

COURT WATCH

• NOLA •

DISCONNECTED:

**Mobile Phone Access in
Orleans Parish**

Criminal District Court

2024

“It's 2024. I think courts are certainly capable of maintaining order in their courtrooms, and I don't necessarily see phones being an issue that would get in the way of that. From a policy perspective, the court could say, if you're bringing a phone in, you have to turn it off or [put it on] silent. In Louisiana, you're not allowed to take pictures in the courtroom. I imagine that's the main concern of the court to abide by that rule. But like every other rule, if you violate it, you can be held accountable for it. And then you take a picture and you post it, like you're just telling on yourself. So like there's a natural accountability mechanism kind of baked in there.”

**--WILL SNOWDEN, PROFESSOR,
LOYOLA UNIVERSITY NEW ORLEANS
COLLEGE OF LAW**

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I: THE COURT'S EXCLUSIONARY CELL PHONE POLICY

The Orleans Parish Criminal District Court (CDC) does not allow the public to enter the courthouse with mobile phones or other electronic devices. This creates a significant barrier for members of the community who need access to the courthouse. Mobile phones are integrated into people's lives in ways that have a profound impact on transportation, scheduling, communicating with dependents, employment, and safety, all of which are directly relevant when a person has to attend a hearing at the courthouse. In 2024, it is time for Orleans Parish Criminal District Court to allow people to bring mobile phones into the courthouse.

Court Watch NOLA (CWN) has previously been granted permission from the court for CWN-trained court watchers to bring their phones into the building. On December 9th, 2022, CWN staff informed our court watchers that the Judges in the CDC had voted and Court Watch NOLA court watchers are no longer permitted access to the courthouse with phones. Court staff contacted Executive Director Darrin Browder directly to inform him of the policy change.

In full transparency, prior to the court's decision, a CWN court watcher neglected to turn off their phone in court, which is a violation of CWN policy. We corrected the court watcher and apologized to the court. It was a regrettable error and we wanted to discuss options with the court on the steps we were taking to ensure it didn't happen again. The CDC en banc met and voted to revoke our permission to enter the courthouse with mobile phones.

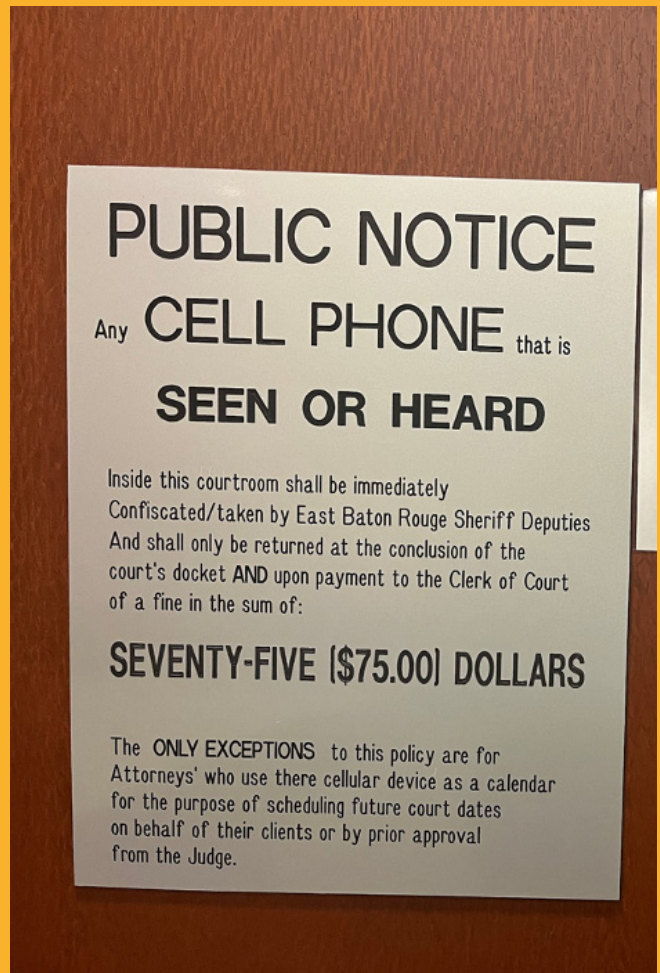
In the subsequent year, it has become clear to us how much more difficult it is to attend court when you can't enter the building with your phone. This isn't just an issue that affects Court Watch NOLA, but it places a significant barrier in the path of all New Orleans community members who need to access the courthouse.

II: COMPARISON TO OTHER CITIES

When it comes to courthouse mobile phone policies, New Orleans is an outlier. Court Watch NOLA examined the mobile phone and electronic device policies for the top 50 cities in the United States by FBI UCR violent crime rates.¹ When information was not clear on the website, CWN called the courthouse to ask about their policy. Of these top 50 cities, only 2 do not permit members of the public to enter the courthouse with their mobile phones. One of those 2 is New Orleans.

CELL PHONES ALLOWED IN COURTHOUSE				
St. Louis*	Detroit	Baltimore	Kansas City	Milwaukee
Cleveland	Stockton	Oakland	San Bernardino	Anchorage
Nashville	Minneapolis	Houston	Tulsa	Baton Rouge
Wichita	Buffalo	Las Vegas	Washington, D.C.	Philadelphia
Atlanta	Newark	Tucson	Oklahoma City	Dallas
Los Angeles	Phoenix	Orlando	Mobile	Miami
San Francisco	San Antonio	Corpus Christi	Denver	Sacramento
Reno	Des Moines	Long Beach	St. Paul	Omaha
Cincinnati	Indianapolis	Louisville	Pittsburgh	St. Petersburg
Chicago*	Boston	Memphis	*MUST BE STORED IN LOCKER	
CELL PHONES PROHIBITED IN COURTHOUSE				
New Orleans		Albuquerque		

New Orleans Municipal Court, Orleans Parish Civil District Court, Orleans Parish Juvenile Court, and United States District Court Eastern District of Louisiana all permit visitors to the courthouses to enter with their mobile phones. New Orleans Municipal Court Judge Bobby Jones told CWN that, "In my decades on the bench, I have not found cell phones to be a distraction in my courtroom."² The 19th Judicial District Court in Baton Rouge and the 24th Judicial District Court in Jefferson Parish both allow people to enter the courthouse with mobile phones.³⁴ In New Orleans Municipal Court, constables and court staff consistently remind persons sitting in the courtroom to put away their phones. In Baton Rouge's 19th Judicial District Court building, there are signs in the lobby and outside the courtroom that inform visitors that any phone "seen or heard" will be confiscated and require a \$75 fine to return it.⁵ When the Baton Rouge Sheriff's Office deputies open



the door to the courtroom, they announce the policy to everyone waiting to enter. When the judge begins the court session, they announce the policy to everyone in the courtroom. Proactive steps to inform the public of court policy and consistent enforcement of the policy are sufficient measures for these two courts that allow the public to enter with their phones.

