

CONNECTICUT JUDICIAL-MEDIA COMMITTEE

Pilot Program Committee 2009 Final Report & Recommendations

September 2009

September 14, 2009

Honorable Douglas S. Lavine
Connecticut Appellate Court
75 Elm Street
Hartford, CT 06106

Mr. G. Claude Albert
39 Timms Hill Road
Haddam, CT 06438

Dear Judge Lavine and Mr. Albert,

Please find enclosed the final report and recommendations of the Pilot Program Committee, which we have had the honor of co-chairing since its inception in 2007.

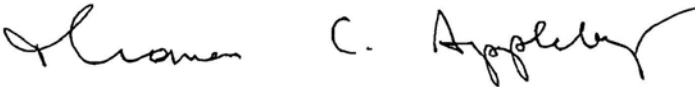
The committee, composed of judges, media representatives, court officials and staff, has worked diligently over the past two years and has had extensive discussion and feedback on the presence of electronic devices (primarily cameras) in our state courtrooms since the rules changed effective January 1, 2008.

On behalf of the committee, we thank you for the opportunity to contribute to such an important subject matter and look forward to presenting the report to you at the next Judicial-Media Committee.

Very truly yours,



Judge Patrick J. Clifford
Co-chair, Pilot Program Committee



Thomas C. Appleby
Co-chair, Pilot Program Committee

Pilot Program Committee

Co-chairs

Mr. Tom Appleby
General Manager & News Director
News 12 Connecticut

Hon. Patrick J. Clifford
Chief Administrative Judge, Criminal

Members

Hon. Marshall K. Berger Jr.
Administrative Judge
Hartford Judicial District

Sara Bernstein, Esq.
Public Defender
Hartford Judicial District

Lawrence Callahan
Chief Judicial Marshal
Hartford Judicial District

Linda J. Cimino
Director
Office of Victim Services

Paul Giguere
President & CEO
Connecticut Network

Hon. David P. Gold
Presiding Judge, Part A
Hartford Judicial District

Gail Hardy, Esq.
State's Attorney
Hartford Judicial District

John Long
Retired photographer
The Hartford Courant

Ken Margolfo
Assignment Manager
WTIC-TV Fox 61

Patrick Sanders
Connecticut News Editor
Associated Press *

Robin C. Smith, Esq.
Chief Clerk
Hartford Judicial District

Hon. Elliot N. Solomon
Administrative Judge
Tolland Judicial District

Michael St. Peter
News Director
WVIT-TV, Channel 30

Kirk Varner
Vice President, News Director
WTNH-TV Channel 8

David Ward
Assignment Manager
WFSB-TV Channel 3

*Due to job responsibilities, Mr. Sanders resigned from the committee in April 2009.

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EXECUTIVE SUMMARY

The Pilot Program Committee was formed in November 2007 and charged with evaluating the Pilot Program on Media Access to Criminal Proceedings in the Hartford Judicial District criminal courthouse at 101 Lafayette Street, Hartford.

This two-year pilot program provided the news media greater electronic access to court proceedings, mostly evidenced through the increased presence of cameras in the courtroom. The committee was to evaluate the Pilot Program in the Hartford Judicial District through the two-year period and then make recommendations to the Judicial-Media Committee. Members of the Judicial-Media Committee will in turn make recommendations to the Rules Committee of the Superior Court, for a vote by the Superior Court judges at their annual meeting in 2010.

Pilot Program Committee members included judges, representatives of the media and Judicial Branch staff, including the director of the Office of Victim Services, and the Chief Clerk and Chief Judicial Marshal for the Hartford Judicial District. Also included were the State's Attorney and Public Defender for the Hartford Judicial District. The committee met a total of nine times; the first time, on March 24, 2008, and last, on August 31, 2009.

The committee decided at its first meeting to expand its review to include an evaluation of cameras at arraignments pursuant to Section 1-11A of the *Connecticut Practice Book*. From the start, requests statewide to videotape/photograph arraignments have far exceeded requests to allow cameras into court proceedings at the Hartford Judicial District courthouse, so the committee agreed to include these proceedings in its review.

Committee members next developed separate evaluations for judges, lawyers and media representatives, to be distributed by the clerks over the next several months. Clerks

distributed the questionnaires between June 2008 and April 2009, and committee members received copies for their review throughout this time period. At its meeting in May 2009, the committee decided it had received enough feedback upon which to make their recommendations.

Broad summaries of the evaluations are as follows:

- Media generally satisfied.
- Judges reported few problems, generally satisfied or neutral.
- Defense lawyers, prosecutors responded with the most criticism, often complaining about lack of notice that a camera would be in the courtroom.

Complaints regarding notice prompted Judge Patrick Clifford to send a memo to all criminal judges (Appendix A), advising them to notify the state, defense and appropriate court personnel as soon as a camera request from the news media is made through the Judicial Branch's External Affairs Division. In addition, Judge Clifford recommended that "there should also be some type of protocol or standing order in place to address how to respond to the media and/or External Affairs and what the procedures or ground rules will be." He provided the judges with a sample standing order from G.A. 13 in Enfield. (Appendix A)

Some of the evaluations also raised concerns about whether the photo/video coverage would affect a defendant's right to a fair trial in the future. Committee members determined that was not something they could evaluate within the time span of the pilot program.

Typically, all requests made during the evaluation period began with the news media e-mailing their camera request to External Affairs. External Affairs then forwarded the request to the respective judges and court personnel. The role of External Affairs usually ended there, as the judges – often assisted by clerks and/or judicial marshals – took over at that point. (A copy of sample e-mail from External Affairs can be found in Appendix B)

Whether the proceeding was an arraignment or other criminal matter, judges typically allowed only one still and one video camera, with pooling arrangements made among the media organizations. Generally, the judges also prohibited shots or pictures of the gallery, where members of the audience sit. Judges differed on how they handled other matters; for example, some forbid footage or pictures of defendants walking into or out of the courtroom in shackles, while others allowed it.

Because of the different practices, committee members discussed adopting one standing order for the videotaping or photographing of court proceedings, to ensure consistency. A suggested statewide standing order can be found in Appendix C.

Committee members received regular updates on the number of camera requests processed through External Affairs. As mentioned earlier, requests to videotape/photograph arraignments exceeded requests to videotape/photograph proceedings under the pilot program. But among the granted requests for the pilot program were two trials: one involving insurance fraud, and the other, a triple murder. Such proceedings were more involved and required more coordination on the part of all participants than did arraignments. For example, more people were involved in the process, more resources were required, and issues regarding jurors were a significant factor not present in other court proceedings.

It should be noted that in almost all cases where cameras could be allowed under the rules, a judge granted the request. In almost all cases where cameras were not allowed, it was because the rules specifically prohibited them (i.e. sexual assault cases.)

Recommendations of the Pilot Program Committee

As a result of its review and findings, the Pilot Program Committee unanimously and respectfully submits the following recommendations to the Judicial-Media Committee for its consideration:

1. That the Judicial-Media Committee recommend to the Rules Committee that the Pilot Program in Hartford be expanded to all 13 judicial districts in the state, effective August 1, 2010. This recommendation, if adopted, would require a vote by the Superior Court judges at their annual meeting in 2010.
2. That the Judicial-Media Committee consider recommending a statewide, uniform protocol for all camera requests, as proposed by the Pilot Program Committee. (Please see Appendix C.)
3. That the Judicial-Media Committee consider making the Pilot Program Committee a permanent committee, with the responsibility of serving as a liaison between the courts and media throughout the rest of the Pilot Program and also through the implementation of any new rules as adopted by the Superior Court judges.
4. That the Rules Committee of the Superior Court consider making changes to the sections of the *Practice Book* that pertain to media coverage of criminal proceedings. (See Appendix D for the suggested changes.)
5. That the Judicial-Media Committee review whether to recommend that a process be developed through the Judicial Branch website that would allow the electronic submission of camera requests directly to the respective court and appropriate court officials.

As noted previously, it has been an honor to serve on this committee. While a few issues arose where committee members could not find common ground, they at least walked away with a better understanding of each other's position. Committee members also did reach consensus in several areas, most notably in recommending that the pilot program be expanded.

BACKGROUND OF PILOT PROGRAM COMMITTEE

In May 2006, then-Senior Associate Justice David M. Borden appointed the Judicial Branch Public Access Task Force. Its mission was to “make concrete recommendations for the maximum degree of public access to the courts, consistent with the needs of the court in discharging their core functions of adjudicating and managing cases.”

