

**ST. JOSEPH SUPERIOR AND CIRCUIT COURTS POLICY
FOR BROADCASTING, TELEVISION, RECORDING OR PHOTOGRAPHING
COURT PROCEEDINGS**

I. Definitions

- (A) "News media" is defined as persons employed by or representing a newspaper, periodical, press association, radio station, television stations, or wire service and covered by Ind. Code § 34-46-4-1. Members of the general public do not fall under the definition of "news media" and are prohibited from broadcasting, recording, or photographing court proceedings.
- (B) "Media coverage" means any photographing, recording, or broadcasting of court proceedings by the media using television, radio, photographic, or recording equipment.
- (C) "Presiding judge" or "judge" means the judge, magistrate, or any other judicial officer who is scheduled to preside or is presiding over the proceeding in the St. Joseph Superior and Circuit Courts.
- (D) "Proceeding" means any trial, hearing, motion, argument or other matter held in open court which the public is entitled to attend.
- (E) "Court" means the courtrooms, the courthouses, hallways in the courthouses and its entrances and exits.
- (F) "Photographing" means recording a likeness, regardless of the method used, including by digital or photographic methods. As used in this rule, photographing does not include drawings or sketches of the court proceedings.
- (G) "Recording" means the use of any analog or digital device to record audio or visually preserve court proceedings. As used in this rule, recording does not include handwritten notes on the court record, whether by court reporter or by digital or analog preservation.
- (H) "Broadcasting" means a visual or audio transmission or signal, by any method, of the court proceedings, including any electronic transmission or transmission by sound waves.

II. General Rule

Except as provided below, consistent with Indiana Code of Judicial Conduct Rule 2.17, the broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto during sessions of court or recesses between sessions is prohibited.

III. Media Coverage

(A) General Provisions.

- (1) Subject to the requirements of this policy, state statute, and Indiana Supreme Court rules, representatives of the news media may use video, still cameras or recorders to cover proceedings in the St. Joseph Superior and Circuit Courts.
- (2) Media representatives shall submit via email a ***Request for Access Pursuant to Judicial Conduct Rule 2.17*** and ***Order on Media Request for Access Pursuant to Judicial Conduct Rule 2.17*** (with the top portion completed) to the Superior Court Administrator or the Circuit Court administrator at least 5 court days prior to the proceeding sought to be covered. The request will be forwarded to the presiding judge and shared with counsel of record and parties who appear without counsel.
 - (A) Superior Court Administrator Jen Barhydt at jbarhydt@sjcindiana.com
 - (B) Circuit Court Administrator Emilie Stooke at estooke@sjcindiana.com
- (3) The judge may hold a hearing on the request or may rule on the request without a hearing. In ruling on the request, the judge shall consider the following factors:
 - (A) The importance of maintaining public trust and confidence in the judicial system;
 - (B) The importance of promoting public access to the judicial system;
 - (C) The parties' support of or opposition to the request;
 - (D) The nature of the case;
 - (E) The privacy rights of all participants in the proceeding, including witnesses, jurors, and victims;
 - (F) The effect on any minor who is a party, prospective witness, victim, or other participant in the proceeding;
 - (G) The effect on the parties' ability to select a fair and unbiased jury;
 - (H) The effect on any ongoing law enforcement activity in the case;
 - (I) The effect on any unresolved identification issues;
 - (J) The effect on any subsequent proceedings in the case;

- (K) The effect of coverage on the willingness of witnesses to cooperate, including the risk that coverage will engender threats to the health or safety of any witness;
 - (L) The effect on excluded witnesses who would have access to the televised testimony of prior witnesses;
 - (M) The scope of the coverage and whether partial coverage might unfairly influence or distract the jury;
 - (N) The difficulty of jury selection;
 - (O) The security and dignity of the court;
 - (P) Undue administrative or financial burden to the court or participants;
 - (Q) The interference with neighboring courtrooms;
 - (R) The maintenance of the orderly conduct of the proceeding; and
 - (S) Any other factor the judge deems relevant.
- (4) The presiding judge may refuse, limit, or terminate media coverage of an entire case, portions thereof, or testimony of particular witnesses as may be required in the interests of justice. The presiding judge has the power, authority, and responsibility to control the conduct of proceedings before the judge.
 - (5) No direct public expense is to be incurred for equipment, wiring, or personnel needed to provide media coverage.
 - (6) Nothing in this policy shall prevent a presiding judge from placing additional reasonable restrictions, or prohibiting altogether, photographing, recording, or broadcasting in the courtroom or in the areas immediately adjacent thereto. The presiding judge may also limit or terminate the broadcast by a representative of the media.
 - (7) The presiding judge may elect to provide credentials to a media representative for hearings that are held in whole or in part via Zoom or similar online platform, such as Microsoft Teams or WebEx. Credentials will not allow the media representative to be interactive with the court or the parties, and the media representative shall not attempt to be interactive during a Zoom or other online platform proceeding by verbal or written remarks or other non-verbal communication.
 - (8) Media representatives shall not use photographs, video, or audio of court proceedings for unrelated advertising purposes.
 - (9) The Indiana Rules of Professional Conduct for Attorneys and the Indiana Code of Judicial Conduct shall be observed by news media personnel at all times.

