

Manitoba Courts

Electronic Devices Policy

Effective: November 12, 2025

Purpose

1. This Policy addresses the use of electronic devices in designated court areas and courtrooms of the Manitoba Court of Appeal, the Manitoba Court of King's Bench and the Provincial Court of Manitoba (collectively, the "Courts"). It is premised on balancing the fair and proper administration of justice and the open court principle. It also considers privacy and protection for all participants in the justice system, including accused persons, court staff, judicial officers, jurors, observers, parties, victims, and witnesses.

Application

2. This Policy applies to everyone in a designated court area or a courtroom anywhere in Manitoba. This includes, and is not limited to, all members of the public, all members of the media, all court and other staff, all persons who attend court premises and buildings for any reason, and all members of the legal profession. This Policy is binding and legally enforceable by Sheriff's Officers in relation to all persons in designated court areas and courtrooms.

Definitions

3. For the purposes of this Policy, the following definitions apply:
 - a. A "courtroom" means a room in which a hearing takes place before a judicial officer and includes virtual or remote proceedings where one or more participants is attending by audio or videoconference.
 - b. A "designated court area" has the same meaning as applies in the Court Areas Designation Regulation (Man. Reg. 47/2000), as amended now and in future.
 - c. An "electronic device" means any device capable of electronically transmitting and/or recording written data messages or audio or video through wired or wireless means, including smartphones, cellular phones, digital still and video cameras, computers, laptops, tablets, smart glasses, personal mobile data devices, or other similar devices.
 - d. An "eligible media member" means any media professional who is employed by a media organization, who wears visible photo identification issued by that media organization. A "media organization" 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.

- e. A “judicial officer” means a Justice or panel of the Court of Appeal, a Justice of the Court of King’s Bench, a Provincial Court Judge, an Associate Judge, a justice of the peace, a registrar, or such other individual or individuals carrying out a judicial function in designated court areas and courtrooms.
- f. A “special event” means an event sanctioned by the Courts within a designated court area or courtroom outside of regular court operations for purposes including a ceremony, educational activity, or guided tour, or one held expressly for eligible media members. An “attendee” is an individual who attends a special event.

Restrictions and Prohibitions on the Use of Electronic Devices

- 4. Possession and use of an electronic device is permitted in all designated court areas, but only to the extent allowed under this Policy.
- 5. The taking of photographs and the making of video recordings or livestreams anywhere within a designated court area or courtroom is strictly prohibited for everyone at all times, unless:
 - a. an electronic device is used to take a photograph or scan a copy of a court document that has been provided by court staff for that purpose; or
 - b. express written permission has been given by the Court through a designated official in the office of the Chief Justice or Chief Judge as the case may be.
- 6. The use of an electronic device for audio recording or transmission, or for telephone calls, within a courtroom is strictly prohibited for everyone at all times, unless expressly permitted by a presiding judicial officer.
- 7. Everyone who is in possession of an electronic device must ensure such electronic device is out of sight and turned off or otherwise rendered incapable of electronically transmitting or receiving any data, including text messages, social media posts, and telephone calls, while present in the courtroom, unless a presiding judicial officer expressly grants permission otherwise.

Permitted Exceptions

- 8. Notwithstanding the above:
 - a. Members of the legal profession and eligible media members have standing authority to use an electronic device within a courtroom while a court proceeding or hearing is in progress, but only to transmit and receive written data, and only if done in a manner that does not cause interference or disruption. Despite this, a presiding judicial officer always retains discretion to direct any member of the legal profession or any eligible media member to cease from using an electronic device to transmit and receive written data.

- b. Eligible media members may use an electronic device to record audio of a court proceeding or hearing for the sole purpose of substituting the making of written notes. The recording cannot be used for publication or broadcast and is subject to the following restrictions:
 - i. electronic recording devices may only be used when a proceeding is in session and must be turned off when a proceeding is adjourned;
 - ii. electronic recording devices must not be left unattended in the courtroom at any time; and
 - iii. any audio recording must be destroyed once verification of notes is complete.
- c. Eligible media members should also consult the Courts' *Media Audio and Video Recordings in the Courtroom (MAVRIC) Guidelines* and complete a *Use of the Designated Media Area Undertaking*.
- d. During a special event, with the permission of the Chief Justice or Chief Judge as the case may be, an attendee may use an electronic device to take photographs or make video recordings for personal use only, provided doing so does not interfere with others' participation in the special event, is consistent with upholding the dignity and decorum of the Courts, and otherwise only to the extent allowed under this Policy.
- e. Any person may request in advance, through the filing of an appropriate notice of motion with the applicable court, permission to be able to use an electronic device within a designated court area or courtroom for the purposes of a particular court proceeding or hearing.

Discretion of Judicial Officers Preserved

- 9. This Policy does not expand or limit a presiding judicial officer's specific control of a particular proceeding. A presiding judicial officer always retains discretion to allow, prohibit or restrict the use of an electronic device in all respects of every proceeding or hearing under their control.

Publication Bans, Sealing Orders, Restrictions on Publication

- 10. Nothing in this Policy alters the effect of a publication ban, sealing order or other restriction that limits access to or publication of information relating to a court record or proceeding, whether the restriction is imposed by statute or the court.

Enforcement

- 11. Any person found using an electronic device in a manner contrary to this Policy or contrary to any direction or order from a presiding judicial officer is subject to one or more of the following directions or potential sanctions:

- a. Direction to turn off the electronic device.
- b. Direction to forfeit the electronic device while in the courtroom.
- c. Direction to erase or delete from an electronic device any data that has been recorded contrary to this Policy.
- d. Direction to remove from any social media platform or website any data that has been uploaded contrary to this Policy.
- e. Direction to leave the courtroom or designated court area.
- f. Eviction by use of force from the courtroom or designated court area.
- g. Citation and prosecution for an offence under *The Court Security Act* for refusing to leave a designated court area when asked to do so by a security officer, with a maximum penalty of \$5,000 or six months in jail or both.
- h. Citation and prosecution for contempt of court.
- i. Arrest and detention pending further direction or order from the presiding judicial officer, or any judge or any court.
- j. Any other direction or order of the presiding judicial officer, or any judge or any court.

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