I.C.A.R. 45. Cameras In the Courtroom

Idaho Court Administrative Rule 45. Cameras In the Courtroom

(a) 'Audio/visual coverage,' as used in this rule, means broadcast, video, audio, and photographic coverage or recording of public proceedings before district and magistrate judges. Broadcast means the transmission of images or sounds by any electronic means, including but not limited to television, radio, Internet, email or streaming.Audio/visual coverage is authorized subject to the discretion of the presiding judge. The presiding judge maintains the right to limit audio/visual coverage of any public hearing when the interests of the administration of justice requires. Authorization may be revoked at any time, without prior notice, when in the discretion of the court it appears that audio/visual coverage is interfering in any way with the proper administration of justice.

(b) The presiding judge may, at his or her discretion, limit, restrict, or prohibit audio/visual coverage at any proceeding. Any decision regarding audio/visual coverage is not subject to appellate review.

(c) Audio/visual coverage of the following proceedings is prohibited:

(1) There shall be no broadcast, video or audio coverage or recording of conferences which occur in a court facility between attorneys and their clients, between co-counsel of a client, or between counsel and the presiding judge held at the bench. There shall be no audio/visual coverage of notes upon the counsel table, nor of any exhibits before they are admitted into evidence.

(2) There shall be no audio/visual coverage of in-camera sessions or judicial deliberations.

(3) There shall be no audio/visual coverage of proceedings when they are closed to the public including adoptions, mental health proceedings, child protective act proceedings, termination of parent child relations, grand jury proceedings, issuance of arrest and search warrant proceedings covered by Rule 32, Idaho Administrative Rules, or a comparable rule when the proceeding may be closed to effectuate the purposes of the rule.

(d) The presiding judge may exclude audio/visual coverage of a particular participant or direct that the identity or audio of a participant be concealed upon a determination that such coverage will have a substantial adverse effect upon a particular individual. It is expected the presiding judge will exercise particular sensitivity to victims of crime.

(e) The administrative district judge shall promulgate rules governing audio/visual coverage outside the courtroom in courthouses within the judicial district.

(f) It is the responsibility of each broadcast news representative present at the beginning of each

session of court to achieve an understanding with all other broadcast representatives as to who will function at any given time, or in the alternative, how they will pool their coverage. This understanding shall be reached outside the courtroom and without imposition upon the presiding judge or court personnel. The presiding judge shall not be called upon to resolve any disputes except to determine that if the broadcast representatives cannot agree broadcast coverage will not take place.

(g) Approval of audio/visual coverage must be obtained in advance from the presiding judge.

(h) If audio/visual coverage is authorized, rules governing the media shall be established at each judge's discretion. An order permitting audio/visual coverage of court proceedings shall not include any restriction on the time when, the place where, or the manner in which the content of the audio/visual coverage may be aired or published. Audio/visual coverage may be authorized subject to the following guidelines:

(1) Jury -- Photographing or videotaping of the jury or jurors is prohibited, including during jury selection.

(2) Light -- Existing light only may be used for still photography or video coverage. Electronic flash or artificial lighting is prohibited.

(3) Camera Noise -- Camera noise and distractions shall be kept to a minimum.

(4) Still Photography -- Electronic flash is prohibited. Photographers must use quiet camera equipment to minimize distraction from the judicial proceedings.

(5) Video Coverage -- No video or television camera shall give any indication of whether it is operating.

(6) Audio -- Any audio equipment shall be placed as determined by the presiding judge. There shall be no broadcast of confidential communications. If there is coverage by both radio and television, the microphones used shall serve each system without duplication.

(7) Location -- Media shall be in a position at least 15 minutes before court begins. Media positions shall not change while court is in session. The specific location or locations of media must be approved in advance by the presiding judge or designee.

(8) Dress -- Media representation shall present a neat appearance and conduct themselves in keeping with the dignity of the court proceedings as determined by the presiding judge.

(9) Pooling of Video and Broadcast Coverage -- Only one still photographer and one video and broadcast camera operator shall be permitted in the courtroom unless the presiding judge allows additional cameras. Any arrangements for pooling of video and broadcast coverage must be made by the media organizations.

(10) Pooling of Still Photography ñ Only one still photographer shall be permitted in the courtroom unless the presiding judge allows additional still photography cameras. Any arrangements for pooling of still photography coverage must be made by the media organizations.

(11) Sharing of Pool Photography, Video and Broadcast Coverage -- If the presiding judge determines that only a pool photographer or video and broadcast camera operator shall be permitted in the courtroom, the pool photographer and video and broadcast camera operator shall share their images and audio recordings with all news organizations, either print or broadcast, that request them in a timely fashion. All images and audio recordings captured in the courtroom, whether before, during or after the actual court proceedings, by the pool photographer or video and broadcast camera operator shall be shared as required by this rule.

(i) The presiding judge may require any media representative to demonstrate adequately in advance of a proceeding that the equipment to be used meets the standards of the rule.

(j) The public shall not be required to incur any expenses to accommodate cameras or other equipment covered by this rule. Any proposal by media representatives to modify existing facilities at media expense to accommodate use of equipment in the courtroom shall be submitted to the trial court administrator for the district. A final proposal shall be submitted to the administrative district judge for acceptance, modification or rejection. When planning courtroom construction or remodeling, consideration shall be given to accommodations that will provide broadcast and print media with reasonable access to court proceedings.

(k) The Media/Courts Committee shall evaluate audio/visual coverage on an ongoing basis, and at any time bring forth recommendations to amend rule.

(l) The request for approval to video record, broadcast or photograph a court proceeding and order granting or denying such request should be in substantially the following form:

Click here [1] for form.

(Adopted March 30, 1999, effective March 30, 1999; amended December 26, 2000, effective January 2, 2001; amended December 6, 2005, effective December 15, 2005; amended August 22, 2007, effective August 22, 2007; amended March 27, 2009, effective March 30, 2009; amended July 13, 2009, effective July 13, 2009; amended December 9, 2009, effective January 1, 2010..)

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