The committee issued its final report containing 38 recommendations in September 2006. No. 30, *Pilot Program Access to Criminal Proceedings*” (The text of Recommendation No. 30, may be found in Appendix E) recommended that:

- “The Judicial Branch should establish a two-year pilot program in a single judicial district in which all types of media coverage would be permitted, in accordance with the principles and limitations set forth below.”
- The Supreme Court’s Judicial-Media Committee shall be charged with evaluating the pilot program and making recommendations for its expansion. It is anticipated that, based on the evaluation of the pilot program, the Superior Court judges will refine and extend the program to other districts. In the absence of any action by the judges, the pilot program will continue to operate in the pilot district.

The recommendation also provided considerations upon which to base the location of the Pilot Program, a general principle of access, and rules for coverage in the Pilot Program.

Justice Borden endorsed the recommendation and referred it to the Rules Committee of the Superior Court. The proposed rule and other proposed rules regarding cameras in court went before the Superior Court judges at their annual meeting in 2007. The judges approved the changes, effective January 1, 2008. The rule changes also

incorporated a review mechanism for the Pilot Program, through P.B. Section 1-11C(q). It reads: “The Rules Committee shall evaluate the efficacy of this rule at the end of a two-year period and shall receive recommendations from the Judicial-Media Committee and other sources.”

Based on recommendations from court administrators, the Judicial-Media Committee and the media, 17 individuals were appointed in November 2007 to serve on the Pilot Program Committee. Its charge was to review the Pilot Program over the next two years and to make recommendations to the Judicial-Media Committee. Judge Patrick Clifford, chief administrative judge of criminal matters, and Tom Appleby, general manager and news director of News 12 Connecticut, were named as co-chairs.

THE EVALUATION PROCESS

The Pilot Program Committee met nine times: March 24, 2008; April 28, 2008; May 19, 2008; September 15, 2008; January 5, 2009; April 6, 2009; June 15, 2009; July 27, 2009, and August 31, 2009. Public notice of all the meetings was provided, and minutes posted on the Judicial Branch web site, www.jud.ct.gov (Copies of agendas and minutes can be found in Appendix F.)

At its first meeting, the committee decided to expand its review to include arraignments, since they had constituted the bulk of camera requests since the rules change. The committee also decided that a questionnaire should be distributed to judges, defense lawyers/prosecutors, and members of the news media.

Committee members at their May 19, 2008, meeting finalized the evaluation forms (copies of blank evaluations, Appendix G) and court clerks began distributing them in June 2008. The committee received completed evaluations through April 2009. In all, the committee received back a total of 168 evaluations – 50 from judges, 63 from media representatives, and 65 from attorneys. There was some overlap – in other words, one case could conceivably generate multiple responses – i.e. one each from the judge, prosecutor, defense counsel/public defender, still camera representative and video camera representative.

The vast majority of evaluations dealt with arraignments. The evaluations also included feedback from two criminal trials with juries: *State v. David Wilcox* and *State v. Benedetto Cipriani*.

Committee member Linda J. Cimino prepared a comprehensive summary of the surveys, and Judge Clifford prepared a summary as well. (Please see Appendix H for the comprehensive summaries of surveys).

Number of Requests

The committee received regular reports on the number of requests received from the news media. The External Affairs Division developed a database to track the requests, and their outcomes.

Over the course of the Pilot Program, it was not unusual to receive several requests a week. Television stations submitted the most requests, which typically tended to concentrate in the more urban courts – Hartford, Stamford, New Haven and Bridgeport. The suburban and less urban courts had their share of requests as well.

For 2008, camera coverage of 279 arraignments was requested, and about 195 were granted. In about 38 cases, there was one video camera and one still camera present for the same defendant(s); each camera was counted as a separate request if one was video and the other still. However, follow-up requests from other media once the respective pool camera for a particular medium was approved were not counted separately – for example, requests coming in from other TV stations for a case where a video camera was allowed in were not counted as separate requests.

The number of requests granted involved approximately 200 defendants. It is important to note that several requests involved co-defendants, and if co-defendants were arrested simultaneously and arraigned on the same day, they came in as and were counted as one request.

Twenty-eight requests were received under the Pilot Program for 2008. Of this number, 19 were granted; the remaining nine cases were not photographed and/or videotaped because of continuances, defendants pleading out, etc. Of the 19 requests granted, 16 proceedings were actually videotaped and/or photographed. Regarding the three that were not broadcast, one did not go forward; a newspaper photographer did not show for the second, and a TV station arrived too late for another. In the case of the newspaper photographer who was not at court, the Associated Press subsequently put in a request and photographed the proceeding.

It should be noted that one Pilot Program request is counted as one but actually includes several different court proceedings that occurred over the course of a day in Hartford's Part A Court. On this particular day – July 25, 2008 – CT-N videotaped changes of pleas, continuances and sentencings in individual cases of robbery, manslaughter and murder. The Honorable David Gold, presiding judge of Hartford's Part A docket, handled all but one of the cases. As this report was being prepared in 2009, CT-N requested permission to videotape a series of similar proceedings.

It should also be noted that many requests to televise or broadcast an arraignment were not granted because cameras were not allowed under the rules (i.e., it was a sexual assault case or the case was not an arraignment.) In other instances, permission was granted but the case was continued.

As mentioned earlier, the news media made approximately 279 requests to bring in a camera to arraignments during 2008; of those 279 requests, judges granted 197, or 70.6 percent. Of the approximately 80 requests that did not lead to a camera in court, 29, or 35.3 percent, were due to continuances. Another 18, or 22 percent, did not go forward because the case involved sexual assault charges or was of a sexual nature. Other reasons for requests not going forward included: media withdrew the request; request received too late; case not an arraignment, or youthful offenders involved.

Excluding all of the above, judges denied approximately seven of the approximately 80 requests where no camera was present. Reasons included: insufficient staff and too large a docket; minors involved, and defendant in the hospital.

The figures for 2009 are, as expected, incomplete and are as follows through July 31, 2009. The media requested permission to photograph, videotape or audiotape 198 arraignments. Of that number, judges granted 175 requests or 88.3 percent. Of the 23 requests that did not lead to a camera being in court:

- Seven cases were sexual assault cases

- Seven cases were continued (and at least one of these requests was granted at a later date)
- Two cases had already been called that day
- Two cases were not arraignments
- Two cases involved the defendant being in a hospital, and the hospital administration would not allow cameras into the facility
- One case involved no follow-through by the media
- One case involved a defendant who had been arraigned on a previous day
- One case led to a judge's denial because the defendant was 16 years old and the defense objected to the camera request.

Regarding the pilot program in the Hartford Judicial District, there were 34 requests through July 31, 2009, to photograph, videotape or audiotape criminal court proceedings. Of that number, judges granted 29 requests or 85 percent. Of the five remaining requests:

- One was denied because the request was not timely
- One was denied because of the court's concern about pre-trial publicity
- One case was continued
- One request was withdrawn by the media
- One request is pending.

Other Information Received by the Committee

Committee members received a copy of a survey conducted by the Radio and Television News Directors Association. The survey indicated which states allow cameras in their courtrooms and provided a ranking of Tier I, Tier II or Tier III to rate access, with Tier I being the broadest.

Judge Clifford asked that the ratings be examined to try and ascertain how many times cameras actually do come into the courtrooms. A copy of this review is provided in Appendix I.

In addition, committee member John Long contacted Mark Hertzberg, the contact person of the National Press Photographers Association, to determine: the number of states that allow cameras into their courts; and whether Mr. Hertzberg had any information regarding concerns raised that televising witness testimony could influence future witnesses or influence the jury pool. Mr. Hertzberg's response was: "This has never come up – to my knowledge – in 31 years in Wisconsin. Never." (For information from the National Press Photographers Association, please see Appendix J.)

Mr. Long also provided to committee members information on how pooling arrangements were conducted in the first round of Connecticut's cameras in the courts experiment in the 1980s. (For these pooling arrangements, please see Appendix K).

Committee members considered and reviewed all of the above information in developing its recommendations for consideration by both the Judicial-Media Committee and the Rules Committee.

APPENDIX

A

Judge Patrick J. Clifford's February 5, 2009, memo to judges regarding televising of arraignments

STATE OF CONNECTICUT
SUPERIOR COURT
JUDGE'S CHAMBERS



1 Court Street, Middletown, Connecticut 06457

Telephone: (860) 343-6570
Fax: (860) 343-6589

Patrick J. Clifford
Chief Administrative Judge
Criminal Division

MEMO

SENT VIA E-MAIL

MEMO TO: Superior Court Judges
Senior Judges
Judge Trial Referees

FROM: Patrick J. Clifford, Chief Administrative Judge, Criminal Division

DATE: February 5, 2009

SUBJECT: Televising of Arraignments

The Pilot Program Committee is evaluating the media televising and photographing of arraignments statewide and criminal proceedings in the Hartford Judicial District. Evaluations received to date show a constant theme regarding the coverage of the arraignments: Attorneys, mainly public defenders, desire more effective and timely notice from the court to prepare for objections and to discuss the issue with their potential clients. I would therefore recommend that once a judge receives a request by the media through our External Affairs Division, that the public defender, state's attorney, and marshal's offices be notified *immediately*.