Multiple state supreme courts, governing bodies, and legislatures have enacted rules to permit the public to access all lower courts in the state with mobile phones, including Michigan (2020),⁶ Massachusetts (2021),⁷ South Carolina (2023),⁸ and Maryland (2022).⁹ Most notably, Delaware ran a pilot program¹⁰ that resulted in a 2023 order by the Delaware Judicial Branch for all state courthouses to allow the public to enter with “Portable Electronic Devices” (PED).^{11,12}

Only 25 of the 50 courts CWN researched have clearly-stated policies on their website that inform visitors if the court allows them to enter the building with mobile phones or electronic devices. Orleans Parish Criminal District Court’s website does have this information posted on the front page, but it states that “The Sheriff’s Office will confiscate and discard these items and entry will be denied.”¹³

This policy stands in stark contrast to that of the 19th JDC in Baton Rouge, which charges a \$75 fine rather than throwing the phone in the trash.¹⁴ The Delaware Judicial Branch regulations require that “any person using a PED in violation of this policy [...] may be compelled to power off and securely store the PED in a locking pouch provided by the Court,” as well as be subject to removal from the court or contempt of court.¹⁵ CWN has not seen Orleans Parish CDC’s policy of discarding phones carried out when members of the public bring phones to the security checkpoint at the entrance to the courthouse, but if that policy was enacted, confiscating and discarding a person’s cell phone would be a gross overreaction and highly inappropriate. We encourage the court to revise this policy.

Court Watch NOLA has also observed inconsistency in the court’s policy on allowing smartwatches into the building. CWN sought clarification about smartwatches from the Judicial Administrator’s office who confirmed that visitors to the courthouse are allowed to enter with smartwatches. However, on multiple occasions, CWN staff has observed Orleans Parish Sheriff’s Office deputies refuse entry to people with smartwatches, and on busy days they have made announcements outside the courthouse that smartwatches are not permitted.

III: COMMUNITY SURVEY RESULTS

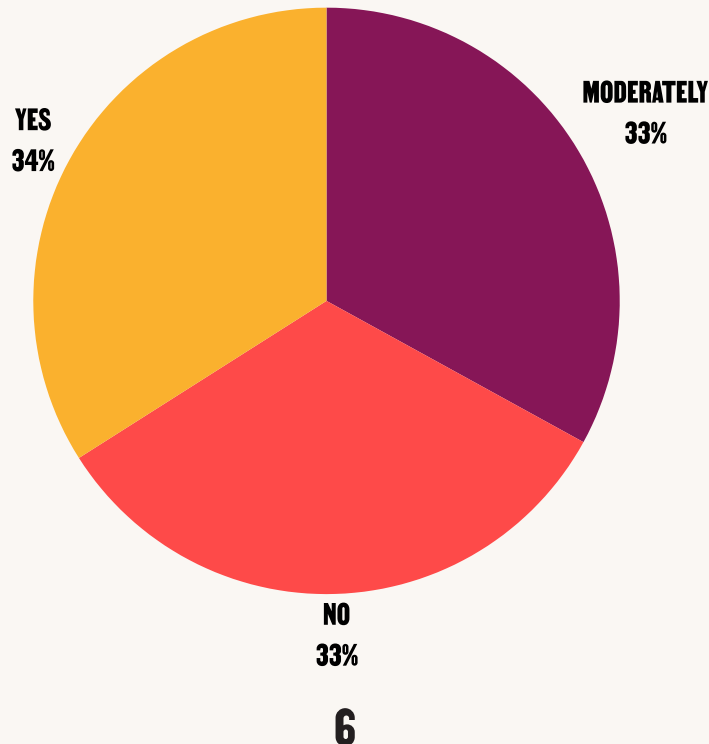
In order to better understand the needs of people visiting the courthouse, Court Watch NOLA court watchers spent five days over two months surveying visitors to the courthouse about access to the building with their phones. Respondents were asked five questions:

1. Before you came to court today, did you know that you weren't allowed to bring your phone into the courthouse?
2. Did not being able to bring your phone today make it more difficult to attend court?
3. How did you get here today?
4. Did you feel less safe without your phone?
5. Do you live in Orleans Parish?

68 out of 102 respondents answered that not being able to bring a phone made it more difficult or moderately more difficult to attend court.

DID NOT HAVING YOUR PHONE MAKE IT MORE DIFFICULT TO ATTEND COURT?

N= 102

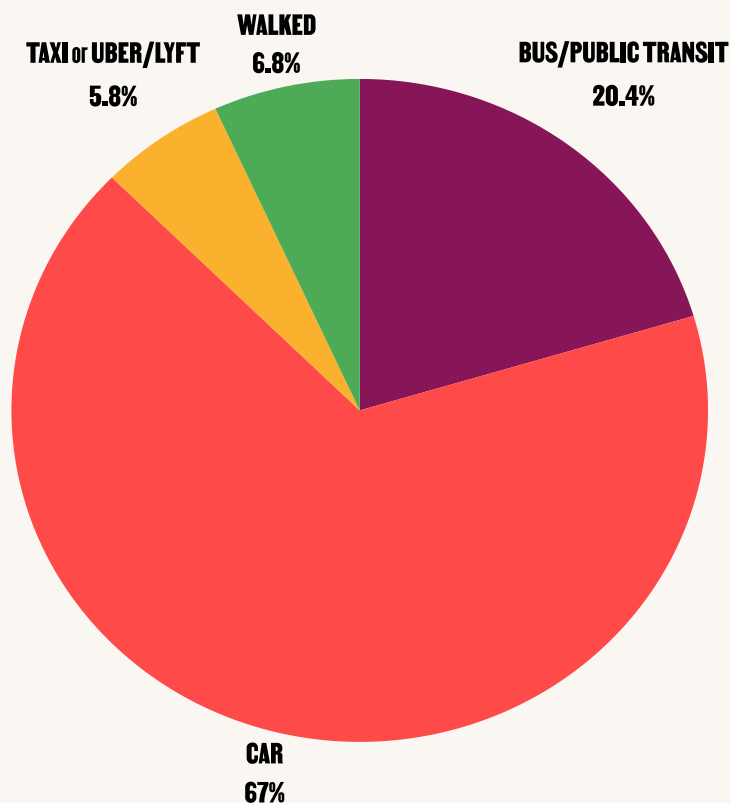


33% of the people surveyed by Court Watch NOLA court watchers didn't drive their cars when they came to court. 20% took public transit, almost 5% arrived in a taxi or a rideshare, and almost 7% walked. These are not insignificant numbers. The 2022 American Community Survey found that 17.4% of New Orleans households don't have access to a car,¹⁶ and the average household in New Orleans has 3.35 people,¹⁷ so the percentage of community members without access to a car is assuredly higher. Only 63.4% of New Orleans workers said that they drove themselves to work.¹⁸

New Orleans RTA ridership increased almost 2 million annually from 2021 to 2022 (6.95 million to 8.9 million),¹⁹ and in 2018, RTA reported 67,713 average daily riders on weekdays when they would likely need to ride the bus to attend court.²⁰ Despite such a large section of our community members relying on public transit, RTA reduced service on 15 of its 30 routes in January of 2024, affecting 72% of the city's minority residents and 25% of its low-income residents.²¹ If these people need to attend court, their options are now more limited, more complicated, and more expensive. The court's policy prohibiting them from entering the courthouse with a mobile phone

HOW DID YOU GET HERE?

N=102



adds more logistical and financial barriers. Coordinating rides with a friend or taking a rideshare is made significantly more difficult without access to a phone. Additionally, many RTA riders who ride the bus use the LePass app on their phones to manage their fares.

