



UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON
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SPOKANE, WASHINGTON 99210
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SEAN F. MCAVOY
CLERK OF COURT

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LESLIE A. DOWNEY
CHIEF DEPUTY CLERK

April 23, 2013

A letter to the Eastern District of Washington's Court Community:

**Re: General Orders No. 13-54-1 Courthouse Security and Entry and
No. 13-113-1 Electronics in the Courtroom**

On April 22, 2013, the judges of the United States District Court for the Eastern District of Washington entered two General Orders to establish courthouse and courtroom security protocol throughout the Eastern District. General Order No. 13-54-1 *Security of and Entry into U.S. Courthouses and Federal Court Facilities* establishes the policy and practice for obtaining entry access into the Eastern District's court facilities, and clearly identifies prohibited activities while in said court facilities. General Order No. 13-113-1 *Utilization of Electronic Devices During Court Proceedings* establishes guidelines for the appropriate use of various forms of electronic communication devices within the Eastern District's courtrooms. These orders are effective immediately upon entry.

I send this letter to you to ensure that you are not only aware of the entry of these General Orders, but that you advise your clients of the policies and prohibitions established by each, and of the applicability of these orders to all court locations within the Eastern District of Washington.

Thank you, in advance, for your attention in this matter!

Sincerely,

A handwritten signature in black ink, appearing to read "Sean F. McAvoy". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Sean F. McAvoy
Clerk of Court
Eastern District of Washington

APRIL 22, 2013

SEAN F. McAVOY, CLERK
SPOKANE, WASHINGTON

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

In Re

UNITED STATES COURTHOUSES
AND FEDERAL COURT
FACILITIES IN SPOKANE,
YAKIMA AND RICHLAND,
WASHINGTON.

GENERAL ORDER NO. 13-54-1

RE SECURITY OF AND ENTRY INTO
U.S. COURTHOUSES AND FEDERAL
COURT FACILITIES IN THE EASTERN
DISTRICT OF WASHINGTON

This Order applies to all United States Courthouses and Federal court facilities located in the Eastern District of Washington, specifically including:

1. The Thomas S. Foley United States Courthouse, 920 West Riverside Avenue, Spokane, Washington 99201;
2. The United States Post Office Building, 904 West Riverside Avenue, Spokane, Washington 99201;
3. The William O. Douglas Courthouse, 25 South Third Street, Yakima, Washington 98901;

1 4. The United States Bankruptcy Court – Chinook Tower, 402 East Yakima
2 Avenue, Yakima, Washington 98901; and

3
4 5. The United States Courthouse, 825 Jadwin Avenue, Richland,
5 Washington 99352.

6 Additionally, court proceedings may be held in other facilities or buildings
7
8 from time to time. This Order covers all court locations as described above and
9 any Federal court facility as defined in 18 USC § 930(g)(3), as follows:

10
11 The term “Federal court facility” means the courtroom, judges’ chambers,
12 witness rooms, jury deliberation rooms, attorney conference rooms, prisoner
13 holding cells, offices of the court clerks, the United States attorney, and the
14 United States Marshal, probation and parole offices, and adjoining corridors
15 of any court of the United States.
16

17
18 Courtroom floors include the 7th, 8th, and 9th floors of the Thomas S. Foley
19 United States Courthouse in Spokane, the 2nd and 3rd floors of the United States
20 Post Office Building in Spokane, the 1st, 2nd, and 3rd floors of the William O.
21 Douglas Courthouse in Yakima, and the 2nd floor of the United States Bankruptcy
22 Court – Chinook Tower, and the 1st, 2nd, and 3rd floors of the United States
23 Courthouse in Richland, Washington. Courtroom floors also include any other
24 floor, not listed above, of any Federal court facility where court may be held from
25
26 time to time.
27
28

1 **ENTERING AND LEAVING THE UNITED STATES COURTHOUSE**

2 Except in an emergency, entry into and exit from any United States
3 Courthouse is restricted to designated doors only.

4
5 No person having access to any United States Courthouse or Federal court
6 facility or any secure areas via key, key card, or other device, used to open doors or
7
8 to call elevators, shall permit unauthorized individuals access to any building or
9 any elevator, locked stairwell door, or other locked door.

10
11 **IDENTIFICATION REQUIREMENTS FOR NON-TENANT VISITORS**

12 Identification is required to enter all United States Courthouses and Federal
13 court facilities located in the Eastern District of Washington. All non-tenant
14 visitors must have government-issued picture identification, e.g., state
15 identification card, driver’s license, passport, etc., to gain access to the facilities. If
16
17 the non-tenant visitor does not have identification, a building tenant for the agency
18 or Court unit the visitor intends to visit can respond to the screening station to
19
20 escort the visitor to conduct his/her business.

21
22 **SCREENING**

23 Employees of the United States Marshals Service, or agents so designated by
24
25 the United States Marshal, shall operate x-ray units and walk-through metal
26
27 detectors for the purpose of screening all people who enter any United States
28 Courthouse or Federal court facility.