In addition, there should also be some type of protocol or standing order in place to address how to respond to the media and/or External Affairs and what the procedures or ground rules will be.

Attached is a sample standing order utilized in G.A. 13 in Enfield. Each arraignment court should attempt to develop some type of standard procedure for communicating with the media and attorneys.

If you should have any questions, feel free to contact me in Middletown at 860-343-6405.

PJC:kms
Attachment

cc: Hon. Barbara M. Quinn
Hon. Patrick L. Carroll III
Joseph D. D'Alesio
Larry D'Orsi

Sample order utilized in G.A. 13 in Enfield

**SUPERIOR COURT G.A. 13
STANDING ORDERS FOR PHOTOGRAPHIC AND ELECTRONIC MEDIA
COVERAGE OF ARRAIGNMENTS – Page 1 of 2**

Implementation of Practice Book Section 1-11A; Effective January 1, 2008

All camera and electronic coverage of criminal arraignments shall be subject to the following guidelines and any others deemed appropriate by the Court:

1. Only one (1) still camera, one (1) television camera and one (1) audio recording device which do not produce a distracting sound or light shall be employed to cover the arraignment, unless otherwise ordered by the Court.
2. The operator of any camera, television or audio recording equipment shall not employ any artificial lighting device to supplement the existing light in the courtroom.
3. Broadcasting, televising, recording and photographing in any location of the courthouse other than in the arraignment courtroom, at any time, is prohibited.
4. All personnel and equipment shall be situated in an unobtrusive manner within the courtroom. The location of any such equipment and personnel shall be determined by the judge. The location of the camera, to the extent possible, shall provide access to optimum coverage. Once the judge designates the position(s) for the camera(s), the operator must remain in that position and must not move about until the arraignment is completed. **Photographers and operators are prohibited from photographing, videotaping, televising or recording spectators in the courtroom.**
5. If there are multiple requests to videotape, broadcast, televise, record, or photograph the same arraignment, the media representatives making such requests must make pooling arrangements among themselves, unless otherwise determined by the presiding judge.
6. Photographers and equipment operators must conduct themselves in the courtroom quietly and discreetly, with due regard for the dignity of the courtroom.

**SUPERIOR COURT G.A. 13
STANDING ORDERS FOR PHOTOGRAPHIC AND ELECTRONIC
COVERAGE OF ARRAIGNMENTS – Page 2 of 2**

7. To the extent practicable, any media or pool representative seeking to broadcast, televise, record or photograph an arraignment shall provide as much advance notice as possible to the Office of External Affairs (860-757-2270).
8. Media representatives desiring to broadcast, televise, record or photograph an arraignment shall file a written request on a form provided by the Clerk at the GA 13 Clerk's Office by 9:45 a.m. on the date of the arraignment. The Clerk shall transmit said request to the arraignment judge, the supervising marshal, the state's attorney, and the public defender or the attorney for the defendant. The judge shall articulate his/her decision on the request on the record prior to the arraignment.
9. On-camera reporting and taped interviews must be conducted outside of the courthouse. No videotapes, still photographs or audio recordings may be taken at any location in the courthouse other than the area designated by the judge during the arraignment being covered.
10. These orders are subject to future revisions or modifications by the presiding judge or arraignment court judge.

Richard W. Dyer, Presiding Judge, Superior Court G.A. 13

**STATE OF CONNECTICUT JUDICIAL BRANCH
SUPERIOR COURT GEOGRAPHICAL AREA 13
111 PHOENIX AVENUE
ENFIELD, CT 06082**

**REQUEST FOR MEDIA/ELECTRONIC COVERAGE OF COURT
PROCEEDINGS**

Directions:

1. Requester to complete form legibly & file with Clerk's Office
2. Clerk to provide copy of completed request to Judge, ASA, Public Defender or attorney for defendant and Supervising Marshal
3. Clerk to place original completed form in official court file
4. Clerk to retain a copy of the completed form in designated binder in Clerk's Office

Request Date: _____

Name of Media Organization Making Request: _____

Name of Organization's Representative: _____

Coverage Being Requested: ☐ Still Camera ☐ TV Camera ☐ Audio Recording

Name of Defendant(s): _____

Name of Arraignment Judge: _____

After articulation for the court's reasons on the record, this request is hereby

GRANTED/ DENIED.

BY THE COURT,

Date: _____

APPENDIX B

***Sample e-mail informing a judge that a request was received
from the media to photograph an arraignment***

Hebert, Rhonda

From: Hebert, Rhonda
Sent: Tuesday, July 28, 2009 8:04 AM
To: 'Richard.Comerford@jud.ct.gov'
Cc: Adams, Taggart; Suda, Joseph; Archer, Ann Margaret
Subject: FW: Permission for Photo Coverage of the Greer Arraignment Tomorrow 7-28-2009

Hi Judge,

We received this request Monday from the Greenwich Time for an arraignment today. I don't know if there are any sex assault charges, but if there are not, would this be OK with you? Also, do you anticipate that the arraignment would go forward at noon as referenced in the email from the paper?

Thanks!

Rhonda

-----Original Message-----

From: Bob Luckey [mailto:Bob.Luckey@scni.com]
Sent: Monday, July 27, 2009 5:25 PM
To: Hebert, Rhonda; John Breunig
Subject: Permission for Photo Coverage of the Greer Arraignment Tomorrow 7-28-2009

Rhonda,

Please consider this an official request for photo coverage of the Donald Greer arraignment in State Superior Court, Stamford, on July 27th, 2009 at noon.

Please let me know ASAP if you can grant the Stamford Advocate permission to photograph this arraignment inside the courtroom.

Much thanks,

- Bob Luckey
Photo Editor/ Stamford Advocate & Greenwich Time

Sample e-mail informing media that request to photograph an arraignment is approved

Hebert, Rhonda

From: Hebert, Rhonda
Sent: Tuesday, July 28, 2009 9:57 AM
To: 'Bob Luckey'
Subject: FW: Permission for Photo Coverage of the Greer Arraignment Tomorrow 7-28-2009

Hi Bob,

You should be all set. Please have the photographer there at 10:45 a.m.; ask for Supervisory Marshal Joe Suda as your contact.

Thanks!
Rhonda

-----Original Message-----

From: Bob Luckey [mailto:Bob.Luckey@scni.com]
Sent: Monday, July 27, 2009 5:25 PM
To: Hebert, Rhonda; John Breunig
Subject: Permission for Photo Coverage of the Greer Arraignment Tomorrow 7-28-2009

Rhonda,

Please consider this an official request for photo coverage of the Donald Greer arraignment in State Superior Court, Stamford, on July 27th, 2009 at noon.

Please let me know ASAP if you can grant the Stamford Advocate permission to photograph this arraignment inside the courtroom.

Much thanks,

- Bob Luckey
Photo Editor/ Stamford Advocate & Greenwich Time

APPENDIX C

Suggested Statewide Standing Orders for Photographic and Electronic Media Coverage of Arraignments

All camera and electronic coverage of criminal arraignments shall be subject to the following guidelines and others deemed appropriate by the Court:

1. Only one (1) still camera, one (1) television camera and one (1) audio recording device which do not produce a distracting sound or light shall be employed to cover the arraignment, unless otherwise ordered by the Court.
2. The operator of any camera, television or audio recording equipment shall not employ any artificial lighting device to supplement the existing light in the courtroom.
3. Broadcasting, televising, recording or photographing in any location of the courthouse other than in the arraignment courtroom, at any time, is prohibited.
4. All personnel and equipment shall be situated in an unobtrusive manner within the courtroom. The location of any such equipment and personnel shall be determined by the judge. The location of the camera, to the extent possible, shall provide access to optimum coverage. Once the judge designates the position(s) for the camera(s), the operator must remain in that position and must not move about until the arraignment is completed.
5. Prohibitions and possible limitations to coverage:
 - a. Photographers and equipment operators are prohibited from:
 - i. Broadcasting, televising, recording or photographing spectators in the courtroom;
 - ii. Commencing broadcasting, televising, recording or photographing before legal argument on the issue;
 - iii. recording conversations between counsel and client;
 - iv. filming or zooming in on documents of counsel, clerk or court.
 - b. The Court may impose such other conditions including but not limited to broadcasting, televising, recording or photographing:
 - i. a defendant coming or going to the lockup area;
 - ii. a prisoner's restraints;
 - iii. others who may testify or speak at a hearing.
6. If there are multiple requests to broadcast, televise, record or photograph the same arraignment, the media representatives making such requests must make pooling arrangements among themselves, unless otherwise determined by the presiding judge.
7. Photographers and equipment operators must conduct themselves in the courtroom quietly and discreetly, with due regard for the dignity of the courtroom.
8. To the extent practicable, any media or pool representative seeking to broadcast, televise, record or photograph an arraignment shall provide as much advance notice as possible to _____
9. Media representatives desiring to broadcast, televise, record or photograph an arraignment shall file a written request to _____. The Clerk shall transmit said request to the arraignment

judge, the supervising marshal, the state's attorney and the public defender or the attorney for the defendant. The judge shall articulate his/her decision on the request on the record prior to the arraignment.