RIDE New Orleans, a local transit advocacy group, said

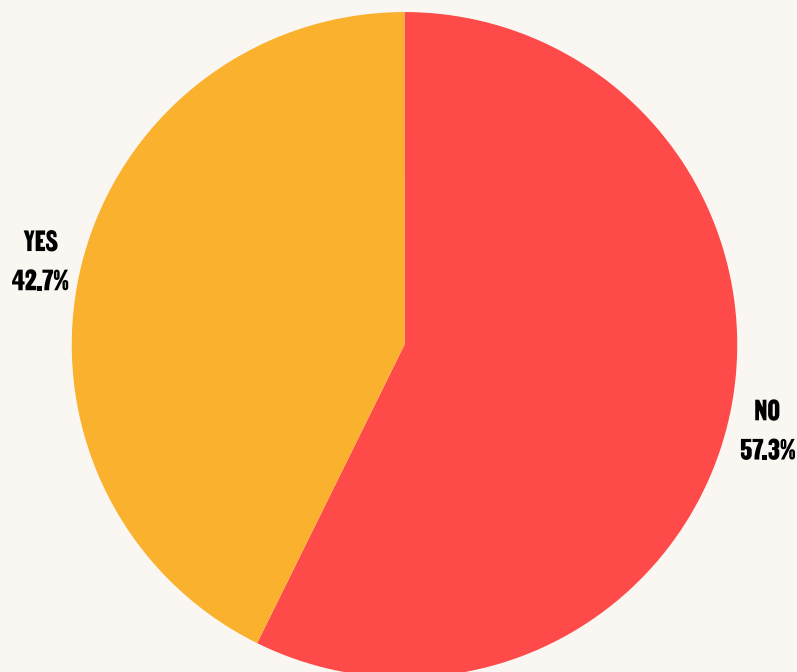
One in six households in Orleans Parish don't have access to a car. This policy harms Orleans Parish residents who don't have the luxury of driving to the courthouse in a car where they can store their electronic devices.

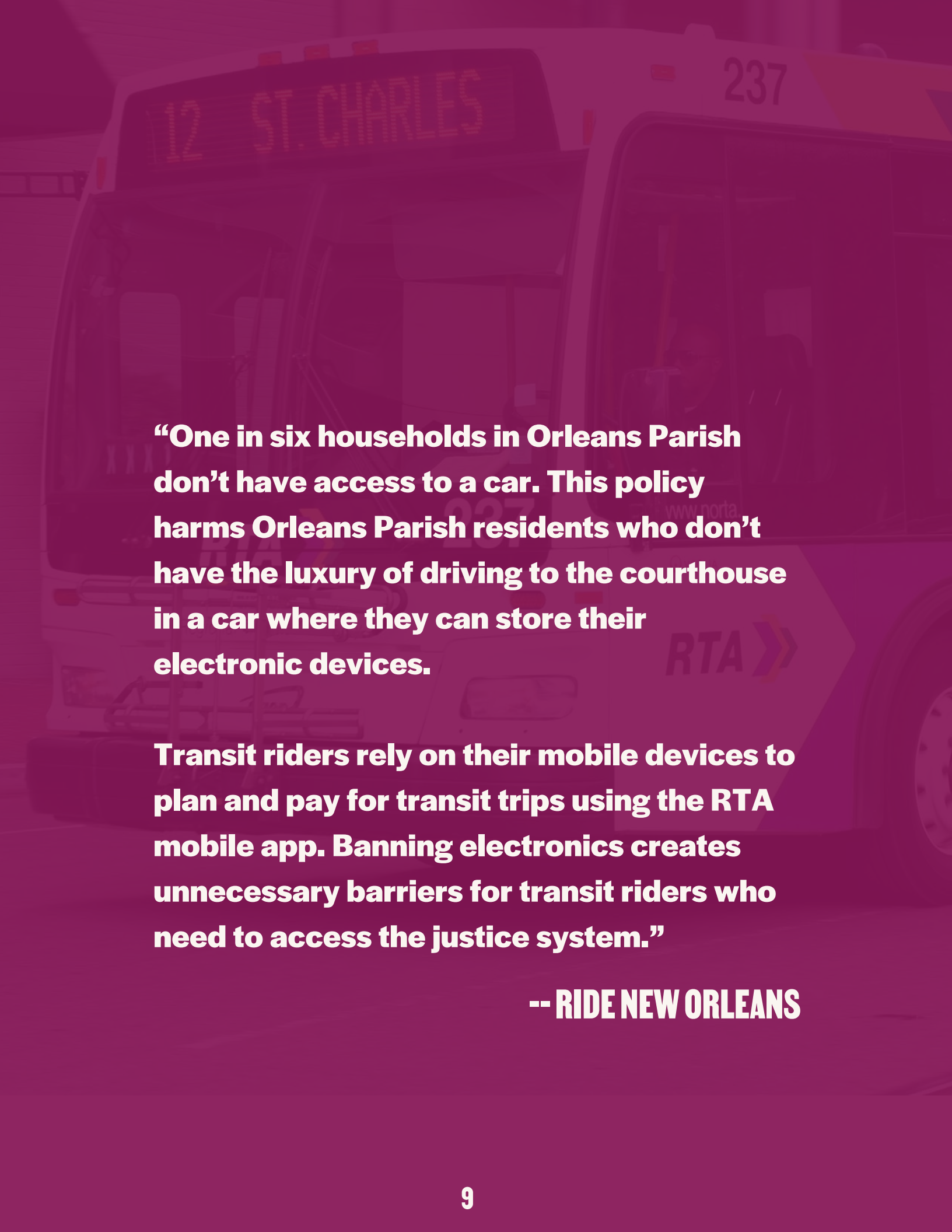
Transit riders rely on their mobile devices to plan and pay for transit trips using the RTA mobile app. Banning electronics creates unnecessary barriers for transit riders who need to access the justice system.²²

57% of the respondents said that they were not aware that they weren't allowed to bring their phones before they got to the courthouse.

DID YOU KNOW YOU WEREN'T ALLOWED TO BRING YOUR PHONE?

N= 102





“One in six households in Orleans Parish don’t have access to a car. This policy harms Orleans Parish residents who don’t have the luxury of driving to the courthouse in a car where they can store their electronic devices.

Transit riders rely on their mobile devices to plan and pay for transit trips using the RTA mobile app. Banning electronics creates unnecessary barriers for transit riders who need to access the justice system.”

-- RIDE NEW ORLEANS

Of the 1/3 of people who did not arrive in a car (either took public transit, a taxi/rideshare, or walked), 100% of them who did not know they couldn't bring their phones said that not being able to bring a phone with them made it more difficult to attend court.

By contrast, only 61.8% of people who drove themselves to court but were unaware of the policy said that it was more difficult for them to attend court without being allowed to bring their phone, and only 54.9% of those who knew about the policy said it made attending court more difficult. This indicates that both the mode of transportation and whether or not the person knew of the court's prohibition on mobile phones were significant factors in how difficult a person found attending court without their phones. People who drove themselves found it less inconvenient across the board. For those who didn't drive themselves, those who didn't know about the court's policy found it more difficult.

100% of people who took a taxi or rideshare said that it was more difficult to attend court without their phones. Whether or not they knew about the policy had no effect. This is likely because Uber and Lyft are app-based services and the workarounds to order a ride without using the app are convoluted.

Court Watch NOLA believes that the results of this survey are a powerful indicator that the majority of people find that the court's prohibition on entering the courthouse with mobile phones makes it more difficult for them to attend court, and that those who do not drive themselves to court are more negatively affected. We think this is a strong argument for the court to revise its policy and allow people to bring their phones with them.