GENERAL PUBLIC ENTRY AND ACCESS

1
2 All non-federal employees entering any United States Courthouse or Federal
3 court facility, shall submit to a screening for dangerous weapons, dangerous
4 devices, or prohibited items by passing through the metal detectors operated by
5 employees of the United States Marshals Service or designees and shall submit to
6 further screening or search if the metal detector registers a reading which, in the
7 opinion of the operator, requires such further screening. Pursuant to 18 U.S.C. §
8 930(g)(2),
9
10
11

12 The term “dangerous weapon” means a weapon, device, instrument,
13 material, or substance, animate or inanimate, that is used for, or is readily
14 capable of, causing death or serious bodily injury, except that such term does
15 not include a pocket knife with a blade of less than 2 1/2 inches in length.
16
17

18 For purposes of this order and general public entry and access policy, the
19 term “dangerous weapons” and “dangerous devices” are inclusive of all edged
20 weapons regardless of length. Further, for purposes of this order and general
21 public entry and access policy, the term “prohibited items” is inclusive of all items
22 identified in the February 2013 Interagency Security Committee (ISC) Standard
23 “Items Prohibited from Federal Facilities,” attached as Exhibit 1 to this order, and
24 all future iterations of that standard.
25
26
27
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1 No one refusing to submit to such screening for dangerous weapons or other
2 dangerous devices will be permitted to enter.

3
4 Individuals entering any United States Courthouse or Federal court facility
5 who have in their possession and/or are carrying, delivering, or otherwise
6 transporting any briefcase, suitcase, purse, package, or other container (including
7 mail and items delivered by private carrier) shall surrender handheld possessions,
8 pocket contents, and any such item described above for screening for dangerous
9 weapons or dangerous devices through x-ray device and/or personal inspection by
10 employees of the United States Marshals Service or designee.
11
12

13 No one refusing to surrender any handheld possessions, pocket contents,
14 briefcase, suitcase, purse, package, or other container (including mail or private
15 carrier items) for screening will be permitted access to the facility.
16
17

18 **RESIDENT FEDERAL AND VISITING U.S. COURT EMPLOYEE**
19 **ENTRY AND ACCESS**

20 All resident federal employees entering any United States Courthouse or
21 Federal court facility, to which they are stationed, may be permitted to pass
22 security screening after an inspection of their federal picture identification card by
23 employees of the United States Marshals Service or designees. Further, all
24 employees of the United States Courts, Eastern District of Washington, having in
25 their possession a building tenant identification or U.S. Marshals Service issued
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1 picture identification for their resident Federal court facility may be permitted
2 access to any courthouse within the district, and may be permitted to pass security
3 screening after an inspection of their federal picture identification card by
4 employees of the United States Marshals Service or designees.
5

6 Resident federal employees and visiting employees of the U.S. Courts,
7 Eastern District of Washington, must have building tenant identification or
8 government-issued picture employee identification in order to be permitted access
9 as an employee. If a building tenant employee does not have his/her employee
10 identification, then that building tenant employee will be subject to non-tenant
11 visitor screening requirements and procedures.
12
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14

15 **VISITING FEDERAL EMPLOYEE (NON U.S. COURTS)**
16 **ENTRY AND ACCESS**

17 All visiting federal employees entering any United States Courthouse or
18 Federal court facility in which proper written/e-mail notification has been provided
19 by the hosting agency to the United States Marshals Service, may be permitted to
20 pass security screening after an inspection of their federal picture identification
21 card by employees of the United States Marshals Service or designees.
22
23

24 **RANDOM SCREENINGS – RESIDENT AND VISITING EMPLOYEES**

25 Employees of the United States Marshals Service, or agents so designated by
26 the United States Marshal, shall perform random x-ray unit and walk-through
27
28

1 metal detector screenings of resident and visiting federal employee personnel
2 entering any United States Courthouse or Federal court facility at various times
3 throughout the calendar year to ensure comprehensive facility security.
4

5 **PROHIBITED ACTIVITIES**

6 All forms, means, and manner of capturing, recording, broadcasting,
7 transmitting, and/or storing of anything by use of electronic, photographic, audio
8 and/or visual means are prohibited in all courtrooms and environs thereto during
9 the course of, or in connection with, any judicial proceedings whether the Court is
10 actually in session or not.
11
12

13 Exceptions: A district, magistrate or bankruptcy judge may permit:

- 14
- 15 a) the use of electronic or photographic devices for the presentation of
16 evidence or the perpetuation of the record;
 - 17 b) the broadcasting, televising, recording or photographing of ceremonial,
18 naturalization, or historically significant proceedings;
 - 19 c) subject to the prohibitions contained above, the use of an unobtrusive
20 handheld dictating device by counsel or unrepresented parties for use in
21 dictating notes or reminders during trial, but not to be used to record any part
22 of the proceedings; and
 - 23 d) the use of a camera or photo recording device by building tenant
24 officials, e.g., GSA, USMS, necessary in performing official duties.
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1 **COMPUTERS, CELLULAR PHONES, AND OTHER EQUIPMENT**

2 **Courthouse Environs.** Unless otherwise ordered by the Court, cellular
3 phones may be utilized in the hallways, lobbies, and other areas of the courthouse.
4
5 The use of this equipment is permissible within a judge’s chambers at the
6 discretion of the judge.