- 10.** On-camera reporting and taped interviews must be conducted outside of the courthouse. No videotapes, still photographs or audio recordings may be taken at any location in the courthouse other than the area designated by the judge during the arraignment being covered.
- 11.** These orders are subject to future revisions or modifications by the presiding judge or arraignment court judge.

APPENDIX D

Proposed Changes to Practice Book Sections 1-10B - 1-11C

New suggested language is underlined and suggested deletions to the existing language in the rules are bracketed.

Sec. 1-10B. Media Coverage of Court Proceedings; In General

(a) The broadcasting, televising, recording or photographing by the media of court proceedings and trials in the superior court should be allowed subject to the limitations set out in this section and in Sections 1-11 through 1-11[C] B, inclusive.

(b) No broadcasting, televising, recording or photographing of any of the following proceedings shall be permitted:

(1) Family relations matters as defined in General Statutes § 46b-1;

(2) Juvenile matters as defined in General Statutes § 46b-121;

(3) Proceedings involving sexual assault;

[(3)] (4) Proceedings involving trade secrets;

[(4)] (5) In jury trials, all proceedings held in the absence of the jury unless the trial court determines that such coverage does not create a risk to the defendant's rights or other fair trial risks under the circumstances;

[(5)] (6) Proceedings which must be closed to the public to comply with the provisions of state law;

[(6)] (7) Any proceeding that is not held in open court on the record.

(c) No broadcasting, televising, recording or photographic equipment permitted under these rules shall be operated during a recess in the trial.

(d) No broadcasting, televising, recording or photographing of conferences involving counsel and the trial judge at the bench or involving counsel and their clients shall be permitted.

(e) There shall be no broadcasting, televising, recording or photographing of the process of jury selection nor of any juror.

Delete Sec. 1-11. Media Coverage of Criminal Proceedings

[(a) Except as otherwise provided by this section and as provided in Sections 1-11A and 1-11C, a judicial authority should prohibit broadcasting, televising, recording, or taking photographs in criminal proceedings.

(b) No broadcasting, televising, recording or photographing of sentencing hearings, except in trials that have been previously broadcast, televised, recorded or photographed, or of trials or proceedings involving sexual offense charges shall be permitted.

(c) A judicial authority may permit broadcasting, televising, recording or photographing of criminal trials in courtrooms of the superior court except as hereinafter excluded. As used in this rule, the word “trial” in jury cases shall mean proceedings taking place after the jury has been sworn and in nonjury proceedings commencing with the swearing in of the first witness.

(d) Any media or pool representative seeking permission to broadcast, televise, record or photograph a criminal trial shall, at least three days prior to the commencement of the trial, submit a written request to the administrative judge of the judicial district where the case is to be tried. A request submitted on behalf of a pool shall contain the name of each news organization seeking to participate in that pool. The administrative judge shall refer the request to the trial judge who shall approve or disapprove such request. Disapproval by the trial judge shall be final. Before the trial judge approves of such request, the judge shall be satisfied that the permitted coverage will not interfere with the rights of the parties to a fair trial, but the right to limit coverage at any time in the interests of the administration of justice shall be reserved to such judge. Approval of the request, however, shall not be effective unless confirmed by the administrative judge. Any media organization seeking permission to participate in a pool whose name was not

submitted with the original request may, at any time, submit a separate written request to the administrative judge and shall be allowed to participate in the pool arrangement only with the approval of the trial judge.

(e) The trial judge in his or her discretion, upon the judge's own motion, may prohibit the broadcasting, televising, recording or photographing of any participant at the trial. The judge may also, at the request of a participant, prohibit in his or her discretion the broadcasting, televising, recording or photographing of that participant at the trial. The judge shall give great weight to requests where the protection of the identity of a person is desirable in the interests of justice, such as for the victims of crime, police informants, undercover agents, relocated witnesses, juveniles and individuals in comparable situations. "Participant" for the purpose of this section shall mean any party, lawyer or witness.

(f) (1) Only one television camera operator, utilizing one portable mounted television camera, shall be permitted in the courtroom. The television camera and operator shall be positioned in such location in the courtroom as shall be designated by the trial judge. While the trial is in progress, the television camera operator shall operate the television camera in this designated location only. Videotape recording equipment and other equipment which is not a component part of the television camera shall be located outside the courtroom.

(2) Only one still camera photographer, carrying not more than two still cameras with one lens for each camera, shall be permitted in the courtroom. The still camera photographer shall be positioned in such location in the courtroom as shall be designated by the trial judge. While the trial is in progress, the still camera photographer shall photograph court proceedings from this designated location only.

(3) Only one audio system for televising, broadcasting and recording purposes shall be permitted in the courtroom. Audio pickup for such purposes shall be accomplished from the existing audio system in the court facility. If there is no

technically suitable audio system in the court facility, microphones and related wiring essential for media purposes shall be unobtrusive and shall be located in places designated in advance by the trial judge.

(g) No broadcasting, televising, recording and photographic equipment shall be placed in or removed from the courtroom while the court is in session. Television film magazines or still camera film or lenses shall not be changed within the courtroom except during a recess or other appropriate time in the trial.

(h) Only still camera, television and audio equipment which does not produce distracting sound or light shall be employed to cover the trial. The operator of such equipment shall not employ any artificial lighting device to supplement the existing light in the courtroom without the approval of the trial judge and other appropriate authority.

(i) The judicial authority in its discretion may require pooling arrangements by the media. Participating members of the broadcasting, televising, recording and photographic media shall make their respective pooling arrangements, including the establishment of necessary procedures and selection of pool representatives, without calling as to the appropriate media representative or equipment for a particular trial. If any such medium shall not agree on equipment, procedures and personnel, the judicial authority shall not permit that medium to have coverage at the trial.

(j) Except as provided by these rules, broadcasting, televising, recording and photographing in areas immediately adjacent to the courtroom during sessions of court or recesses between sessions shall be prohibited.

(k) The conduct of all attorneys with respect to trial publicity shall be governed by Rule 3.6 of the Rules of Professional Conduct.

(l) To evaluate prospective problems where approval for broadcasting, televising, recording or photographing of a trial has been granted, and to ensure compliance with

these rules during the trial, a mandatory pretrial conference shall be held by the trial judge, attorneys and media personnel. At such conference the trial judge shall review these rules and set forth the conditions of coverage in accordance therewith.]

Sec. 1-11A. Media Coverage of Arraignments

The broadcasting, televising, recording, or taking photographs by media in the courtroom during arraignments may be authorized by the judicial authority presiding over such arraignments. Any media or pool representative seeking to broadcast, televise, record or photograph an arraignment shall notify the administrative judge of the Judicial District where the proceeding will be heard. The administrative judge shall inform the judicial authority who will preside over the arraignment. The judicial authority shall articulate the reasons for its decision on a request for electronic coverage of an arraignment and such decision shall be final. The judicial authority in its discretion may require pooling arrangements by the media.

Sec. 1-11[C. Pilot Program for]Media Coverage of Criminal Proceedings

(Sec. 1-11C Pilot Program for Media Coverage of Criminal Proceedings becomes the new Sec. 1-11 Media Coverage of Criminal Proceedings)

(a) Except as authorized by section 1-11A regarding media coverage of arraignments, the broadcasting, televising, recording or photographing by media of criminal proceedings and trials in the superior court shall be allowed except as hereinafter precluded or limited and subject to the limitations set forth in 1-10B. [Notwithstanding the provisions of Section 1-11, and except as otherwise provided in Section 1-11A regarding media coverage of arraignments, the broadcasting, televising, recording or photographing by media of criminal proceedings and trials in the superior court shall be allowed except as hereinafter precluded or limited and subject to the limitations set forth in Section 1-10B, in a single judicial district of the superior court to be chosen by the chief court administrator based on the following considerations:

(1) the age of the courthouse facility, its ability to accommodate the media technology involved, and security and cost concerns;

(2) the volume of cases at such facility and the assignment of judges to the judicial district;

(3) the likelihood of significant criminal trials of interest to the public in the judicial district;

(4) the proximity of the judicial district to the major media organizations; and to the organization or entity providing coverage;

(5) the proximity of the courthouse facility to the Judicial Branch administrative offices.]

