



Manitoba Courts

Electronic Devices Policy

Effective September 1, 2013

Purpose and Scope

This policy addresses the use to be made of electronic devices in courtrooms of the Manitoba Court of Appeal, the Manitoba Court of Queen's Bench and the Provincial Court of Manitoba ("the Court"). It is premised on the fair and proper administration of justice and the open court principle.

Notwithstanding any provision of this policy, the use of electronic devices in respect of a specific proceeding or hearing before a Manitoba court is subject to the direction or order of the presiding judge, who retains the discretion to allow or prohibit the possession or use of an electronic device in respect of that specific proceeding or hearing.

Nothing in this policy alters the effect of a publication ban, sealing order or other restriction imposed by statute or the court, limiting the access to or publication of information relating to a court record or proceeding.

Notwithstanding any provision of this policy, any person may request, through the filing of the appropriate notice of motion with the court, the permission to be able to use an electronic device in a Manitoba court facility, courtroom, or court proceeding or hearing.

Application

This policy applies to members of the media, members of the legal profession and members of the public in attendance at court facilities in Manitoba.

Definitions

For the purposes of this policy, the following definitions apply:

"Eligible media": media professionals employed by media organizations who wear visible photo identification authorized and issued by their media organization. A media organization, for the purpose of this definition, is one that applies professional standards of journalism and



provides guidance and editorial oversight, including legal advice as required, to the work of the media professional.

“Electronic device” –any device capable of electronically transmitting and/or recording data or audio through wired or wireless means, including smartphones, cellular phones, digital still and video cameras, computers, laptops, tablets, notebooks, personal mobile data device, or other similar devices.

Policy

- 1 Electronic devices are permitted in Manitoba court facilities and courtrooms.
- 2 Only members of the legal profession and eligible media may use electronic devices to transmit and receive data during a court proceeding or hearing before a court so long as it is undertaken in a manner that will not cause interference or disruption with the proceeding or hearing. In any other circumstance, electronic devices must be turned off or be unable to electronically transmit or record data and audio when present in courtrooms.
- 3 The taking of photographs and the making of video recordings within a Manitoba court facility is strictly prohibited, unless express written permission by the Court has been given through the office of the Executive Assistant to the Chief Justices and Chief Judge.
- 4 Eligible media may use electronic devices to record audio of a court proceeding or hearing for the sole purpose of substituting the making of written notes and the recording is not for publication or broadcast.
- 5 A person found using an electronic device in contravention of the terms of this policy or the terms of any direction or order made by the presiding judge in respect of a specific court proceeding or hearing, may be subject to one or more of the following sanctions:
 - Direction to turn off the electronic device
 - Direction to forfeit the electronic device and erase or delete the data or audio, as the case may be, that has been wrongfully recorded.
 - Directed to leave the courtroom
 - Citation for contempt of court

or



- Any other direction or order of the Court or the presiding judge

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