7
8 Still and video cameras are prohibited anywhere in the courthouse, and no
9 device may be operated in camera, record, or video mode.

10
11 **Courtrooms.** Any device which has the potential to emit sound or be
12 disruptive to court proceedings must be turned off or set on silent mode in the
13 courtroom. No person shall use any electronic device in the courtroom for voice
14 communications or to create a verbatim transcript or recording of court
15 proceedings or the testimony of a witness.

16
17 Unless otherwise ordered by the Court, no person will be allowed to use a
18 laptop computer or other electronic device, e.g., tablets or smart phones, within the
19 courtroom with the following exceptions:
20
21

- 22 1. Resident or visiting federal court staff;
23
24 2. Any member of the Bar of this Court and/or their staff members; and
25
26 3. Members of the media who have been approved by the presiding judge to
27 report electronically, e.g. via twitter or blogging.
28

1 No equipment permitted for use within a courtroom shall be used to
2 photograph, audio-record, broadcast, televise, or otherwise send images or sounds
3 of the court proceeding.
4

5 The use of any device described in this section or any other device for the
6 purposes described in the “Prohibited Activities” section is strictly prohibited.
7

8 All such items allowed into any United States Courthouse or Federal court
9 facility are subject to inspection upon each entry.
10

11 WEAPONS

12 **Courthouse Environs.** No one other than federal judicial officers and
13 authorized law enforcement officers with proper permits may bring or attempt to
14 bring a firearm or other dangerous weapon into any of the buildings referred to in
15 this Order. Other than U.S. Judges, U.S. Marshals, U.S. Court Security Officers,
16 Federal Protective Service police officers and contract guards and Federal law
17 enforcement officers with offices within the United States Courthouse or Federal
18 court facility, all law enforcement officers must secure all firearms and dangerous
19 weapons with the United States Marshals Service. Federal law enforcement
20 officers, with offices in the United States Courthouse or Federal court facility, shall
21 secure their firearms in their offices.
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1 In the event of an emergency situation and in response thereto, the U.S.
2 Marshal or his designee may waive the restrictions identified above on allowing
3 weapons into a courthouse or federal court facility.
4

5 **Courtrooms.** Only United States Marshals and United States Court
6 Security Officers are allowed in courtrooms with weapons. All other law
7 enforcement officers attending court proceedings must secure all firearms and
8 dangerous weapons with the United States Marshals Service.
9

10 **VIOLATIONS**

11
12 Any violation of any portion of this Order may result in confiscation of the
13 prohibited device, removal from the building, and/or the imposition of contempt
14 sanctions against the violator individually and, if attending in the capacity of any
15 employee or agent, against the employer or principal.
16
17

18 This Order was approved by the Article III judges of the U.S. District Court,
19 Eastern District of Washington, on April 22, 2013. The Order shall take effect
20 immediately.
21

22 DATED this 22nd day of April, 2013.
23

24 
25

26 _____
27 ROSANNA MALOUF PETERSON
28 CHIEF UNITED STATES DISTRICT JUDGE
FOR THE COURT



Exhibit 1

Items Prohibited from Federal Facilities: An Interagency Security Committee Standard

February 2013



Interagency
Security
Committee



Message from the Interagency Security Committee Chair

One of the Department of Homeland Security's (DHS) top national priorities is the protection of Federal employees and private citizens who work within and visit U.S. government-owned or leased facilities. The Interagency Security Committee (ISC), chaired by DHS, consists of 51 Federal departments and agencies, and has as its mission the development of security standards and best practices for nonmilitary Federal facilities in the United States.

As Chair of the Interagency Security Committee, I am pleased to introduce the new ISC document titled *Items Prohibited from Federal Facilities: An Interagency Security Committee Standard* (this Standard).

This Standard establishes a guideline process for detailing control of prohibited items into Federal facilities and identifies responsibilities for denying entry to those individuals who attempt to enter with such items. The list of prohibited items represents a baseline for Federal facilities at the facility's entry points. This document does not cover every item that may be prohibited or controlled in every portion of every facility. The Facility Security Committee (FSC), Designated Official (DO), or appropriate legal authority may prohibit items in certain areas of that facility or by certain individuals or groups that might otherwise be permitted into the facility.

An established list of prohibited items for entry into Federal facilities provides consistency and prevents confusion at screening checkpoints. The FSC, DO, or appropriate legal authority having the responsibility for the security policies of a Federal facility should develop and adopt policies and procedures necessary for the implementation of this Standard in their facility. Consideration should be given to the specific process for granting exemptions/exceptions and should include a statement relating to those items already inside the facility at the time this Standard is adopted. The facility's policies should also include the position on employee possession of items that are prohibited, but not illegal.