(b) No broadcasting, televising, recording or photographing of trials or proceedings involving sexual offense charges shall be permitted.

(c) As used in this rule, the word “trial” in jury cases shall mean proceedings taking place after the jury has been sworn and in nonjury proceedings commencing with the swearing in of the first witness. “Criminal proceeding” shall mean any hearing or testimony, or any portion thereof, in open court and on the record except an arraignment subject to section 1-11A.

(d) Unless good cause is shown, any media or pool representative seeking to broadcast, televise, record or photograph a criminal proceeding or trial shall, at least three days prior to the commencement of the proceeding or trial, submit a written notice of media coverage to the administrative judge of the judicial district where the proceeding is to be heard or the case is to be tried. A notice of media coverage submitted on behalf of a pool shall contain the name of each news organization seeking to participate in that pool. The administrative judge shall inform the judicial authority who will hear the proceeding or who will preside over the trial of the notice, and the judicial authority shall allow such coverage except as otherwise provided.

[(d)] (e) Any party, attorney, witness or other interested person may object in advance of electronic coverage of a criminal proceeding or trial if there exists a substantial reason to believe that such coverage will undermine the legal rights of a party or will significantly compromise the safety of a witness or other person or impact significant privacy concerns. In the event that the media request camera coverage and, [T]to the extent practicable, notice that an objection to the electronic coverage has been filed, and the date, time and location of the hearing on such objection shall be posted on the Judicial Branch website. Any person, including the media, whose rights are at issue in considering whether to allow electronic coverage of the proceeding or trial, may participate in the hearing to determine whether to limit or preclude such coverage. When such objection is filed by any party, attorney, witness or other interested person, the burden of proving that electronic coverage of the [civil] criminal proceeding or trial should be limited or precluded shall be on the person who filed the objection.

[(e)] (f) The judicial authority, in deciding whether to limit or preclude electronic coverage of a criminal proceeding or trial, shall consider all rights at issue and shall limit or preclude such coverage only if there exists a compelling reason to do so, there are no reasonable alternatives to such limitation or preclusion, and such limitation or preclusion is no broader than necessary to protect the compelling interest at issue.

[(f)] (g) If the judicial authority has a substantial reason to believe that the electronic coverage of a criminal proceeding or trial will undermine the legal rights of a party or will significantly compromise the safety or privacy concerns of a party, witness or other interested person, and no party, attorney, witness or other interested person has objected to such coverage, the judicial authority shall schedule a hearing to consider limiting or precluding such coverage. To the extent practicable, notice that the judicial authority is considering limiting or precluding electronic coverage of a criminal proceeding or trial, and the date, time and location of the hearing thereon shall be given to the parties and others whose interests may be directly affected by a decision so that they may participate in the hearing and shall be posted on the Judicial Branch website.

[(g)] (h) Objection raised during the course of a criminal proceeding or trial to the photographing, videotaping or audio recording of specific aspects of the proceeding or trial, or specific individuals or exhibits will be heard and decided by the judicial authority, based on the same standards as set out in subsection [(e)] (f) of this section used to determine whether to limit or preclude coverage based on objections raised before the start of a criminal proceeding or trial.

[(h)] (i) The judge presiding over the proceeding or trial in his or her discretion, upon the judge's own motion or at the request of a participant, may prohibit the broadcasting, televising, recording or photographing of any participant at the trial. The judge shall give great weight to requests where the protection of the identity of a person is desirable in the interests of justice, such as for the victims of crime, police informants, undercover agents, relocated witnesses, juveniles and individuals in comparable situations. "Participant" for the purpose of this section shall mean any party, lawyer or witness.

[(i)] (j) The judicial authority shall articulate the reasons for its decision on whether or not to limit or preclude electronic coverage of a criminal proceeding or trial, and such decision shall be final.

[(j)] (k) (1) Only one television camera operator, utilizing one portable mounted television camera, shall be permitted in the courtroom. The television camera and operator shall be positioned in such location in the courtroom as shall be designated by the trial judge. Microphones, related wiring and equipment essential for the broadcasting, televising or recording shall be unobtrusive and shall be located in places designated in advance by the trial judge. While the trial is in progress, the television camera operator shall operate the television camera in this designated location only.

(2) Only one still camera photographer shall be permitted in the courtroom. The still camera photographer shall be positioned in such location in the courtroom as shall be

designated by the trial judge. While the trial is in progress, the still camera photographer shall photograph court proceedings from this designated location only.

(3) Only one audio recorder shall be permitted in the courtroom for purposes of recording the proceeding or trial. Microphones, related wiring and equipment essential for the recording shall be unobtrusive and shall be located in places designated in advance by the trial judge.

[(j)] [No broadcasting, televising, recording and photographic equipment shall be placed in or removed from the courtroom while the court is in session. Television film magazines or still camera film or lenses shall not be changed within the courtroom except during a recess or other appropriate time in the proceeding or trial.]

[(k)] (l) Only still camera, television and audio equipment which does not produce distracting sound or light shall be employed to cover the proceeding or trial. The operator of such equipment shall not employ any artificial lighting device to supplement the existing light in the courtroom without the approval of the judge presiding over the proceeding or trial and other appropriate authority.

[(l)] (m) Except as provided by these rules, broadcasting, televising, recording and photographing in areas immediately adjacent to the courtroom during sessions of court or recesses between sessions shall be prohibited.

[(m)] (n) The conduct of all attorneys with respect to trial publicity shall be governed by Rule 3.6 of the Rules of Professional Conduct.

[(n)] (o) The judicial authority in its discretion may require pooling arrangements by the media. Pool representatives should ordinarily be used for video, still cameras and radio, with each pool representative to be decided by the relevant media group. Participating members of the broadcasting, televising, recording and photographic media shall make their respective pooling arrangements, including the establishment of

necessary procedures and selection of pool representatives, without calling upon the judicial authority to mediate any dispute as to the appropriate media representative or equipment for a particular trial. If any such medium shall not agree on equipment, procedures and personnel, the judicial authority shall not permit that medium to have coverage at the proceeding or trial.

[(o) Unless good cause is shown, any media or pool representative seeking to broadcast, televise, record or photograph a criminal proceeding or trial shall, at least three days prior to the commencement of the proceeding or trial, submit a written notice of media coverage to the administrative judge of the judicial district where the proceeding is to be heard or the case is to be tried. A notice of media coverage submitted on behalf of a pool shall contain the name of each news organization seeking to participate in that pool. The administrative judge shall inform the judicial authority who will hear the proceeding or who will preside over the trial of the notice, and the judicial authority shall allow such coverage except as otherwise provided. Any news organization seeking permission to participate in a pool whose name was not submitted with the original notice of media coverage may, at any time, submit a separate written notice to the administrative judge and shall be allowed to participate in the pool arrangement.]

(p) To evaluate and resolve prospective problems where broadcasting, televising, recording or photographing by media of a criminal proceeding or trial will take place, and to ensure compliance with these rules during the proceeding or trial, the judicial authority who will hear the proceeding or preside over the trial may require the attendance of attorneys and media personnel at a pretrial conference.

[(q) The Rules Committee shall evaluate the efficacy of this rule at the end of a two year period and shall receive recommendations from the Judicial-Media Committee and other sources.]

APPENDIX E

Thirtieth Recommendation of the Public Access Task Force

Thirtieth Recommendation:

Pilot program on media access to criminal proceedings

- The Judicial Branch should establish a two-year pilot program in a single judicial district in which all types of media coverage of criminal proceedings would be permitted, in accordance with the principles and limitations set forth below.
- The Supreme Court's Judicial-Media Committee shall be charged with evaluating the pilot program and making recommendations for its expansion. It is anticipated that, based on the evaluation of the pilot program, the Superior Court judges will refine and extend the program to other districts. In the absence of any action by the judges, the pilot program will continue to operate in the pilot district.
- The selection of a Judicial District for the pilot program shall be based on the following considerations: the courthouse facilities (age of the buildings, their ability to accommodate the media technology involved, and security and cost concerns); the volume of cases and assignment of judges to that district, the likelihood of significant criminal trials of interest to the media in the district, the proximity of the district's courts to the major media organizations, and to CT-N if CT-N has an interest in providing coverage, and the proximity of the courts to the Judicial Branch administrative offices. The following locations ought to be considered as possible locations for the pilot program: Bridgeport, Hartford, Middletown, New Britain, New Haven, New London, and Waterbury.

