons entering the courthouse.

Persons violating this Administrative Order shall be subject to the sanction of Contempt of the Circuit Court, which may result in the imposition of a fine or imprisonment.


It is all so **ORDERED**.

The Circuit Clerk of Berkeley County shall transmit attested copies of this order to the Circuit Clerks of Jefferson and Morgan Counties; all Circuit Court Judges of the 23rd

Judicial Circuit; Sean Bryner, Chief Probation Officer of the 23rd Judicial Circuit; Mike Laing, Chief Court Marshal; the Sheriffs of Berkeley, Jefferson, and Morgan Counties; and to Joseph Armstrong, Administrative Director of the West Virginia Supreme Court of Appeals.

Each of the Circuit Clerks of Berkeley, Jefferson and Morgan Counties shall transmit attested copies to their respective Family Court Judges of the 23rd and 24th Family Court Circuits; Magistrates; Magistrate Court Clerks; Prosecuting Attorneys; Mental Hygiene Commissioners; Sheriffs; and County Administrators.

ENTERED THIS 17th Day of May, 2023.



**R. Steven Redding, Chief Judge
Twenty-third Judicial Circuit**