Consistent with Executive Order 12977 (October 19, 1995), *Items Prohibited from Federal Facilities: An Interagency Security Committee Standard* is intended to be applied to all buildings and facilities in the United States occupied by Federal employees for nonmilitary activities. These include existing owned, to be purchased or leased facilities; stand-alone facilities; Federal campuses; individual facilities on Federal campuses; and special-use facilities.

This Standard is a significant milestone and represents exemplary collaboration across the ISC and among the ISC Prohibited Items Working Group. With full concurrence, ISC primary members approved this Standard on 5 November 2012 and will review and update this Standard as needed.

A handwritten signature in blue ink, appearing to read 'Caitlin Durkovich'.

Caitlin Durkovich
Interagency Security Committee Chair
U.S. Department of Homeland Security

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1.0 Background

The primary mission of the working group was to develop a standard that established a list of prohibited items for entry into all nonmilitary Federal facilities. Prohibited items may include items that are dangerous, unlawful, or those otherwise determined to create vulnerabilities to the occupant agency (or agencies) or visiting public. An established list of prohibited items for entry into Federal facilities provides consistency and prevents confusion at screening checkpoints.

The working group's objective was to develop a baseline list of prohibited items that each facility could use as a starting point to develop a customized list of prohibited items that is tailored to meet the risk faced by the facility. The items in this standard are prohibited from entering a Federal facility, whether or not facilities have a screening checkpoint, unless granted an exception or exemption by the Facility Security Committee (FSC), Designated Official (DO), or legal authority. The Interagency Security Committee (ISC) recognizes that Federal departments and agencies will implement this Standard and use its guidance in a manner reflecting the unique and varied mission requirements of their respective components, while also abiding by applicable Federal, State, local and tribal law.

2.0 Applicability and Scope

Pursuant to the authority provided to the ISC in Section 5 of Executive Order (EO) 12977, as amended by E.O. 13286, this ISC Standard identifies a baseline list of prohibited items that each FSC or DO, with input from an appropriate legal authority (when applicable) shall customize to mitigate facility risk. The items on the facility-specific prohibited items list are prohibited from entry into buildings and facilities in the United States and its territories, occupied by Federal employees for nonmilitary activities. This document is not intended for items that have been authorized for official use.

This document provides a baseline list of prohibited items, which includes firearms, weapons, explosives, or other destructive devices (including their individual parts or components) that are designed, modified, used, intended for use, or readily converted to cause injury, death, or property damage. The FSC or DO shall not allow the removal of an item from the baseline or customized prohibited items list if the item is prohibited by Federal, State or tribal law.¹ This list applies to all facility occupants, contractors, and the visiting public, and is to be used in conjunction with all other ISC standards and applicable Federal, State, local, and tribal laws.² Exemptions, such as lawful performance of official duties by an officer, can be found in the footnotes below.

These baseline prohibited items lists also include a breakdown of controlled items that may otherwise be prohibited from a particular Federal facility but may have some legitimate and lawful purpose and/or use in Federal facilities, such as sporting equipment or tools of the trade (i.e., a maintenance worker bringing industrial chemicals to perform their duties). These items may require advance written notification and subsequent approval prior to admittance to a facility.

¹ 18 U.S.C. § 930 and Title 41, CFR Part 102-74 Subpart C.

² 18 U.S.C. § 930 : US Code - Section 930: Possession of firearms and dangerous weapons in Federal facilities:

(d) Subsection (a) shall not apply to -

(1) the lawful performance of official duties by an officer, agent, or employee of the United States, a State, or a political subdivision thereof, who is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of law;

(2) the possession of a firearm or other dangerous weapon by a Federal official or a member of the Armed Forces if such possession is authorized by law; or

(3) the lawful carrying of firearms or other dangerous weapons in a Federal facility incident to hunting or other lawful purposes.

(f) Nothing in this section limits the power of a court of the United States to punish for contempt or to promulgate rules or orders regulating, restricting, or prohibiting the possession of weapons within any building housing such court or any of its proceedings, or upon any grounds appurtenant to such building.

3.0 How to Apply This Standard

The purpose of this document is to establish a guideline detailing control of prohibited items in Federal facilities and to identify responsibilities for denying entry to those individuals who attempt to enter with such items.

This list is intended as a baseline of prohibited items for Federal facilities at the facility's entry points.

The FSC, DO, or appropriate legal authority, having the responsibility for the security policies of a Federal facility, should develop and adopt policies and procedures necessary for the implementation of this Standard in their facility. The FSC's policies should include the FSC's position on employee possession of items that are prohibited, but not illegal. The FSCs' should adopt policies that consider the specific process for granting exemptions and exceptions, and a statement relating to those items already in the building at the time this Standard is adopted.

Additional measures may be taken at vehicular, service, and/or loading dock entrances. These measures may be more restrictive based on local or agency rules or regulations. Further, it must be noted that the baseline list prescribed in this document is not intended to be all-inclusive and is to be updated as necessary.