General Principle of Access

All forms of media, including still cameras, video cameras, and audio recordings, are to be allowed to cover all aspects of criminal trials and sentencing, subject to the rules and guidelines set forth below.

Rules for Coverage in Pilot Program

- The Judicial Branch will take appropriate steps to ensure that litigants, the press, the bar, the bench, staff, and the public are aware that any criminal trial and sentencing may be subject to media coverage including being broadcast, photographed, videotaped or audio-recorded. Absent good cause shown, the media shall provide advance notice of their intent to use still cameras, video cameras or audio recording, and the trial judge should, to the extent possible, consult in advance with the media about anticipated coverage of proceedings.
- Any party, attorney, witness or victim may object in advance of pre-trial proceedings, trial or sentencing to the use of cameras, video cameras, or audio recording if there is a substantial reason to

believe that such media coverage would undermine the rights of a criminal defendant or significantly compromise a witness's safety or legitimate privacy concerns. The parties, as well as a witness or victim whose rights may be affected by electronic coverage of the proceedings, and the media, may participate in the hearing to determine whether to limit or preclude electronic coverage. The burden of proof will be on the person seeking to restrict electronic coverage.

- If no party, witness or victim objects to electronic coverage of a proceeding, the trial court may nonetheless propose to limit or preclude such coverage where the court reasonably believes that such coverage would undermine the legal rights of a party or compromise legitimate concerns about security or about a person's safety or privacy. The court will provide notice to the parties and others whose interests may be directly affected by a decision on electronic coverage, including the media, so that they may participate in the hearing.
- The court will decide after a hearing whether to preclude or limit the use of cameras, video cameras, or audio recording, taking into account the rights asserted and bearing in mind the "Guiding Principles" adopted by the Judicial Proceedings Committee and the Task Force – in particular the principle that "Public access to judicial proceedings should be limited only if there is a compelling reason to do so, there are no reasonable alternatives to such limitations, and the limitation is no broader than necessary to protect the compelling interest at issue." The court shall take into account special considerations that may arise, such as the testimony of children, alleged victims of sexual offenses, confidential informants and undercover officers. Neither agreement of the parties, nor a general statement by the court that it does not favor electronic coverage generally or in a particular category of cases, shall be sufficient to meet the standards articulated in the Guiding Principles for limiting or precluding electronic coverage.
- To the extent practicable, objections to the use of still cameras, video cameras and/or audio recordings, and the date, time, and location of the hearing on those objections, will be posted on the Judicial Branch web site, so that affected parties may attend the hearing.
- Objections made during the course of a pre-trial proceeding, trial or sentencing to photographing or video taping or audio recording specific aspects of the proceeding (e.g., testimony of a juvenile or sexual assault victim), specific individuals (e.g., sexual assault victims or witnesses whose identity is protected) or exhibits (e.g., autopsy photographs), will be heard and decided by the trial court, based on the same standards and principles used to determine whether to preclude or limit access based on objections raised before the start of a trial.
- Cameras, video cameras and audio recording equipment may be used in the courtroom, but not used in other parts of the courthouse.
- To ensure coverage and minimize disruption, pool representatives should ordinarily be utilized for video, still cameras and radio, with each pool representative to be decided by the relevant media group.
- Cameras, video cameras, microphones and other related equipment are to be placed in the courtroom in the location designated by the Judicial Branch to ensure maximum coverage of the proceedings while

minimizing disruption. To minimize disruption, cameras, microphones, video cameras and related equipment may be set up and taken down only when the court proceedings are in recess. During a trial, operators of cameras and video cameras and audio recording equipment may be required to be present for the entire day's proceedings.

- There shall be no video taping, audio recording or photographing of jurors. There shall be no video taping or audio recording of trial proceedings held when the jury has been excused from the courtroom unless the trial court determines that such coverage does not create a risk to the defendant's rights or other fair trial risks under the circumstances.
- Nothing in this proposal is intended to eliminate the trial courts' existing authority to take reasonable measures to preserve order in the courtroom and to ensure a fair trial.

Thirty-first Recommendation of the Public Access Task Force

Thirty-first Recommendation:

Coverage of Arraignments

Expanding media coverage of arraignments should be the subject of additional inquiry – including further discussion with criminal judges and review of the experience of other states that allow media coverage of arraignments with limited restrictions – with additional recommendations to follow. In the interim, electronic coverage of specific arraignments may be considered on a case-by-case basis upon reasonable notice by the press (recognizing the last-minute nature of some arraignments), and that, to the extent practicable, judges should consult with the press to coordinate the logistics of such coverage.

APPENDIX F

Agenda of the March 24, 2008, meeting of the Pilot Program Committee

Agenda

Pilot Program Committee

Monday, March 24, 2008, 2 p.m.

Middlesex Judicial District Courthouse

Jury Assembly Room

1 Court Street, Middletown 06457

I. Welcome – Co-chairs Tom Appleby and Judge Patrick Clifford
a) Introduction of committee members

II. Summary of what's occurred in courts with cameras since Jan. 1, 2008

III. Discussion of the committee's mission

IV. Discussion of how to comply with the mission

V. Schedule next meeting

VI. Adjourn

Minutes of the March 24, 2008, meeting of the Pilot Program Committee

Present: Co-chairs Tom Appleby & Judge Patrick Clifford; Judge Marshall Berger Jr., Sara Bernstein, Larry Callahan, Linda J. Cimino, Paul Giguere, Judge David Gold, Gail Hardy, Ken Margolfo, Patrick Sanders, Robin Smith, Judge Elliot Solomon, Kirk Varner and Dave Ward.

Absent: John Long, Mike St. Peter.

Agenda Item No. 1 – Welcome

Judge Clifford and Tom Appleby welcomed committee members; this was the first meeting of the committee. Judge Clifford also went through a notebook of information that committee members received.

Agenda Item No. 2 – Summary of what's occurred in courts with cameras since 01/01/08

Dave Ward of Channel 3 showed four clips of court proceedings that have been videotaped since the rules change on Jan. 1, 2008. The clips included three arraignments (Hartford, New London & Rockville) and jury selection (no jurors shown).

Agenda Item No. 3 – Discussion of committee's mission

Judge Clifford explained that the job of the committee is to evaluate the pilot program over the next years and make recommendations. The committee is not dealing with cameras in civil courts, he said. However, he asked whether the committee's mission should be expanded to include an evaluation of cameras at arraignments, since this has been the bulk of camera requests since the rules change.

Regarding the pilot program in the Hartford JD, Paul Giguere of CT-N reported that CT-N will have a better handle in the next couple of weeks on whether the legislature will provide funding for CT-N to videotape court proceedings in Part A. He added that CT-N hopes to assign a crew to the Lafayette Street courthouse and would work closely with the other TV stations.

Judge Berger asked how it would play out if two or three criminal trials were going on at the same time. Mr. Giguere answered that it would depend on whether all of the stations would be interested in getting the video. Judge Clifford added that the Judicial Branch does not want to get involved in pooling issues, such as whether a station is obliged to share videotape if no one else asked to cover the proceeding.

Committee members discussed different situations that had arisen or may arise with cameras in court, i.e. a newspaper wanted to videotape a court proceeding for its website. Judge Clifford returned to the question of whether the committee should review camera coverage of arraignments, which, he added, has been going very smoothly in the various courthouses. The committee agreed to expand its mission to evaluating cameras in arraignments.

Agenda Item No. 4: Discussion of how to comply with the mission

Committee members next turned to the question of how best to comply with the mission. Judge Clifford asked whether there should be some kind of questionnaire. Hartford JD Public Defender Sara Bernstein indicated she had already asked her public defenders whether they had had cameras in their courts, for what kind of case, and whether there were any problems.

Judge Clifford suggested that a questionnaire be developed to review at the committee's next meeting. Committee members agreed that each group – i.e. judges, media, lawyers – would submit questions that they thought should be included on an evaluation. There was some discussion of appointing subcommittees to develop the questions, but committee members concluded that subcommittees were unnecessary.

Committee members also agreed that the evaluation process needs to get under way soon. Questions also may be revised as things go along, committee members added.

Agenda Item No. 5: Schedule next meeting

The committee scheduled its next meeting for Monday, April 28, 2008, at 2 p.m. at the Middlesex Judicial District Courthouse.

Agenda Item No. 6: Adjourn

The committee adjourned at approximately 4 p.m.