IV: IMPACT ON DEFENDANTS

Defendants making case appearances don't have the option of staying home no matter how difficult or inconvenient it is for them to get to the courthouse. The stakes are higher for failure to appear, including contempt of court charges or incarceration, so they are possibly the most disadvantaged by the court's policy prohibiting mobile phones in the courthouse.

Will Snowden, Assistant Professor at Loyola University College of Law and former public defender at Orleans Public Defenders office, said:

Sometimes folks forget what courtroom they're in. Being able to text them and say, hey, we're in section B or section A is beneficial. Or in fact, they're on the way to court, but they're taking public transportation and they know they can't bring their phone. Sometimes they leave their phone at home because they don't have anywhere else to put it. And if they're not able to communicate their kind of progress towards arriving at court, that can put the defense attorney in a position of not being able to apprise the judge of when they expect the client to be there.²³

Attorneys are allowed to enter the courthouse with their phones and electronic devices because they are important tools that they use to defend their clients. The same privilege should be extended to defendants who are appearing in court. The disparity is especially noteworthy with unrepresented defendants or pro-se defendants. An unrepresented defendant or pro-se defendant could possibly have important evidence on their phones, such as records of communication with caseworkers needed to demonstrate compliance with court-ordered monitoring. Hearings are routinely continued or reset by the court during the progression towards trial, which could place the defendant in a difficult situation without access to calendars and work or school schedules that they access on mobile phones. Defendants who are on probation or parole are required to make regular court appearances, and most will be unrepresented when they appear due to the cost of paying for a lawyer.

V: MEDICAL ACCESSIBILITY

Mobile phones are not just leisure devices. They are used extensively as important tools for managing medical conditions. Lila Zucker, Organizing Director for New Disabled South, said that prohibiting the public from entering the courthouse with phones “is just a horrifying limitation on people with disabilities. So many different types of disabilities rely on electronic devices.”²⁴

Zucker, who is diabetic, uses a continuous glucose monitor that connects to her cell phone to make sure that her blood sugar “doesn’t crash or skyrocket.”²⁵ Zucker also pointed out that people with a variety of other disabilities need phones and electronic devices to manage their conditions:

- People that are blind or low vision use apps on their phone or other devices to read screens, signs, and paperwork. They require electronic devices to be able to even access the space and materials like maps to get around.
- People that are deaf or hard of hearing often use apps on their cell phones and other types of technology [ed: such as bluetooth hearing aids] to be able to communicate if there’s not an ASL interpreter or closed captions, which oftentimes there are not in courtrooms.
- People with mobility impairments and a number of primarily physical disabilities that utilize pumps of different types of medications. Not just insulin pumps, but pumps that dispense pain medications and other medications that allow people to navigate the world.
- People with different types of disabilities that affect their memory or processing that require technology to be able to take notes to process what’s happening in front of them and recall that for the future.²⁶

Since the court revoked CWN’s access to the courthouse with mobile phones, we have had two court watchers who have been unable to continue court watching due to medical issues that must be managed with their phones. Emma Rode, who, like Zucker, is a diabetic, was unable to continue court watching because of her dependence on her mobile phone as a medical device:

I have Type One Diabetes, a chronic illness that requires 24/7 management. I wear an insulin pump and a continuous glucose monitor. I used to carry around a blood test kit and clunky electronic pump manager. Thanks to new technology and research, I am now able to manage completely from my cell phone. I can view my blood sugar, the direction [in] which it is traveling, and take insulin all from my cell phone. Not to mention, I give the insulin through a self coded artificial pancreas system. A system that I am so unbelievably lucky to have access to. This accessibility has changed my life. It has made managing this wicked disease as easy as it can get.

I am using cutting edge, life improving technology and it prevented me from an exciting experience. I was unable to go to Criminal District Court with my classmates. I have no choice but to deal with this disease, as do so many others. Please consider my personal experience and allow the public access to the courthouse with cell phones.²⁷

Typing on a mobile device keyboard is already easier than writing with a pen for many people with impaired fine motor skills, but predictive keyboards and text-complete functions can dramatically reduce the amount of input required to write something down. Reagan Mitchell suffers from disabilities that affect her ability to write. Because attorneys are allowed to enter the courthouse with electronic devices, when Mitchell has business in the court as a Tulane Law student, she is allowed to enter with her assistive technology, but she is denied entry with the same devices when she tries to enter the courthouse as a Court Watch NOLA court watcher.²⁸ Mitchell said:

I struggle with medical disabilities due to an injury event that heavily affected my back. [...] Additionally, my disabilities have caused neurological tremors. This medical challenge makes it hard to handwrite at times and [I] even have trouble typing for extended periods of time. Tulane Law [School] has accommodated my disability with accessibility support by allowing me to have a laptop or dictation device with me in any classroom, even if technology is not allowed.[...] It seems imperative to have technology to accurately record observations and information, as well as have the ability to have a phone for safety reasons. Navigating to the courtroom alone in a dangerous area where I have to leave technology in the car doesn't seem safe. Especially as someone with disabilities and needs to benefit from technology to record information more efficiently and am more susceptible as a target for potentially having my property stolen or [being] attacked.

I'd like to request a potential exception to this rule, but ultimately believe technology should be accessible to everyone like most courthouses in America allow.²⁹

Medical issues that require mobile phones to manage aren't exclusive to Court Watch NOLA volunteers. If this was an obstacle for two of our court watchers during this short window, how many members of the public were prevented from supporting a family member during a hearing because they had to choose between sacrificing their ability to manage a health condition or disability and entering the courthouse?

Zucker said that "By not allowing people to bring in the technology that literally in many cases keeps them alive, it is forcing people with disabilities to not be involved with the legal process, and oftentimes literally not able to engage with our system of justice and the criminal legal system. These are not choices that people can make or things that they can leave at home. These are devices that are absolutely necessary for them to navigate the world, understand and participate in conversations, or just exist in that courthouse, and by limiting that you are preventing a large chunk of the population from participating in the criminal legal system just because they use technology to live and navigate the world."³⁰

In September of 2024, the FDA authorized the use of Apple AirPods Pro headphones as "the first over-the-counter hearing aid software device." Dr. Michelle Tarver, director of the FDA's Center for Devices and Radiological Health, said, "Hearing loss is a significant public health issue impacting millions of Americans. Today's marketing authorization of an over-the-counter hearing aid software on a widely used consumer audio product is another step that advances the availability, accessibility and acceptability of hearing support for adults with perceived mild to moderate hearing loss." Hearing loss affects more than 30 million American adults, and the court's policy banning electronic devices would prevent them from using an affordable, over-the-counter assistive technology to help manage their condition when visiting court.

While we believe that allowing members of the public access to their mobile phones to manage their medical conditions is simply the right thing to do on moral grounds, there may soon be legal justification. As mobile phones are more widely adopted by healthcare providers as therapeutic and assistive devices, access to them will likely fall under the Americans with Disabilities Act. The ADA already has robust guidelines for the accessibility needs of people with communication disabilities in public buildings,³¹ and similar guidelines will likely be necessary for mobile phones.

“By not allowing people to bring in the technology that literally in many cases keeps them alive, it is forcing people with disabilities to not be involved with the legal process, and oftentimes literally not able to engage with our system of justice and the criminal legal system. These are not choices that people can make or things that they can leave at home. These are devices that are absolutely necessary for them to navigate the world, understand and participate in conversations, or just exist in that courthouse, and by limiting that you are preventing a large chunk of the population from participating in the criminal legal system just because they use technology to live and navigate the world.”