This document does not cover every item that may be prohibited or controlled in every portion of each facility. This document also does not cover mail handling and screening. For information relating to mailroom best practices, please reference the ISC's *FOUO Best Practices for Mail Handling and Screening*.

For the purposes of this document, a facility is defined as space built or established to serve a particular purpose. The facility is inclusive of a building or suite, and associated support infrastructure (e.g., parking or utilities) and land. The FSC, DO, or appropriate legal authority may prohibit items that might otherwise be permitted into the facility from being allowed in certain portions of that facility or by certain individuals or groups. An example of this would be a court restricting the general public from possessing a cell phone in a court room but permitting such a device to be carried by a court employee or an attorney.

4.0 Lists of Prohibited Items

The items that are prohibited in Federal facilities include any item prohibited by any applicable Federal, State, local, and tribal law and/or ordinance, as well as firearms, dangerous weapons, explosives, or other destructive devices (including their individual parts or components) designed, redesigned, used, intended for use, or readily converted to cause injury, death, or property damage. This list applies to all facility occupants, contractors, and the visiting public.

4.1 Firearms and Projectile Weapons

The list of prohibited firearms and projectile weapons includes, but is not limited to:

1. Firearms or similar device that expels a projectile through the action of an explosive (unless meeting the exemptions listed in 18 U.S.C. § 930(d));
2. BB or pellet guns;
3. Compressed air guns;
4. Antique firearms;
5. Flare guns;
6. Realistic replica or toy firearms (unless meeting the exemptions listed in 18 U.S.C. § 930(d));
7. Spear guns;
8. Starter pistols;
9. Stun guns, cattle prods, dart-firing stun guns, and other electric weapons or controlled devices;
10. Ammunition, shotgun shells or firearm cartridges, black powder, smokeless propellant powder (unless meeting the exemptions listed in 18 U.S.C. § 930(d)); and
11. Slingshots.

4.2 Bladed, Edged, or Sharp Tools or Implements

The list of prohibited bladed, edged, or sharp tools, or implements includes, but is not limited to:

1. Axes and hatchets;
2. Bows and arrows;
3. Ice axes/ice picks;
4. Throwing stars (martial arts);
5. Knives, sabers, swords, daggers, and other bladed devices with a blade of more than 2 ½ inches (unless meeting the exemptions listed in 18 U.S.C. § 930(d)); and
6. Razor-type blades such as box cutters, utility knives, and razor blades not in a cartridge, but excluding safety razors (unless meeting the exemption listed in 18 U.S.C. § 930(d)(3)).

4.3 Club-like Items and Striking Devices

The list of club-like items and striking devices includes, but is not limited to:

1. Billy clubs;
2. Blackjacks;
3. Brass knuckles;
4. Chains in excess of 12 inches (Jewelry exceptions can be made);
5. Night sticks (unless meeting the exemptions listed in 18 U.S.C. § 930(d)); and
6. Martial arts weapons, including nunchucks and kubatons.

4.4 Destructive Devices, Explosives, or Combustible Chemical Compounds and Mixtures

The list of destructive devices, explosives, or any chemical compound or mixture that has a property of yielding readily to combustion or oxidation upon the application of heat, flame, or shock includes, but is not limited to:

1. Blasting caps or detonators;
2. Dynamite, nitroglycerin, trinitrotoluene, ammonium nitrate, and others;
3. Fireworks;
4. Gunpowder;
5. Hand grenades, mine, bomb, rocket, missile, pipe bomb, plastic explosives;
6. Realistic replicas of explosives or similar devices;
7. Explosive or expanding gases;
8. Gas torches; and
9. Flammable Liquids (i.e., gasoline, turpentine, and paint thinner) (unless meeting the exemption listed in 18 U.S.C. § 930(d)(3)).

4.5 Disabling Chemicals and Other Dangerous Items

The list of disabling chemicals and other dangerous items includes, but is not limited to:

1. Mace, pepper spray, tear gas, tear gas gun, or other chemical spray designed for self-defense (unless meeting the exemption listed in 18 U.S.C. § 930(d));
2. Spillable batteries, except those in wheel chairs or similar devices used by a mobility impaired individual;
3. Spray paint (unless meeting the exemption listed in 18 U.S.C. § 930(d)(3)); and
4. Poisonous gases.