Agenda of the April 28, 2008, meeting of the Pilot Program Committee

Agenda

Pilot Program Committee

Monday, April 28, 2008, 2 p.m.

Middlesex Judicial District Courthouse

Jury Assembly Room

1 Court Street, Middletown 06457

- I. Open meeting – Co-chairs Tom Appleby and Judge Patrick Clifford
- II. Approval of minutes from March 24, 2008, meeting
- III. Summary of what's occurred in courts with cameras since last meeting
- IV. Evaluation forms
 - A. Review proposed questions, format, etc. for approval
- V. Next meeting
- VI. Adjourn

Minutes of the April 28, 2008, meeting of the Pilot Program Committee

Present: Co-chairs Judge Patrick Clifford and Tom Appleby, general manager and news director, News 12 Connecticut; Judge Marshall Berger Jr.; Hartford Public Defender Sara Bernstein; Linda J. Cimino, director, Office of Victim Services; Paul Giguere, president & CEO, Connecticut Network; Hartford State's Attorney Gail Hardy; John Long, photographer, retired from The Hartford Courant; Ken Margolfo, assignment editor, WTIC-TV Fox 61; Patrick Sanders, Connecticut news editor, Associated Press; Chief Clerk Robin Smith; Judge Eliot Solomon; Michael St. Peter, news director, WVIT-TV Channel 30; and Mr. Dave Ward, assignment editor, WFSB-TV Channel 3.

Absent: Judge David Gold; Chief Judicial Marshal Lawrence Callahan; and Kirk Varner, vice president and news director, WTNH-TV Channel 8.

Agenda Item No. 1 – Open Meeting

Mr. Appleby and Judge Clifford opened the meeting at 2 p.m.

Agenda Item No. 2 – Minutes

Committee members approved the minutes from their meeting on March 24, 2008.

Agenda Item No. 3 – Summary of what's occurred in courts with cameras since last meeting

The committee discussed two recent situations in different courts where a TV camera was allowed into the courtroom, but a still camera was not. Mr. Sanders explained that his understanding was that the judges thought the video images could be transferred to still images. That's not easy to do, however, and the photos are not of the quality that's required, Mr. Sanders said. Judge Clifford responded that he had spoken with Mr. Sanders and the involved judges, who were unaware of the technological difficulties. Judge Clifford added that he believes it is a matter of educating the judges about camera technology. He added that he does not see a problem allowing in one TV camera and one still camera, but emphasized that the decision ultimately is within a judge's discretion. Mr. Long added that it is a big deal for still cameras to be excluded and that the TV cameras do not capture what the still cameras can. He added that he would be happy to do a demonstration of a camera with a "silencer," which reduces shutter noise.

Committee members discussed other situations that had occurred during arraignments and the varying logistics among arraignments where judges allowed cameras. Judge Clifford mentioned an arraignment where a judge ordered that no pictures be taken of a defendant coming out of the lockup. The TV station in the courtroom did not show the walk on its news that night, but did not relay the prohibition to another station – which did show the footage. In such situations, Judge Clifford suggested that the media offer to speak with the judge and explain what happened.

Committee members also received the following information:

Pilot Program, Arraignments Camera Summary (As of April 25, 2008)

Total Number of All Camera Requests Made Since Jan. 1, 2008: Approximately 147

Total Number of Distinct Cases: Approximately 70

Total Number of All Camera Requests Granted Since Jan. 1, 2008: About 70

Total Number of Distinct Cases Where Requests Have Been Granted: Approximately 51

Total Number of Arraignment Requests Made Since Jan. 1, 2008: About 108

Total Number of Distinct Cases: Approximately 67

Total Number of Arraignment Requests Granted Since Jan. 1, 2008: About 56

Total Number of Distinct Cases: About 43

Total Number of Requests Under Pilot Program Since Jan. 1, 2008: 11 (1 request pending)

Total Number of Distinct Cases: 9 (including 4 defendants charged in the same killing)

Total Number of Requests Granted Under Pilot Program: 7

Total Number of Distinct Cases: 5

*Please note that the numbers in the categories of *all requests made* include multiple requests for one cases.

*As of April 28, 2008, all judicial districts have received camera requests.

IV. Discussion of evaluation forms

The committee discussed drafts of three evaluation forms – one each for judges, the media and attorneys. Committee members reviewed all three and agreed to meet on May 19, 2008, to review the revised evaluations incorporating their suggested changes. Attorney Hardy added that she would supply questions from a prosecutor's perspective for the attorneys' evaluation, especially regarding victims and witnesses.

Chief Clerk Robin Smith asked how the evaluations will be compiled, distributed, and what the committee will do with the information. Judge Clifford answered that he believes the committee will need to collect the data and prepare a report at the end of the 2-year pilot program, for the review of the Rules Committee. Committee members discussed distributing the evaluations through the clerks' offices, with External Affairs being responsible for compiling the data.

V. Next meeting

Committee members agreed to meet same time, same place on May 19.

VI. Adjourn – The meeting was adjourned at about 4 p.m.

Agenda of the May 19, 2008, meeting of the Pilot Program Committee

Agenda

Pilot Program Committee

Monday, May 19, 2008, 2 p.m.

Middlesex Judicial District Courthouse

Jury Assembly Room

1 Court Street, Middletown, CT 06457

- I. Open meeting – Co-chairs Tom Appleby and Judge Patrick Clifford
- II. Approval of minutes from meeting of April 28, 2008
- III. Review & Approve Revised Draft Evaluation Forms
 - a) Methods of distribution
- IV. Next meeting
- V. Adjourn

Minutes of the May 19, 2008, meeting of the Pilot Program Committee

Present: Co-chairs Tom Appleby and Judge Patrick Clifford; Judge Marshall Berger Jr., Sara Bernstein, Larry Callahan, Linda J. Cimino, Paul Giguere, Ken Margolfo, Robin C. Smith, Judge Elliot Solomon, Mike St. Peter, Kirk Varner, and Dave Ward.

Absent: Judge David Gold, Gail Hardy, John Long, Patrick Sanders.

I. Open meeting

Tom Appleby and Judge Clifford started the meeting at 2 p.m.

II. Approval of minutes from meeting of April 28, 2008

Judge Clifford made a motion to approve the minutes, seconded by Judge Solomon. The committee unanimously approved the minutes.

III. Review & Approve Revised Draft Evaluation Forms

Committee members finalized evaluation forms for judges, attorneys and the media. Committee members also discussed how the evaluations would be distributed and determined that they would not apply retroactively to arraignments that have already been televised/photographed.

Judge Clifford and Judge Berger raised three areas of concern that have arisen during a recently televised trial:

- Camera operators chasing jurors down the street.
- Camera operators chasing the defendant down the street during the trial.
- Interviews being conducted outside of the courthouse during the trial.

The judges expressed their concern that these actions would prejudice an individual's right to a fair trial.

Mr. Ward responded that members of the print media often interview people outside of a courthouse and take notes. Mr. Giguere added that the judges' concerns would likely be borne out in the evaluations that the committee is to review. He suggested that the committee let everything play out. Judge Berger added that the judges offered these comments as a heads-up and are focusing on what occurs during the trial, as opposed to when the trial concludes. Judge Clifford added that if he is a judge watching TV and sees a witness being interviewed on camera, then that is an issue for him.

Mr. Varner said that he does not see the media being unresponsive to requests from a judge and that, from the media's point of view, what the media does will come down to ethics and their practices.

IV. Schedule next meeting

Committee members agreed to meet again on Sept.15 to review the evaluations that are sent in.

V. Adjourn

The committee adjourned at about 4 p.m.

Agenda of the September 15, 2008, meeting of the Pilot Program Committee

Pilot Program Committee Agenda
September 15, 2008
Middlesex Judicial District Courthouse
1 Court Street, Middletown, CT

- I. Open meeting – Tom Appleby and Judge Patrick Clifford
- II. Approve minutes from meeting of May 19, 2008
- III. Update on camera requests received so far
 - a) Report on Pilot Program in Hartford JD – Judge David Gold and Paul Giguere
- IV. Discussion of evaluations received so far
- V. New business
- VI. Adjourn meeting

Minutes of the September 15, 2008, meeting of the Pilot Program Committee

Present: Mr. Tom Appleby, Judge Patrick Clifford, co-chairs; Sara Bernstein, Linda Cimino, Judge David Gold, John Long, Robin Smith, Judge Elliot Solomon, Dave Ward.

Lynne Tuohy of CT-N was at the meeting in lieu of Paul Giguere.

I. Open Meeting

Mr. Appleby and Judge Clifford started the meeting at 2 p.m.

II. Minutes

Committee members unanimously approved the minutes from their meeting on May 19, 2008.

