

## JEFFERSON CIRCUIT AND SUPERIOR COURT STATE OF INDIANA

### 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."
- (B) "Media coverage" means any photographing, recording, or broadcasting of court proceedings by media using television, radio, photographic or recording equipment.
- (C) "Presiding judge" or "judge" means the judge, magistrate, commissioner, referee, or any other judicial officer who is scheduled to preside or is presiding over the proceeding in the Jefferson Circuit and Superior 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 courthouse, hallways in the courthouse, 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 these rules, photographing does not include drawings or sketches of court proceedings.
- (G) "Recording" means use of any analog or digital device to record audio or visually preserve court proceedings. This does not include handwritten notes on the court record, whether by a 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 media may use video, still cameras or recorders to cover proceedings in the Jefferson Circuit and Superior Courts at the discretion of the presiding judge.
- (2) Media representatives must give ten (10) days' notice to the presiding judge or his/her designee of a request to cover a proceeding, except for court hearings in which Zoom or other internet platform credentials have been provided to the media in advance pursuant to paragraph 5 of this section.
- (3) The Form attached as Addendum A shall be used as the means for providing notice and must be emailed to Circuit Court at [angelia.rogers@jeffersoncounty.in.gov](mailto:angelia.rogers@jeffersoncounty.in.gov) or to Superior Court at [sara.stockdale@jeffersoncounty.in.gov](mailto:sara.stockdale@jeffersoncounty.in.gov). The request will be shared with counsel of record and parties who appear without counsel. Unless the presiding judge excuses the failure to provide timely notice, no recording of the proceedings will be permitted.
- (4) The presiding judge may elect to provide Zoom 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. Media representatives shall not attempt to be interactive during a Zoom or other online platform proceeding by verbal, written, or non-verbal communication.
- (5) The presiding judge may prohibit, limit, or terminate media coverage of an entire case, portions thereof, or testimony of particular witnesses at the presiding judge's discretion. The presiding judge has the power, authority, and responsibility to control the conduct of proceedings before the judge.
- (6) 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 and weigh 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 or opposition to the request;
- d. The nature of the case;
- e. The privacy rights of all participants in the proceedings, including witnesses, jurors, and victims;
- f. The effect on any minor who is a party, witness, 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 may engender intimidation or threats to the health or safety of any witness or party;
- 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 or other governmental offices;
- r. The maintenance of the orderly conduct of the proceeding; and
- s. Any other factor the judge deems relevant.

**(7)** No direct public expense is to be incurred for equipment, wiring, or personnel needed to provide media coverage.

- (8) Nothing in this policy shall prevent a judge from placing additional reasonable restrictions, or prohibiting altogether, photographing, recording, or broadcasting in the courtroom or in the areas immediately adjacent thereto. The judge may also limit or terminate the broadcast by a representative of the media.
- (9) Media representatives shall not use photographs, video or audio of court proceedings for unrelated advertising purposes.
- (10) The Indiana Rules of Professional Conduct and the Indiana Code of Judicial Conduct shall be observed by news media personnel at all times.
- (11) The judge shall post notice 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.
- (12) An order allowing media coverage of a proceeding does not extend to broadcasting, recording or re-broadcasting of any proceedings the judge chooses to live-stream at [public.courts.in.gov/INCS#/.](http://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 recording or broadcast of conferences between attorneys and their clients, between co-counsel of a client, between adverse counsel, and no audio or video recording between counsel and the presiding judge during a side bar when counsel is at the bench.
- (3) **The members and prospective members of the jury may not be broadcast, televised, recorded, or photographed in any manner. Camera and audio coverage of prospective jurors during selection 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 judge may, for cause, prohibit the audio recording and/or the photographing of a participant with film, videotape, digital recording, or still camera on the judge's own motion or the request of a participant to the court proceeding. Safety concerns for a witness presumptively constitute cause for prohibition of recording.

(7) The media shall not broadcast, televise, record or photograph minors; victims of violent offenses, sex offenses, and domestic abuse; jurors; attorney-client communications; bench conferences; materials on counsel tables and the judicial bench; and any other persons or materials designated by the presiding judge.

**(C) Equipment and Personnel.**

(1) Use of a TV camera, radio recorded, and still camera, and all related equipment, shall be approved by the presiding judge in advance of the hearing. Media may be required to pool.

(2) The media may not use recording devices that are more sensitive than the human ear.

**(D) Sound and Light Criteria.**

(1) Equipment shall not produce distracting sound or light.

(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.

(3) Court proceedings shall not be interrupted by reporter or technician because of a technical or equipment problem.

**(E) Location of Equipment and Personnel.**

(1) The presiding judge shall designate the location in the courtroom for media equipment and operators.

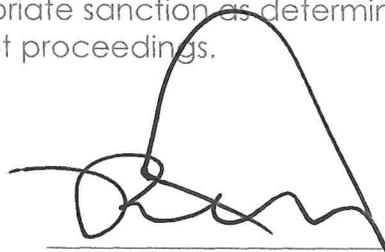
(2) During proceedings, operating personnel shall not move about nor shall there be placement or removal of equipment.

**(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, including contempt proceedings.

DATE: December 12, 2023.



DONALD J. MOTE, JUDGE  
JEFFERSON CIRCUIT COURT



BLAINE S. GOODE, JUDGE  
JEFFERSON SUPERIOR COURT