**--LILA ZUCKER, ORGANIZING DIRECTOR,
NEW DISABLED SOUTH**

VI: FINANCIAL CONFLICTS OF INTEREST

Loyola University College of Law professor Will Snowden said, “Most people will store their phone at the bail bondsman and that costs money. I don’t know how much it costs, but it’s an unnecessary cost to be present for whatever court case they might have, and a potential conflict of interest between court and bail bond business, as well.”³²

People trying to enter the courthouse who are denied entry with cell phones are sometimes directed to the bail bond office across the street, #1 Bail Bonds, which charges people a small fee to store phones while they are in court. The most immediate problem this presents is an additional financial burden on the public who need to access the courthouse, and the most negatively affected people are those who are likely taking public transit because they cannot afford a car.

CWN is also concerned with the possible financial conflict of interest this creates between a bail bond company and elected judges. If the court sets a policy that drives commercial business to a bail bondsman, that bondsman could be more likely to donate to judicial campaigns in the future to ensure the additional business keeps coming. Court Watch NOLA has identified at least one instance in 2022 where the owner of #1 Bail Bonds has donated to the campaign of an elected judge.³³ While it does not appear that this practice is widespread or common and the amount of money is small, the potential for impropriety is clear. It is essential for the court to avoid any appearance of such financial conflicts of interest if the public is expected to maintain trust and confidence in the criminal legal system. To be perfectly clear, Court Watch NOLA is not implying that there has been any impropriety to date with this potential conflict of interest, but this is a potentially-exploitable loophole, and it can and should be closed by the court. If the public is allowed to enter the courthouse with their phones, there is no need to pay a for-profit company for alternative phone storage.

VII: CRIME AND SAFETY

People feel more safe when they have their phones. 47% of the visitors to the courthouse surveyed by Court Watch NOLA court watchers said that not having their phones with them made them feel less safe.

DID YOU FEEL LESS SAFE WITHOUT YOUR PHONE?

N= 102



A person can obviously use a phone to contact the police after the commission of a crime, but phones can also be tools used to possibly prevent crimes. A person walking back to their car by themselves might want to talk to a friend on the phone to avoid interacting with strangers. If nothing less, just having the option to use the phone in an emergency might make the person feel more safe.

Crime and safety are not negligible issues in the area around the courthouse. CWN analyzed crime data from the crime map hosted on the New Orleans Police Department website.³⁴ In 2023, there were 465 crimes committed within a 0.5 mile radius of the Orleans Parish Criminal District Courthouse, including 4 homicides, 36 rapes or sexual assaults, 20 aggravated assaults or batteries, and 17 armed robberies or attempts.³⁵ We only counted crimes that an individual walking in the area might experience when visiting court (e.g. theft, assault, robbery).³⁶

Courthouse visitors who drive a car are likely to leave their phones locked in the car when they enter the courthouse. Leaving valuables in a vehicle—even a locked one—is creating an opportunity for break-ins and thefts. The court policy that doesn't allow phones is pushing many people to leave them in their cars, who otherwise would keep them in their pockets or purses. In 2023, there were 147 vehicle theft or break-in crimes within a 0.5 mile radius of the courthouse, which is a reasonable “park and walk” distance for the courthouse on a busy day.³⁷

Figure 1 shows the days with the most total crimes committed near the courthouse were Monday and Tuesday, with 80 and 78 crimes respectively.³⁸ Monday and Tuesday are also the days that typically have the most jury trials, and are likely to have the largest number of visitors to the courthouse. Criminal District Court conducts most of its dockets between 8 AM and noon. Monday and Tuesday mornings between 8 AM and noon saw the two highest periods of crimes committed, with Tuesday being 16% higher than the #3 time period, Saturday night between 1 AM and 5 AM. The crimes committed during the Mon/Tues 8 AM-noon time period included 20 assaults/batteries, 12 sexual assaults, and 23 thefts/robberies. The most dangerous time to be within a 0.5 mile radius of the courthouse is during the court's busiest time.

Separating people from their phones makes them feel less safe, removes a tool they can use to possibly protect themselves from being victimized, removes the tool they would need to contact the police if they were the victim of a crime, and removes the ability for a crime survivor who is attending a court hearing to contact their safety system.

One additional safety factor is the traffic on Tulane Ave. When visitors to the court are sent across the street to pay the bail bond office to hold their phone, very few are walking down to the corner and using the crosswalk. They are crossing in a direct line between the courthouse steps and the front door of the bail bond office across 4 lanes of traffic. As noted above, the majority of court visitors arrive between 8 AM and 9 AM, when court sections begin their dockets. This also happens to be a high-traffic time, and Tulane Ave is quite busy. While the court policy is not directly forcing these people to cross a busy street unsafely, the court could remove the need for them to cross the busy street by permitting them to enter the courthouse with their phones.

FIGURE 1

Number of crimes per hour within a 1/2 mile radius of Orleans Parish Criminal District Courthouse in 2023.

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
12:00 AM	2	4	7	4	4	3	1
1:00 AM	5	1	5	3	3	2	5
2:00 AM	4	5	3	3	7	5	6
3:00 AM	2	7	1	6	1	7	8
4:00 AM	0	4	1	0	5	1	4
5:00 AM	0	2	3	1	1	0	2
6:00 AM	1	5	1	3	0	0	4
7:00 AM	2	2	3	2	2	1	0
8:00 AM	2	6	3	3	2	2	2
9:00 AM	0	2	9	4	3	0	2
10:00 AM	3	2	9	5	5	3	2
11:00 AM	5	9	5	3	2	3	1
12:00 PM	1	8	2	3	3	2	2
1:00 PM	2	3	2	0	4	2	4
2:00 PM	1	3	5	2	4	4	3
3:00 PM	6	1	1	1	5	7	2
4:00 PM	3	0	2	3	1	2	1
5:00 PM	2	3	5	1	1	1	1
6:00 PM	0	0	2	8	2	2	3
7:00 PM	1	0	0	4	2	3	1
8:00 PM	2	5	2	3	1	3	2
9:00 PM	2	2	3	1	5	2	0
10:00 PM	2	1	2	1	5	1	4
11:00 PM	0	5	2	2	1	5	3
Total	48	80	78	66	69	61	63

The two time periods with the most crime are Monday and Tuesday mornings, when court is the busiest.

VIII: IMPACT ON COURT WATCHING

Prior to the court removing Court Watch NOLA's permission to enter the courthouse with mobile phones, those phones were one of a court watcher's most important tools.

- Coordination: court watchers could message CWN staff in case of courtroom changes/closures and get redirected to an open court section.
- Dockets: court watchers need dockets to observe court. The CDC clerk's office allows court watchers to take printed dockets from the office when available, but not every court watcher is able to secure a docket from the clerk's office, and it is not the clerk's office's job to print dockets on demand for court watchers. Being able to pull up a .pdf docket on a mobile device if a printed docket isn't available is more efficient for both CWN and the clerk's office.
- Research: court watchers have historically been trained to look up Louisiana revised statutes online to read the text of statutes being discussed in court when they have questions about something they observe. This is an efficient way for court watchers to better understand the hearing they are observing.
- Asking questions about proceedings: CWN gives comprehensive training on the path of a case from arrest to sentencing, but we cannot cover every possible situation a court watcher might observe. Court watchers would message CWN staff with questions about the cases they observed and how to most accurately record data.
- Arranging transportation: many of our court watchers don't have access to a car. Court watchers would use their phones to arrange rides with friends, carpool with other court watchers, or take a rideshare.
- Court watching app: prior to the revocation of phone access, CWN used an app for court watchers to track hours. CWN has also been developing an app that will help court watchers collect better, more accurate data and upload it faster.

