

SUPERIOR COURT OF NEVADA COUNTY MEDIA POLICY

This policy has been developed to strike a reasonable balance between the media's interest in covering legal matters for the benefit of the public, and the rights of litigants, court personnel, defendants, alleged victims, attorneys, witnesses and the general public to a safe, convenient and fair disposition of a court proceeding. This policy is intended to cover the actions of the media, parties, lawyers, court employees, court security and the general public in the taking, broadcast, use and/or publication of sound and visual recordings of court proceedings (including the movement of all individuals and parties to and from such proceedings), both still and moving, whether by analog, digital, film, magnetic tape or by any other means of recording and/or storage. This policy is not intended to apply to the taking of handwritten or typed notes, provided such actions do not otherwise violate this policy.

In general, media coverage, as defined in paragraph 1 below (which includes digital and/or analog still photography or video recording), is permitted in Court facilities, subject to California Rules of Court, Rule 1.150 and this policy. Violation of California Rules of Court, Rule 1.150 or this policy may have consequences relating to termination of media coverage, contempt of court proceedings, or monetary sanctions as provided by law.

1. Definitions

“Media coverage” means any photographing, recording, or broadcasting of court proceedings by the media using television, radio, photographic or recording equipment. Rule 1.150(b)(1), California Rules of Court

“Media” means any person or organization engaging in news gathering or reporting and includes any newspaper, radio or television station or network, news service, magazine, trade paper, in-house publication, professional journal, other news-reporting or news-gathering agency. Rule 1.150(b)(2), California Rules of Court

“Court” means the courtroom at issue, the courthouse (both in Nevada City and Truckee), any temporary place where official court proceedings are conducted, and all entrances and exits to any such places. Rule 1.150(b)(3), California Rules of Court

“Judge” means the judicial officer or officers, including subordinate judicial officers, assigned to or presiding at the proceeding. Rule 1.150(b)(4), California Rules of Court

"Photographing" and "video recording" mean recording an image or likeness, regardless of the method used, including by digital, analog or film photographic methods (whether still photography or in-motion video), camera equipped cellular phones and similar communication devices. Photographing does not include drawings or sketches made of the court proceedings. Rule 1.150(b)(5), California Rules of Court

"Recording" means the use of any device to aurally or visually preserve court proceedings. Recording does not include court records, whether made by the court reporter, clerk, or other court personnel. Rule 1.150(b)(6), California Rules of Court

"Broadcasting" means a visual or aural transmission or signal, by any method, of the court proceedings, including any electronic transmission or transmission by sound waves. Rule 1.150(b)(7), California Rules of Court

2. Requests for coverage

Requests for any type of media coverage, including pool cameras, must comply with Rule 1.150(e)(1), California Rules of Court, and be submitted to the judicial officer assigned to hear the case on Judicial Council Form MC-500 "Media Request to Photograph, Record or Broadcast", together with a proposed order on Judicial Council Form MC-510 "Order on Media Request to Permit Coverage."

The issuance of a media order is within the discretion of the judge hearing the matter. Each shall exercise his or her discretion as to what may and may not be appropriate or necessary to balance and protect the rights of a civil litigant, a defendant, the people, a victim, the public and the media.

Notwithstanding, in the early stages of a criminal proceeding, the media may reasonably expect an order substantially in the form of Attachment A. Further restriction should be expected as the case nears trial. Typically, after preliminary examination, further courtroom and hallway photographs will be very limited or not be permitted until after the verdict is returned. The media should be mindful of the impact of excessive pre-trial publicity on the Court's obligation to afford all parties a fair and speed trial.

The court presently has no standard order for use in civil cases. Any media order in a civil case will be made on a case-by-case basis.

3. Generally allowed coverage

Except as limited in paragraphs 5 through 9, inclusive, media coverage is generally permitted in the following locations.

- a. Hallways insofar as doorways and stairways are not blocked (see paragraph 5, below).
- b. Common use sitting and lobby areas except for courthouse entrance lobbies.
- c. The courthouse perimeter including the steps to the Nevada City courthouse entrance and the covered walkways for the Truckee courthouse entrances.

4. Non-case Related Requests to Film in Court Facilities

Special requests for filming courtrooms, jury rooms or employee work areas must be made in writing and shall be made through the Court Executive Officer before the proposed filming or photographing is to occur. The request should include the amount of time needed to complete the assignment.

5. Limitations on coverage

Unless approved by a written judicial order requested and made as provided in Paragraph 2, above, or as permitted by paragraph 4 or 8, the following limitations apply to media coverage within the courthouse and within 10 feet of its entrances and exits:

- a. Media coverage of in-custody defendants or accompanying security personnel moving between Court Holding and a courtroom (including movement through courthouse entrances to a courtroom) is not permitted.
- b. Media coverage of any other person, including but not limited to a person known to be a party, witness, alleged victim or out-of-custody defendant, is not permitted within 10 feet of either the courthouse entrance or the elevator doorways.
- c. Media coverage of a person known or alleged to be a sexual assault victim or a victim of a violent or serious felony (as defined in Penal Code §667.5(c), is not permitted, except with the express written permission of such individuals.
- d. Media coverage of any other person known to be a minor is not permitted, except with the written consent of the minor and the minor's legal custodian.
- e. Video, photographic or electronic recording devices must be turned off while transporting them in any area of the Court.
- f. All audible electronic devices must be turned off when they are in courtrooms.
- g. No photographs, video images or electronic recording of any kind may be taken of proceedings occurring inside a courtroom, whether taken/recorded from within or from outside the courtroom (i.e., through windows, doorway windows, or open doorways).
- h. When audio and/or video recording is not permitted by the judicial officer assigned to hear the case, electronic recording devices may be taken into the courtroom only if they are not turned on and remain inside an enclosed case, bag, or other container, unless otherwise specifically prohibited by the judicial officer assigned to hear the case.
- i. The media, attorneys, parties, victims, witnesses, members of the public, and all other persons shall at all times follow the directions of court security personnel. No person shall not block movements or interfere with the lawful activities of any other person.