- (10) The presiding judge shall post notice in the courtroom that news media personnel may be present for broadcast of court proceedings, and filming, photographing, and recording is limited to the authorized news media personnel.
- (11) An order allowing media coverage of a proceeding does not extend to recording or re-broadcasting of any proceedings that a judge chooses to live-stream at public.courts.in.gov/INCS#/.

(B) Limitations.

- (1) Coverage of proceedings which are otherwise closed to the public by state statute or Indiana Supreme Court Rule is prohibited.
- (2) There shall be no audio pickup or broadcast of conferences which occur in a courtroom or in the St. Joseph County courthouses between attorneys and their clients, between co-counsel of a client, between adverse counsel or between counsel and the presiding judge.
- (3) The members of the jury may not be recorded or photographed except when they happen to be in the unavoidable background of other subjects being photographed or recorded. Camera and audio coverage of prospective jurors during selection is prohibited. Close-ups of individual jurors is prohibited.
- (4) At no time should the ingress or egress of any individual be obstructed or impeded by media representatives, personnel, or equipment.
- (5) Recesses in court proceedings shall not be recorded by audio or visual means nor shall photography be permitted.
- (6) The presiding judge may, for cause, prohibit the audio recording and the photographing of a participant with a film, videotape, or still camera on the judge's own motion or on the request of a participant in a court proceeding. Safety concerns for a witness presumptively constitutes cause for prohibition of recording. The presiding judge shall prohibit the media broadcast of minors; victims of violent offenses, sex offenses, and domestic abuse; jurors; attorney-client communications; bench conferences; and materials on counsel tables and the judicial bench.

(C) Equipment and Personnel.

- (1) No more than two television cameras, operated by no more than one camera person each, shall be permitted in any proceeding. Priority will be given to a television camera intending to broadcast an entire proceeding from beginning to end.
- (2) No more than one radio recorder, operated by no more than one person, shall be permitted in any proceeding.
- (3) No more than two still photographers, utilizing no more than two cameras and related equipment each, shall be permitted in any proceeding.
- (4) If two or more media representatives have given notice under section III(A)(2) above, the presiding judge shall notify the applicants that no coverage may begin until all the

representatives have agreed upon a pooling arrangement for their respective news media. Such pooling arrangements shall include the designation of pool operators, procedures for cost sharing, access to and dissemination of material, and selection of a pool representative if appropriate. The presiding judge may not be called upon to mediate or resolve any dispute as to these pooling arrangements.

- (5) Equipment or clothing shall not bear the insignia or marking of any media agency. Media personnel operating cameras shall wear appropriate business attire. The presiding judge may require tags or other temporary identification signs, markings, or designations on equipment by media representatives who have been permitted in any proceeding.
- (6) Reporters, in the interest of accuracy, may use hand-held recorders that are no more sensitive than the human ear, provided they are not used in violation of this policy or the Indiana Code of Judicial Conduct Rule 2.17.

(D) Sound and Light Criteria.

- (1) Equipment shall not produce distracting sound or light. Signal lights or devices to show when equipment is operating shall not be visible. Moving lights, flash attachments, or sudden light changes shall not be used.
- (2) Except as otherwise approved by the presiding judge, existing courtroom sound and light systems shall be used without modification. Audio pickup for all purposes shall be accomplished from existing audio systems present in the court facility or from a television camera's built-in microphone. If no technically suitable audio system exists in the court facility, microphones, and related wiring essential for media purposes shall be unobtrusive and shall be located in places designated in advance of any proceeding by the presiding judge.
- (3) Court proceedings shall not be interrupted by any reporter or technician because of a technical or equipment problem. If any such problem occurs, that piece of equipment shall be turned off while the proceeding is in session. No attempt shall be made to correct the technical or equipment problem until the proceeding is in recess or has concluded.

(E) Location of Equipment and Personnel.

- (1) The presiding judge shall designate the location in the courtroom for media equipment and operators.
- (2) During proceedings, operating personnel shall not move about nor shall there be placement or removal of equipment.

(F) Compliance. Any media representative who fails to comply with this policy shall be subject to an appropriate sanction as determined by the presiding judge.

Last amended: May 5, 2023