Court Watch NOLA has lost dedicated, veteran court watchers who left because they relied on their phones for rideshares or public transportation. We have met a number of interested community members who wanted to begin court watching, but when they learned about the court's ban on mobile phones, they declined to continue with training. We are already asking an incredible amount of our volunteer court watchers: to participate in intensive training on criminal court procedure and data collection practices; to commit multiple hours per week to observe fast-paced, mentally taxing, and often emotionally draining court hearings; to capture complicated data and metrics and upload them in a timely manner to our database. An additional complication to their travel and sense of safety is a bridge too far for some of them. Court Watch NOLA's first plan to mitigate the effects of the court's revocation of our mobile phone access was to purchase physical RTA passes that court watchers could use to get to and from the court while leaving their phones at home. They didn't feel comfortable using them and they just stopped coming.

The sector of our volunteer corps that saw the most attrition is our community member volunteers. Losing them hurts because an essential part of CWN's program is that after those court watchers are done with their observations, they go back into their communities and share what they saw with their friends and family members. That organic sharing of knowledge about what's happening in our criminal courts through relational organizing is one of the most profound impacts that CWN can have in this community; not being allowed to enter the courthouse with a phone makes that significantly more difficult to accomplish. The court's mobile phone prohibition places a larger burden on our community court watchers than our student court watchers, some of whom are able to use campus transportation and carpool with other students. Court Watch NOLA believes that having a diverse court watching corps is essential because different people with different perspectives will pick up on different nuances during observations. With a diverse group of court watchers, more of that nuance is captured. We hope that the court can see as much value in that as we do.

Ultimately, the revocation of CWN's permission to enter the building with phones highlighted something for us that we conceptually understood, but hadn't fully seen the practical impacts. Not being able to bring your phone with you makes doing something significantly more challenging, and that is especially true if you are doing it on a regular basis. If that affects court watchers, it also affects defendants, families, and crime survivors who will attend appearances in court as a case makes its way towards disposition.

IX: ALTERNATIVES TO BANNING PHONES

A potential alternative is to allow members of the public to enter the court with their cell phones, but require them to be secured inside the building. Lockers are the traditional option for this solution. Recently, public venues hosting concerts, schools, and some courts have utilized locking phone pouches.³⁹ Chicago and St. Louis criminal courts allow people to enter the courthouse with electronic devices, but require visitors to store them in lockers. [It is also noteworthy that the St. Louis court has an easy-to-find and helpful instructional video on the court's website that informs visitors what they are not allowed to bring and features the lockers prominently.]

While these solutions would make it easier for visitors to travel to the courthouse and fix some of the access issues, the added costs in purchasing, staff training, and maintaining these solutions are unnecessary, especially since it is likely to be passed along to the members of the public who are required to use it.

Additionally, some people will likely be hesitant to leave their phones unattended in a building run by stakeholders in the criminal legal system. Even if they are left in a locker secured with a key or a combination, some people might be concerned about who else in the building could gain access to the locker. It presents a legitimate privacy concern. The locking phone pouch option would potentially allow people to keep their phones with them, alleviating the privacy concern, but this still presents an added and unnecessary practical and financial burden on courthouse visitors when compared to the considerably lower-cost option of enforcing a policy that members of the public are not allowed to use their phones in court. However, the locking phone pouch option could be a potential added level of security available to judges presiding over high-profile cases.

Many courts, including New Orleans Municipal Court and the 19th Judicial District Court in Baton Rouge, use the much cheaper option of just informing visitors that they are not permitted to use their phones in court and holding them accountable inside the courtroom.

In this case, CWN believes that the cheapest option is the best option.

Let us not forget that even if mobile phones are allowed in the building, their use is still limited and regulated by state law in the Louisiana Supreme Court's Code of Judicial Conduct. It is forbidden to take pictures or recordings in court.⁴⁰ Sheriff's deputies and court staff will still be able to prevent people from engaging in forbidden activities with their phones using the currently existing regulations. Professor Will Snowden said:

It's 2024. I think courts are certainly capable of maintaining order in their courtrooms, and I don't necessarily see phones being an issue that would get in the way of that. From a policy perspective, the court could say, if you're bringing a phone in, you have to turn it off or [put it on] silent. In Louisiana, you're not allowed to take pictures in the courtroom. I imagine that's the main concern of the court to abide by that rule. But like every other rule, if you violate it, you can be held accountable for it. And then you take a picture and you post it, like you're just telling on yourself. So like there's a natural accountability mechanism kind of baked in there.⁴¹

RECOMMENDATIONS

Recommendation #1:

Court Watch NOLA recommends that Orleans Parish Criminal District Court change its policy to officially allow members of the general public to enter the courthouse with electronic devices including cell phones, tablets, smartwatches, and laptop computers.

Recommendation #2:

If the court continues to deny the public access to the courthouse with cell phones and electronic devices, Court Watch NOLA recommends that the court improve its public notification about the court's prohibition to feature a prominent section on court's website with instructions for visitors to the courthouse to ensure that they are aware of the policy before they leave.

XI: CONCLUSIONS

It is time to allow the public to enter the courthouse with mobile phones. People's lives are inextricably linked to them and prohibiting someone from bringing one with them often means that they don't have access to one of their most important functional resources while dealing with a serious issue. The extra burden that it creates has a bigger impact on people who are less able to shoulder it. The other courthouses in our community allow members of the public to enter with phones, as do equivalent courts in 96% of criminal courthouses with similar crime rates as ours. They all figured out how to appropriately balance the court's needs and compliance with the law while not placing a significant hurdle in the path of community members who need to engage with the courts. It's time for the Orleans Parish Criminal District Court judges to vote to allow the public to enter the courthouse with mobile phones.

ACKNOWLEDGEMENTS

Ava Buras, Gordon Ebbit, Francine Erfe, Taylor Galdi, Donyae Jenkins, Meredith King, Dr. Ronald King, Eugenie McNiff, Reagan Mitchell, Jane Patton, Emma Rode, RIDE New Orleans, Cristian Sanchez, Rosalie Sarnataro, the Tulane Center for Community-Engaged Artificial Intelligence, the Tulane Center for Public Service, Will Snowden, and Lila Zucker.

THANK YOU

Thank you to The Foundation for Louisiana, The Greater New Orleans Foundation, The Keller Family Foundation, The Mary Freeman Wisdom Foundation, The Microsoft Reform Justice Initiative, Moira Ogden, The National Association of African American Economic Development, The National Science Foundation, The Piper Fund, The RosaMary Foundation, and The Spark Justice Fund for your continued support of Court Watch NOLA and our work.