5.0 Procedures for Exceptions and Exemptions to Prohibited Items

5.1 Background

1. As general guidance, some items that are otherwise prohibited from a Federal facility may have some legitimate and lawful purpose or use in a Federal facility. These legitimate purposes may include accommodations for compliance with specific civil rights and civil liberties under Federal laws including, but not limited to, Title VII of the Civil Rights Act, the Americans with Disabilities Act, the Rehabilitation Act, and the Religious Freedom Restoration Act.
2. It is the primary responsibility of the FSC of a particular Federal facility (or the DO in single tenant facilities) to determine and approve exceptions (temporary in nature and granted for specific occurrences or a defined time period) and exemptions (permanent in nature until rescinded) for prohibited items. Agencies can reserve the right to grant access through a screening checkpoint of an otherwise-prohibited item described in Section 4.0 that an individual has a legitimate and lawful right to possess in a Federal facility.
3. Recommended factors to consider when determining and approving exceptions and exemptions include the mission of the particular Federal facility and the status of the requestor asking for an exception or exemption. For example, a higher risk facility security level, based on the mission of its occupants, might require heightened scrutiny in approving exceptions and exemptions; and a Federal employee or contractor who has been subjected to and successfully passed a security background check or suitability for employment, might require less scrutiny for an exception or exemption than a member of the general public.

5.2 Procedures

1. It shall be the responsibility of the FSC, DO, or appropriate legal authority to establish, maintain, review, and update procedures necessary for granting exemptions and exceptions, to include the development of any local forms as appropriate.
2. FSC or DO shall develop internal controls and documentation procedures for prohibited item exceptions and exemptions, to include the procedures to be followed when such exemptions or exceptions have been denied.
3. The FSC or DO shall provide a copy of all approved exceptions and exemptions to each screening checkpoint and to the facility security organization.
4. If a facility occupant wishes to obtain authorization to enter with or possess a prohibited or controlled item, he or she must do so in accordance with the policies established for the specific facility.
5. FSC or DO should carefully consider—and seek legal counsel when necessary or appropriate—whether to grant or deny an exception or exemption to an individual for an item that is otherwise prohibited from a particular Federal facility, but may have a legitimate and lawful use.

6.0 Controlled Items

Controlled items are items that are considered potentially dangerous. Visitors are prohibited from bringing controlled items into Federal facilities. While not prohibited for use by Federal employees and contractors, controlled items do represent a legitimate risk as they could be used as weapons. Controlled items that may require advance notification for entry include tools of the trade and sporting equipment. The FSC or DO should establish a policy and procedure for the introduction and possession of such devices.

6.1 Tools of the Trade

Tools of the trade regard any item required for a person to do his or her job, such as hand tools for maintenance and construction or a chef's knife for a caterer.

6.1.1 Bladed, Edged, or Sharp weapons

The list of prohibited bladed, edged, or sharp weapons includes but is not limited to:

1. Saws, including cordless portable power saws;
2. Scissors, metal with pointed tips;
3. Screw drivers (except those in eyeglass repair kits);
4. Drills, including portable power drills; and
5. Tools including, but not limited to, wrenches, pliers, and folding, multi-purpose utility tools, etc.

6.1.2 Club-like Items and Striking Devices

The list of club-like items and striking devices includes, but is not limited to:

1. Hammers, and
2. Crowbars.

6.1.3 Destructive Devices, Explosives, or Combustible Chemical Compounds and Mixtures

The list of destructive devices, explosives, or any chemical compound or mixture that has a property of yielding readily to combustion or oxidation upon the application of heat, flame, or shock includes, but is not limited to:

1. Flares,
2. Gasoline, and
3. Aerosol sprays.

6.1.4 Disabling Chemicals and Other Dangerous Items

The list of disabling chemicals and other dangerous items includes, but is not limited to:

1. Chlorine and bleach;
2. Compressed gas cylinders, including fire extinguishers; and
3. Toxic industrial chemicals and/or materials.

6.2 Sporting Equipment

Sporting equipment consists of items used in the practice of, or participation in, certain physical activities, games, or sports.

6.2.1 Club-like Items and Striking Devices

The list club-like items and striking devices includes, but is not limited to:

1. Baseball bats,
2. Golf clubs,
3. Hockey sticks,
4. Lacrosse sticks,
5. Pool cues, and
6. Ski poles.

7.0 Definitions

Appropriate Legal Authority: Individuals charged or permitted under code or regulation with the authority to control the admittance of items in certain buildings or parts of a building. Examples include the control of personal electronic devices in areas where secure compartmental information may be stored, the prohibition for cameras in certain areas, or a judge prohibiting electronic devices in a courtroom or where witnesses or jurors may be present.

Building: An enclosed structure (above or below grade).

Building Entry: An access point into, or exit from, the building.

Controlled Item: Potentially dangerous devices or items that are not prohibited in Federal facilities that may require advance notification for entry for Federal and contract employees only.

Exception: Temporary in nature and granted for specific occurrences or a defined time period.

Exemption: Permanent in nature until rescinded.

Dangerous Weapons: A weapon, device, instrument, material, or substance (animate or inanimate) that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 1/2 inches in length.

Destructive Weapons: Includes any device which is either designed or redesigned for use as a dangerous weapon.

Designated Official: The highest ranking official of the primary tenant agency of a Federal facility or, alternatively, a designee selected by mutual agreement of tenant agency officials “41 Code of Federal Regulations (C.F.R.) § 102-71.20”.

Facility: Space built or established to serve a particular purpose. The facility is inclusive of a building or suite and associated support infrastructure (e.g., parking or utilities) and land.

