

The Boston Globe

In camera phone era, courts crack down

By Peter Schworm

GLOBE STAFF

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PAT GREENHOUSE/GLOBE STAFF

Iysis Greene paid \$2 to store two cellphones at a store across from Dorchester District Court, where they are banned.

Pay phones are not exactly a thriving commodity nowadays. But in Lawrence District Court, the coin-operated dinosaurs have moved to the forefront for a simple reason: They cannot take pictures.

The court has banned cellphones after receiving a number of complaints that witnesses and victims were being photographed in the courthouse. The pictures were then posted on social media sites in an effort to intimidate witnesses and keep them from testifying, officials said.

“It was starting to get much more widespread,” said Keith McDonough, clerk of Lawrence District Court. “We had to put a stop to it.”

Lawrence joins a growing number of courts across the state — including Malden, Worcester, and several in Boston — that have banned cellphones. At a time when mobile devices are a constant presence, the courts are one domain where they are increasingly forbidden.

Lawyers, prosecutors, and judges say the bans make for a quieter, more engaged courtroom and reduce the threat that witnesses will be coerced.

“It’s about keeping cases fair,” said Douglas Sheff, incoming president of the Massachusetts Bar Association. “It’s about keeping justice intact. This is a very real problem.”

In Worcester, mobile phones were banned last year after law enforcement told court officials that friends of defendants had taken pictures of witnesses and even jurors.

Dennis McManus, clerk of Worcester Superior Court, said that while there were relatively few reports of pictures being taken in the court, there were enough to raise fear that the practice could become more widespread.

“It was more the concern that this could be happening,” he said.

While all state courts prohibit covert photography, judges determine whether cellphones are permitted in individual courthouses. A majority allow them, but more than two dozen have adopted bans. Lawyers, law enforcement officials, and employees are exempt.

In Essex County, which includes Lawrence, the district attorney’s office welcomed the ban, calling it long overdue. Gang members had previously taken pictures of prosecutors to intimidate them, and at a murder trial in Lawrence this year three men photographed witnesses who testified in the courtroom, then posted them on Instagram, the photo-sharing service, and referred to them as snitches.

The three men were charged with witness intimidation.

In Lawrence District Court, the ban has met with little resistance and has put witnesses and victims more at ease, McDonough said.

“A courthouse is supposed to be a place where people feel safe,” he said.

In light of the ban, the court wanted to activate three new pay phones, giving the nearly obsolete devices the rare opportunity to supplant their modern counterparts. However, the phone company refused to do so, even under the circumstances, saying pay phones were no longer profitable.

Officials in other courts say cellphone bans invariably produce some grumbling, particularly among people who brought their phones and found they have nowhere to leave them.

“I feel bad for some people who take the bus or a cab,” said Maurice Flynn, the presiding justice in Somerville District Court, where mobile phones have been banned for several years.

Those who cannot store their phones in their cars have been known to hide their phones in the bushes, court employees said.

Flynn said the court banned phones as a precaution against witness intimidation. But it had a tangible impact right away.

“The peace and quiet has definitely improved,” he said. “When we allowed them, half the people wouldn’t turn them off.”

In 2007, Dorchester District Court was among the first courts to ban cellphones, following a case where a man took pictures of a police officer from the courthouse hallway. It was at least the second time witnesses had been intimidated in that way in the court.

The judge, Sydney Hanlon had also overseen a trial in which a man was convicted of witness intimidation after taking pictures of undercover drug detectives inside the court.

“She wanted to ensure safety,” said Anthony Owens, the court clerk.

The ban was adopted the year after the courts, in an effort to combat witness intimidation, banned T-shirts with the phrase “Stop Snitching” and prohibited the use of camera phones.

At the time, court officials cited a gang-related trial in Salem, when several friends of the defendant photographed a prosecutor, a police investigator, and a testifying witness. The next day, court officers prohibited anyone from entering the courtroom with a camera phone.

Court officials stopped short of banning cellphones altogether. But since Dorchester did so, courts in West Roxbury, Roxbury, and East Boston have followed suit, and prosecutors say complaints about courtroom photographs have sharply declined.

One morning outside Dorchester District Court, where a sign warned that cellphones were not allowed “under any circumstances,” several people said they had learned to leave their phones at home. A few who had gotten rides left their phones with friends, usually after wrapping up one last call.

“I got to go, Mom,” one young woman said from the courthouse steps. “I can’t bring my phone into the court.”

Across Washington Street, a corner store had found opportunity in the ban, allowing people to leave their phones behind the counter for just \$1. A kind of valet service for phones.

The clerk, Aminur Bellal, said 15 to 20 people a day leave their phones, mostly people who took a cab or bus to the courthouse. To keep the phones straight, he tears a playing card in two, giving one half to the customer and leaving the other with the phone. The cards are from his homeland, Bangladesh, he said, and have a distinctive design. He could easily spot a fake.

After their court visit, people rushed to the store to reclaim their phones. Freeing them from a plastic bag, they immediately made a call.

Peter Schworm can be reached at schworm@globe.com. Follow him on Twitter [@globepete](https://twitter.com/globepete).