APPENDIX I: CRIME DATA WITHIN .5 MILES OF ORLEANS PARISH CRIMINAL DISTRICT COURT-HOUSE 1/1/2023-1/1/2024

Citation: NOPD - Data - City of New Orleans. (n.d.). NOLA.gov. <https://nola.gov/nopd/data/>

Map link: <https://nola.gov/nopd/data/>, <https://communitycrimemap.com/?address=New%20Orleans,LA>

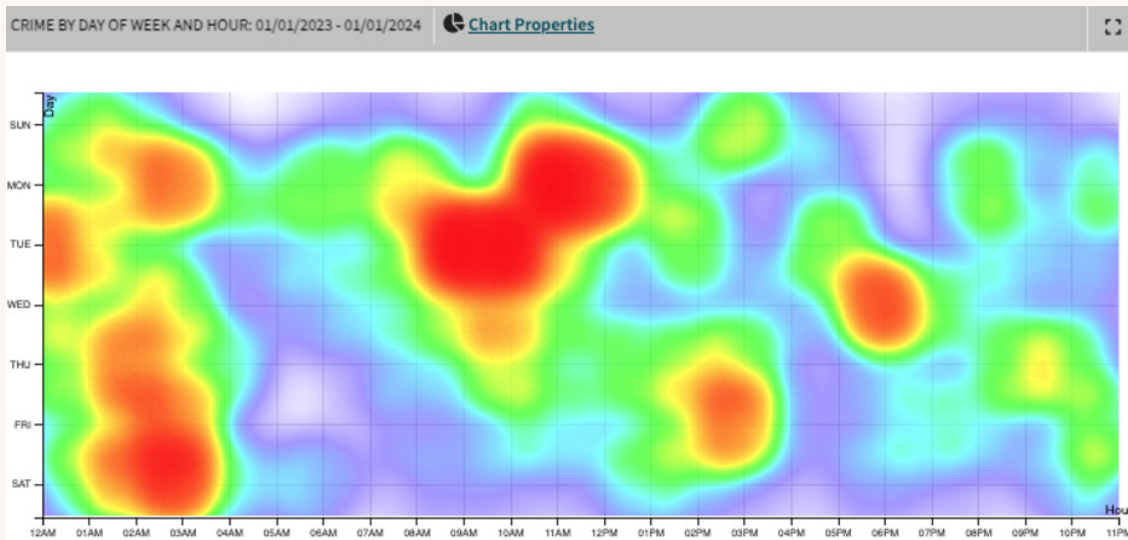
Address: 2700 Tulane Ave.

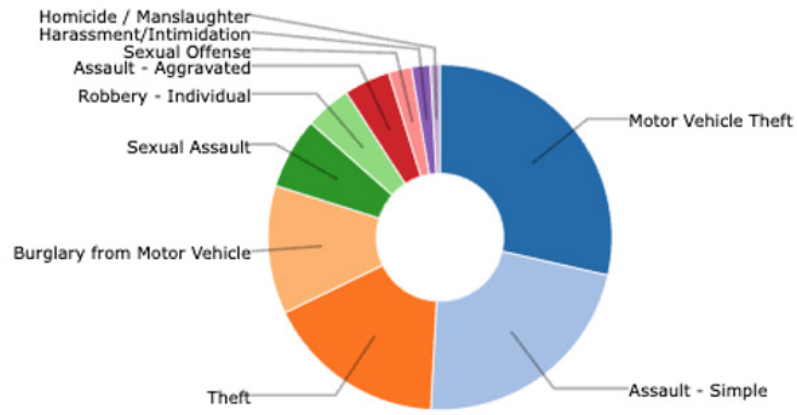
Date Range: 01/01/2023 to 01/01/2024

Buffer: .5 mile, only display events within buffer

Events selected: assault-aggravated, burglary from motor vehicle, homicide/manslaughter, assault-simple, robbery-individual, theft, attempted homicide, sexual assault, theft-other, harrassment/intimidation, motor vehicle theft, sexual offense.

Table of this analyzed crime data is available from Court Watch NOLA upon request.





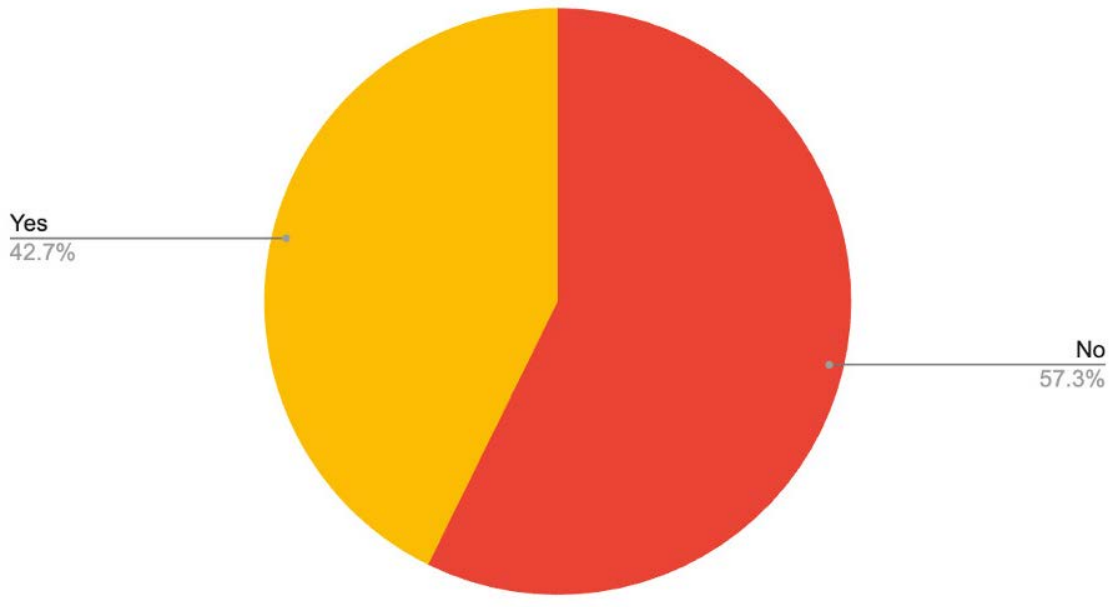
APPENDIX II: COURT WATCH NOLA PUBLIC SURVEY QUESTIONS ON ELECTRONIC DEVICE ACCESS

Survey days: 12/13/2023, 01/12/2024, 01/22/2024, 01/26/2024, 01/29/2024

Survey data available upon request.

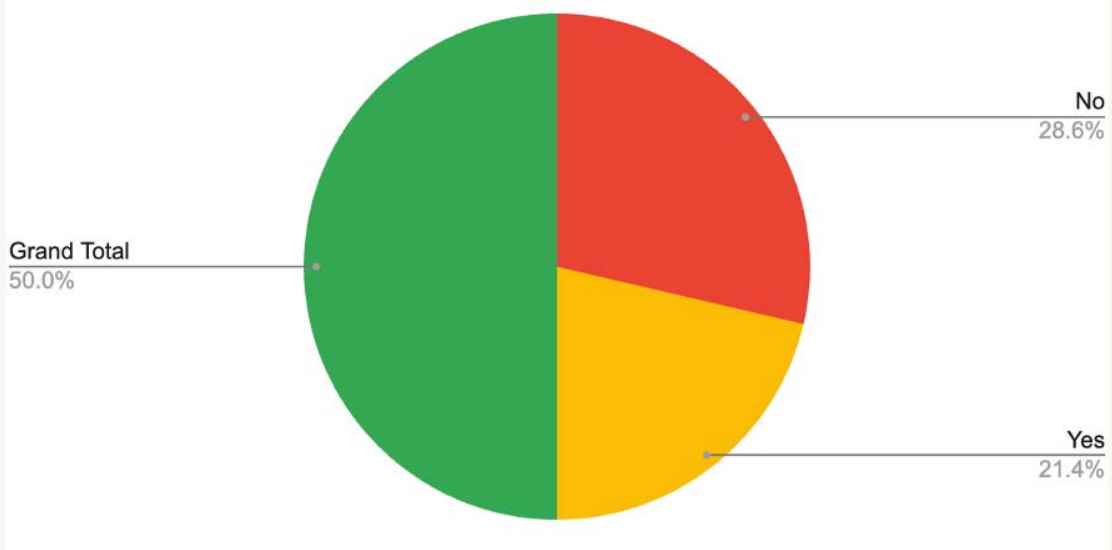
Before you came to court today, did you know that you weren't allowed to bring your phone into the courthouse?	
Yes	No
Did not being able to bring your phone today make it more difficult to attend court?	
Yes, much more difficult	
Moderately more difficult	
No, not more difficult.	
How did you get here today?	
Car	Bus/public transit
Taxi or Uber/Lyft	I walked
Did you feel less safe without your phone?	
Yes	No
Do you live in Orleans Parish?	
Yes	No
Would you like to provide your name?	
Comments	

Did you know you weren't allowed to bring phone?