Facility Security Committee: A committee responsible for addressing facility-specific security issues and approving the implementation of security measures and practices. The FSC consists of representatives of all Federal tenants in the facility, the security organization, and the owning or leasing department or agency. In the case of new construction or pending lease actions, the FSC will also include the project team and the planned tenant(s). The FSC was formerly known as the Building Security Committee (BSC).

Federal Contractor: According to 11 C.F.R. § 115.1 "a person, as defined by 11 C.F.R. § 100.10, who enters into a contract with the United States or any department or agency thereof for the rendition of personal services; or furnishing any material, supplies, or equipment; or selling any land or buildings; if the payment for the performance of the contract or payment for the material, supplies, equipment, land or building is to be made in whole or part from funds appropriated by Congress.”

Federal Departments and Agencies: Those executive departments enumerated in 5 United States Code (U.S.C.) § 101, independent establishments as defined by 5 U.S.C. § 104(1), Government corporations as defined by 5 U.S.C. § 103(1), and the U.S. Postal Service.

Federal Employee: An individual employed by the U.S. Federal Government.

Federal Facilities: Government leased and owned facilities in the United States (inclusive of its territories) occupied by Federal employees for nonmilitary activities.

Federal Tenant: A Federal department or agency that occupies space and pays rent on this space in a Federal facility.

Government-Owned: A facility owned by the United States and under the custody and control of a Federal department or agency.

Jewelry: Jewels; especially objects of precious metal often set with gems and worn for personal adornment.

Law Enforcement Officer: Any officer, agent, or employee of the United States, a State, or political subdivision thereof, that in the lawful performance of official duties is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of law.

Occupant: Any person who is permanently or regularly assigned to the government facility and displays the required identification badge or pass for access. The FSC establishes the thresholds for determining who qualifies for occupant status.

Non-Federal Tenant: For the purposes of entry control, employees of non-Federal tenants who occupy other space in a mixed multi-tenant facility. The FSC (and lease agreement) would establish entry control requirements applicable to non-Federal tenants passing through a Federal entry control point (in accordance with established policies).

Prohibited Item: An item, legal or illegal in nature, where possession is restricted from entry into a facility by Federal, State, or local law, regulation, court-order, rule, or FSC policy.

Security Organization: The government agency or an internal agency component responsible for physical security for the specific facility.

Sporting Equipment: Includes any object used for sport or exercise.

Tools of the Trade: Items required for a person to do his or her job, such as hand tools for maintenance and construction or a chef's knife for a caterer.

Visitor: Any person entering the government facility that does not possess the required identification badge or pass for access or who otherwise does not qualify as an "occupant."

Weapon: An object, (such as a club, knife, or gun) used to injure, defeat, or destroy.

8.0 References

- E.O. 12977, “Interagency Security Committee,” October 19, 1995.
- 41 C.F.R. §§ 102-71.20; 102-74 Subpart C.
- 18 U.S.C. § 930: “Possession of firearms and dangerous weapons in Federal facilities,” (2011). <http://uscode.house.gov/download/pls/18C44.txt>.
- September 2011/1st Edition - Combating Terrorism Technical Support Office /Technical Support Working Group/ISC - Best Practices for Mail Screening and Handling (For Official Use Only)

9.0 Interagency Security Committee Participants

ISC Chair

Caitlin Durkovich

Assistant Secretary for Infrastructure Protection
U.S. Department of Homeland Security

ISC Executive Director

Austin Smith

Interagency Security Committee
Office of Infrastructure Protection
U.S. Department of Homeland Security

ISC Working Group Members

David L. Olson - Chair
Regional Director
Federal Protective Service

Robert J. Carter
Office of Facilities Management
& Services Programs
U.S. General Services Administration

Timothy Deane
Supervisory Security Specialist
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Mark Hartz
Physical Security Specialist
Administrative Office of the U.S. Courts

James Patrick Gallagher
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George N. Brown
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Josh Williams
Office of Environmental Management
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Ashley Gotlinger
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Interagency Security Committee

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Senior Program Manager
Interagency Security Committee

Antonio Reynolds
Security Specialist
Interagency Security Committee

APRIL 22, 2013

SEAN F. McAVOY, CLERK
SPOKANE, WASHINGTON

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

In Re

UNITED STATES COURTHOUSES
AND FEDERAL COURT
FACILITIES IN SPOKANE,
YAKIMA AND RICHLAND,
WASHINGTON.

GENERAL ORDER NO. 13-113-1

RE UTILIZATION OF ELECTRONIC
DEVICES DURING COURT
PROCEEDINGS

This Order applies to courtroom proceedings in all United States
Courthouses and Federal court facilities located in the Eastern District of
Washington, specifically including:

1. The Thomas S. Foley United States Courthouse, 920 West Riverside
Avenue, Spokane, Washington 99201;
2. The United States Post Office Building, 904 West Riverside Avenue,
Spokane, Washington 99201;
3. The William O. Douglas Courthouse, 25 South Third Street, Yakima,
Washington 98901;

1 4. The United States Bankruptcy Court – Chinook Tower, 402 East Yakima
2 Avenue, Yakima, Washington 98901; and

3
4 5. The United States Courthouse, 825 Jadwin Avenue, Richland,
5 Washington 99352.