6. Prohibited Coverage as Identified in California Rules of Court (Rule 1.150(e)(6))

Neither the media nor any other person, excepting the court's assigned certified court reporter, shall record or make any audible or still or moving photograph or video recording of any of the following:

- a. A confidential proceeding, or a proceeding closed to the public (e.g., juvenile cases)
- b. Jurors
- c. Jury selection
- d. A conference between an attorney and a client, witness, or aide
- e. A conference between attorneys
- f. A conference between counsel and the judge at the bench ("sidebars")
- g. A proceeding held in chambers
- h. A proceeding ordered closed by the judge.

7. Parking Limitations for Media Transmission Vehicles

No media vehicles may be parked illegally anywhere on the courthouse environs. If at any time any vehicle is parked illegally, the order permitting photographic and electronic coverage may be revoked, in regard to the operator of that vehicle, without any further hearing.

8. Confidential Proceedings

Confidential proceedings are by definition not open to the public. The legislature has determined that the privacy rights of the individuals involved in such proceedings take precedence over other competing interests, including the right of media coverage and the transparency of the courts. The media shall respect such privacy and make no report of any such proceeding. Should the media obtain confidential information, including any information that, in and of itself, or in combination with other information, would identify or tend to identify any individual involved in a confidential proceeding, the media shall nonetheless maintain the confidentiality of the proceeding and the privacy of the individuals involved.

Notwithstanding the foregoing, a judge hearing a confidential matter, or having an assignment that includes confidential matters, from time to time, with the consent of the parties, and/or within the discretion of the judge (if such discretion is granted by law) may permit the media to attend one or more sessions in order to educate the media and/or the public about such matters, subject to the following:

- a. No identifying information shall be recorded or published concerning the individuals involved in the proceeding, including parties, actual and potential witnesses and victims. Prohibited information includes first names, last names, any other name used by the person, dates of birth, dates of death, ages, school information, address, sibling, parent or other relative information, descriptions, other related non-confidential proceedings, etc. The media may refer to such individuals by fictitious names and other benign non-identifying information.
- b. No photographs or video images of any kind may be taken of proceedings occurring inside the courtroom handling a confidential proceeding, unless expressly authorized in writing by the judge of that courtroom after proper request in accordance with Paragraph 2, above.
- c. The judge and the media must have a written agreement as to the nature and purpose of the coverage. The agreement may be in the form of an exchange of letters.

9. Identification Of Minors And Victims Of Sexual Assault; Persons Designated as Doe

The media shall not publicly disclose the name, identity or identifying information as to the following;

- a. Any minor who is the subject of any confidential proceedings.
- b. Any victim or alleged victim of a rape or other sexual assault.
- c. Any individual designated in the proceedings by a fictitious name (i.e., John Doe, Jane Doe, etc.)

ATTACHMENT A

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF NEVADA

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff

vs.

_____ ,

Defendant.

CASE NO.: _____

MEDIA ORDER
CRC Rule 1.150

The Court has considered the application of _____ (hereinafter “the media”) under Rule 1.150. Photography and video shall be permitted as follows:

Within the courtroom: No video or use of cell phone cameras is permitted in the courtroom. Non-flash photographs of the defendant, counsel, security, non-confidential law enforcement (whether or not on the witness stand), witnesses (except minors and victims of sexual assault), judge and other court personnel shall be permitted under the conditions stated in this order. Non-flash photographs shall be taken from one public gallery position only, so as to avoid potential distraction from the photographer moving about the courtroom. Courtroom photographs published or disseminated shall be cropped or sufficiently blurred so as to not show shackles, handcuffs, waist chains or similar personal restraints. Only one photographer is

permitted within the courtroom. If more than one representative of the media is present, they shall enter into a pooling agreement as to which photographer shall take pictures and how the images are to be distributed and made available to all media representatives.

Within the non-courtroom portions of the courthouse, its entrances and exits, video and photography will be permitted, except as to persons known to be confidential informants, minors and victims of sexual assault.

Photographs published and/or disseminated shall not include other persons in custody, except incidental images for portions of other persons insufficient for recognition or identification.

Notwithstanding the foregoing, and in addition thereto, the media shall not interfere with or be disruptive of the movement of the Defendant, his/her lawyer, or security, nor shall the defendant or his/her lawyer interfere with or be disruptive of the media. All media representatives, employees and personnel, and all parties, lawyers, and members of the public, shall cooperate with the orders and directives of security personnel for the safe movement of the Defendant through the corridors and in the courtroom.

In all other aspects concerning media coverage, Rule 1.150 and the Court's Media Policy shall apply. If there is a conflict between this order and the Court's Media Policy, this order shall control.

This Ruling may be modified if necessary to accommodate other media requests (i.e., pooling agreements, etc.)

DATED: _____

Judge of the Superior Court