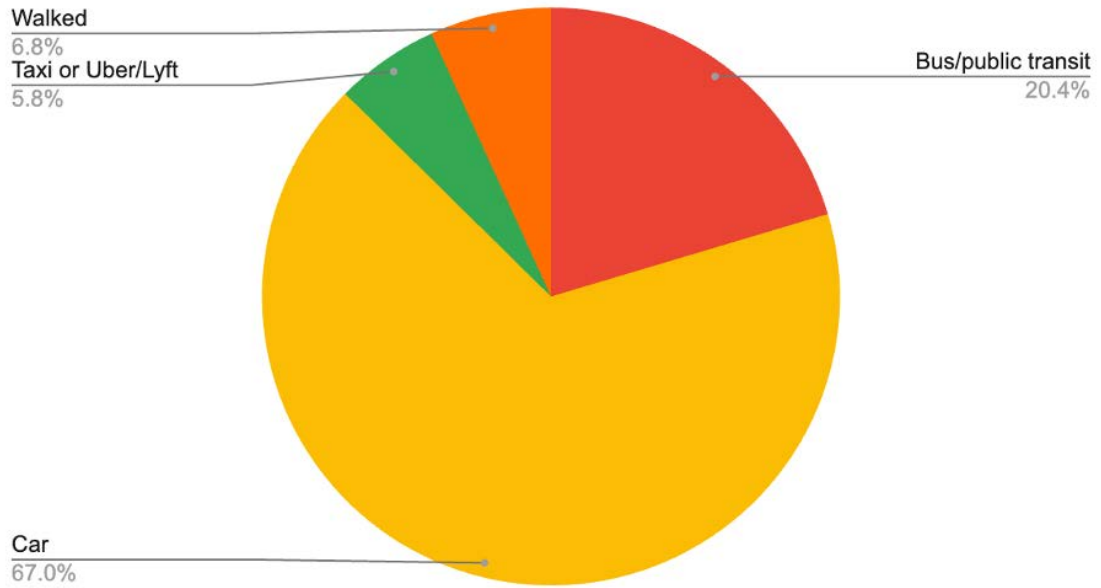


Did not having your phone make it more difficult to attend court?

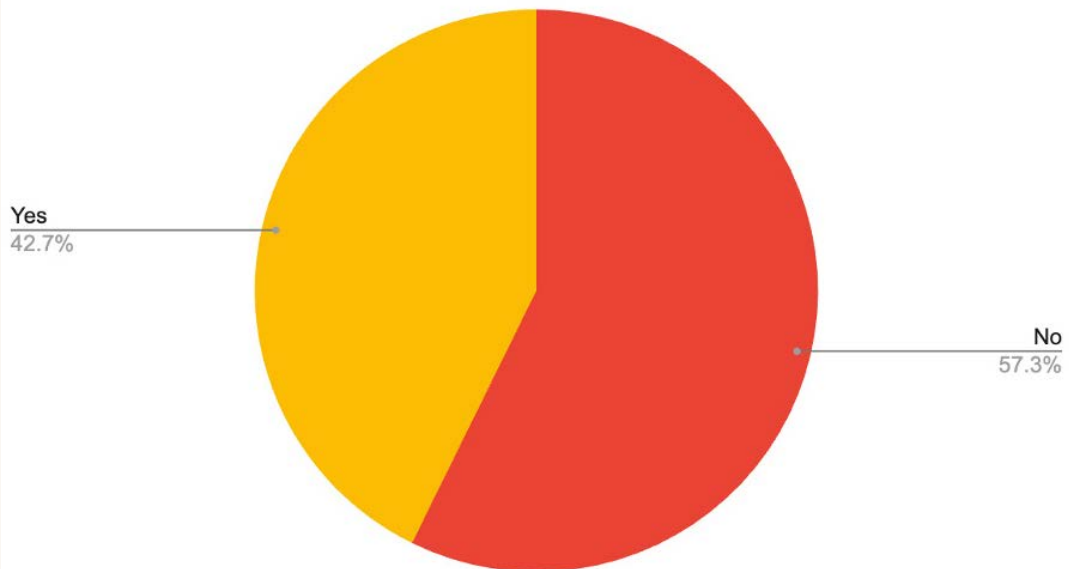
n=102



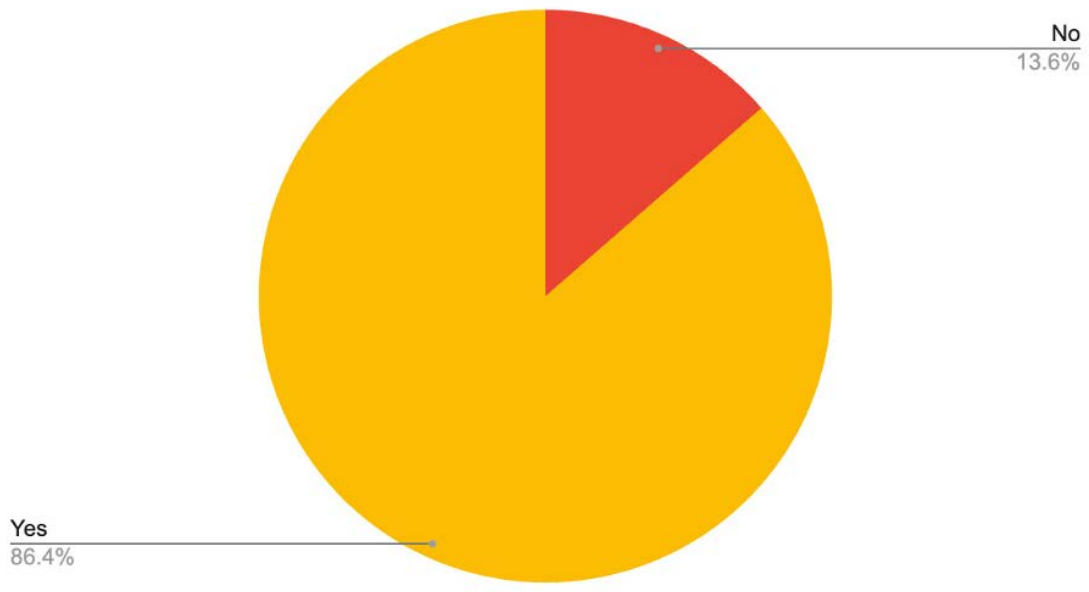
How did you get here?



Did you feel less safe?



Do you live in Orleans Parish



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