6 Additionally, court proceedings may be held in other facilities or buildings
7
8 from time to time. This Order covers all court locations as described above and
9 any Federal court facility as defined in 18 U.S.C. § 930(g)(1), as follows:

10 The term “Federal court facility” means the courtroom, judges’ chambers,
11
12 witness rooms, jury deliberation rooms, attorney conference rooms, prisoner
13
14 holding cells, offices of the court clerks, the United States attorney, and the
15
16 United States Marshal, probation and parole offices, and adjoining corridors
17 of any court of the United States.

18 **USE OF ELECTRONIC DEVICES IN THE COURTROOM DURING**
19 **COURT PROCEEDINGS – GENERAL PUBLIC**

20 Pursuant to General Order No. 13-54-1, all forms, means, and manner of
21 capturing, recording, broadcasting, transmitting, and/or storing of anything by use
22 of electronic, photographic, audio and/or visual means are prohibited in all
23
24 courtrooms and environs thereto during the course of, or in connection with, any
25
26 judicial proceedings whether the Court is actually in session or not. No person
27
28 shall use any electronic device in the courtroom for voice communications or to
create a verbatim transcript or recording of court proceedings or the testimony of a

1 witness. Further, pursuant to General Order 13-54-1, unless otherwise ordered by
2 the Court, no person will be allowed to use a laptop computer or other electronic
3 device, e.g., tablets or smart phones, within the courtroom with the following
4 exceptions:
5

- 6 1. Resident or visiting federal court staff;
- 7
- 8 2. Any member of the Bar of this Court and/or their staff members; and
- 9 3. Members of the media who have been approved by the presiding judge to

10 report electronically, e.g. via twitter or blogging.
11

12
13 **USE OF ELECTRONIC DEVICES IN THE COURTROOM DURING**
14 **COURT PROCEEDINGS – NOTE TAKING, SENDING/RECEIVING**
15 **MESSAGES, AND LIVE MEDIA BLOGGING**

16 For purposes of this Order, live media blogging is defined as the use of an
17 electronic device, such as laptop, tablet or smart phone, together with wireless
18 internet access to upload text to an internet site or to a peer who will use the text
19 for on-line, televised or print news coverage.
20

21
22 The Court will entertain formal requests for live media blogging on a case-
23 by-case basis. Ruling upon live blogging requests is at the sole discretion of the
24 presiding judge, may stand for a single court proceeding within an identified case
25 or for all public proceedings within an identified case, and is non-reviewable,
26 except where provided by law.
27
28

1 All requests must be made by using the *Request for Live Media Blogging*
2 form posted on the Court's website. Requests must be e-mailed to the presiding
3 judge's orders email address which can be found at the Court's website.
4

5 Members of the media receiving approval from the presiding judge for a
6 *Request for Live Media Blogging* will be issued a Media Badge by court staff. The
7 badges shall be worn in the courtroom so that they are clearly noticeable to all
8 attendees. A designated seating area in the courtroom shall be reserved for
9 members of the media.
10
11

12 Only identified members of the media, i.e., those wearing badges provided
13 by court staff, shall be permitted to use electronic devices in the courtroom.
14 Electronic devices shall only be used for note taking, to send/receive text
15 messages, emails and tweets, and to perform live media blogging activities.
16
17

18 The use of electronic or other devices shall be in such a manner as to not be
19 a distraction to the Court, the jury, or others in attendance during the trial. If the
20 use of electronic devices is disruptive or interferes with the court's sound system or
21 other electronic projections, the use of electronic devices will be modified
22 or prohibited.
23
24

25 All electronic devices shall be placed in silent or vibrate mode to prevent
26 audible alarms being heard, and only "silent" keyboards may be used in the
27 courtroom.
28

1 Still and video cameras are prohibited anywhere in the courthouse, and no
2 device may be operated in camera, record, or video mode. Photography and audio
3 and video recording, transmission or broadcast are prohibited in the courthouse.
4

5 No electronic or other device shall be used to create a verbatim transcript or
6 recording of court proceedings or the testimony of a witness. Note taking as to
7 specific individualized statements of the court, attorneys, or witnesses is permitted.
8

9 No person shall use any electronic device for voice communications in the
10 courtroom.
11

12 This Order was approved by the Article III judges of the U.S. District Court,
13 Eastern District of Washington, on April 22, 2013. The Order shall take effect
14 immediately. The Court may modify its electronic device use policy at any time
15 and for any reason.
16

17
18 DATED this 22nd day of April, 2013.

19
20
21 

22 _____
23 ROSANNA MALOUF PETERSON
24 CHIEF UNITED STATES DISTRICT JUDGE
25 FOR THE COURT
26
27
28