III. Update on camera requests received so far; report on Pilot Program in Hartford JD

Committee members received updates on the number of camera requests received so far and also heard from Judge Gold regarding the Pilot Program in the Hartford JD. CT-N in July videotaped several cases on one day, including pleas and three sentencings, according to Judge Gold. The response from the airing of these cases was positive, committee members said.

IV. Discussion of evaluations received so far

In summarizing the evaluations received so far, Judge Clifford reported that the media seem satisfied with the pilot program, particularly in the area of arraignments. Most of the judges were fine with the videotaping/photographing of arraignments as well, he said, adding that everyone will have to wait and see whether cameras in arraignments will affect trials down the road.

Mr. Ward mentioned that the process has gone very well at GA 13 in Enfield, where Judge Richard Dyer put in place a written request form and standing orders for media outlets. Judge Clifford responded that the committee may want to consider whether the form and standing orders should be used statewide.

For attorneys, one issue seems to be the lack of notice about camera requests, Mr. Long said. He suggested this is an area that the committee may want to discuss as well. Mr. Ward added that it is sometimes difficult to give much notice, given how quickly arraignments might occur. Judge Clifford said that there is some notice, although it may not be early notice.

Another area the committee should consider is the issue of shackles, Judge Clifford said. Judges have different views on whether they should be photographed or videotaped, he added.

Committee members then turned to camera coverage at a high-profile trial in Hartford this year. Much of the discussion focused on the photographing of jurors after a verdict. The judge in this particular trial did not want the jurors photographed outside of the courthouse. Journalists on the committee said that it is up to the jurors whether they want to talk, and that photographers have always stood on the sidewalk and taken pictures of jurors following a verdict.

Judge Clifford responded that he understood that judges don't have much authority in this area. However, he added, judges are very protective of jurors, who often are nervous wrecks about having their picture taken by the media. There also is the potential to scare off future jurors, he said. Both Judge Gold and Judge Solomon echoed Judge Clifford's concerns. Mr. Appleby suggested that the committee research what other states do regarding the photographing of jurors, and whether jurors have been lost because they've been photographed or videotaped.

Ms. Tuohy recalled one trial where jurors were asked whether any of them wanted to speak to the media. For those who did, a podium was set up in court, and the interviews occurred. That arrangement might be something to consider, she said.

V. New Business

Committee members scheduled their next meeting for Jan. 5, 2009.

VI. Adjourn meeting

The committee adjourned at 4 p.m.

Agenda of the January 5, 2009, meeting of the Pilot Program Committee

Pilot Program Committee

AGENDA

January 5, 2009, 2 p.m.

Jury Room, Middlesex Judicial District Courthouse

1 Court Street

Middletown, CT 06457

- I. Call meeting to order
- II. Approval of minutes from meeting of September 15, 2008
- III. Update on camera requests
 - a) Additional evaluations
- IV. Discussion regarding method to be used in evaluating Pilot Program and presenting recommendations to the Rules Committee
- V. Adjourn meeting

Minutes of the January 5, 2009, meeting of the Pilot Program Committee

Present: Co-chairs, Tom Appleby and Judge Patrick Clifford; Judge Marshall Berger, Jr., Sara Bernstein; Scott Brede sitting in for Paul Giguere), Larry Callahan, Linda Cimino, Attorney Melissa Farley, Judge David Gold, Rhonda Stearley Hebert, John Long and Ken Margolfo.

Absent: Paul Giguere, Gail Hardy, Michael St. Peter, Patrick Sanders, Robin Smith, Judge Elliot Solomon, Kirk Varner, Dave Ward.

I. Open Meeting

The meeting was called to order at ~~3:12 p.m.~~ 2 p.m.

II. Approval of minutes from meeting of September 15, 2008

The committee unanimously approved the minutes.

III. Update on camera requests

For 2008 – there were 379 camera requests.

Of the 379 requests received, 234 were granted; 277 arraignments were requested and 196 arraignments were granted.

The total pilot program requests for 2008 were 28; 19 requests were granted. Two full trials were covered for Avon Mountain and Cipriani cases. The Deputy Chief Clerks and Judicial Marshals have been very helpful throughout the pilot program. The Waterbury Republican American, The Day, Stamford Advocate have started to request camera access to arraignments.

IIIa. Evaluations

Judge Clifford reported that the majority of judges and prosecutors think that things are going smoothly. From the defense side, a number of attorneys complain that there hasn't been enough notice given.

From the press side, the evaluations have been positive. A discussion ensued as to why some judges won't allow the shackles to be shown. Another discussion occurred as to why the media can't film or photograph an unexpected news event that happens in the courtroom (consider sequestration of witness) rule and TV for real time. What has experience of other courts that televise trials been regarding sequestration of witnesses? Any rules?

New criminal instructions will need to be recommended.

IV. Discussion regarding mechanisms to report to Rules Committee

Pilot Committee makes recommendation to Judicial Media Committee → Judicial Media Committee makes recommendations to the Rules Committee.

Judge Clifford can send out an e-mail to the judges asking whether an arraignment was televised and the subsequent trial televised.

Public defenders are not getting notice; Judge Clifford will address in an e-mail memo to judges about contacting states' attorney and public defender about the requests lawyers shouldn't have to object to coverage while camera is rolling.

One protocol – would it be helpful to have a protocols notice to parties regarding camera coverage.

One recommendation is to get maintenance departments involved. Cull info from evaluations and do a write-up. Committee will consider whether to stop sending out surveys for the arraignments after reviewing the last batch of evaluations.

It was suggested that there should be some follow-up with victims and with jurors about coverage.

V. Next meeting is scheduled for Monday, April 6, 2009 at 2:00 p.m.

VI. The meeting was adjourned at 3:50 p.m.

Agenda of the April 6, 2009, meeting of the Pilot Program Committee

Pilot Program Committee
Monday, April 6, 2009, 2 p.m.
Middlesex Judicial District Courthouse

- I. Open meeting – Mr. Tom Appleby and Judge Patrick Clifford, co-chairs
- II. Approve minutes from meeting of January 5, 2009
- III. Update on requests for 2009
- IV. Discuss latest batch of evaluations
- V. Discuss process for preparing report on Pilot Program
 - a. Who will work on the report?
 - b. Timetable
 - c. Format, what to include
 - d. Committee recommendations
 - e. Anything else that needs to be discussed in connection with this process
- VI. Set next meeting date; adjourn

Minutes of the April 6, 2009, meeting of the Pilot Program Committee

Present: Tom Appleby and Judge Patrick Clifford, co-chairs; Judge Marshall Berger; Sara Bernstein; Larry Callahan; Linda Cimino; Judge David Gold; Gail Hardy; John Long; Patrick Sanders; Robin Smith; Judge Elliot Solomon; Mike St. Peter; and Dave Ward.

I. Open meeting

Judge Clifford opened the meeting at 2 p.m.

II. Approve minutes from meeting of January 5, 2009

The committee made one change to the minutes – the meeting started at 2 p.m., not the time stated in the draft minutes. With that change, the committee unanimously approved the minutes.

III. Update on requests for 2009

IV. Discuss latest batch of evaluations

Regarding agenda items III and IV, committee members discussed additional evaluations that they had received from judges, attorneys and members of the media. According to Judge Clifford, the comments were similar to those received before – judges handling arraignments seem fairly satisfied; the media is generally satisfied; and the defense and prosecution want more notice of requests and fear that the publicity may negatively affect cases down the road.

Judge Berger made a motion to adopt one standing order for the videotaping or photographing court proceedings, so that there is consistency throughout the state. Judge Clifford responded that consistency would be beneficial, but added that he had circulated to judges a memo in which he: 1) recommended that a judge notify the public defender, state's attorney and judicial marshals once he/she receives a camera request from the media through the External Affairs Division; 2) recommended that some type of protocol or standing order should be in place at each court location. Judge Clifford said he did not want to tell the judges what to do and believed that the memo was sufficient at this point.

Attorney Bernstein added that she thinks it would be good for the Judicial Branch to have a general protocol subject to modification.

Mr. Sanders asked whether anyone had argued that having a camera in court during an arraignment had affected a defendant's right to a fair trial. Attorney Bernstein answered that the pilot program hasn't been in existence long enough for the argument to be made yet.

Judge Berger said at some point the evaluation process needs to stop and that the committee needs to make its recommendations to the Judicial-Media Committee. He added that if 95 percent of the cases go to plea, then tracking them won't have any meaning regarding the effect of publicity on selecting jurors for trial.

Judge Clifford agreed that the evaluations are no longer necessary and that committee needs to do its report. Judge Solomon added that he found it hard to believe that televising one image of a defendant at arraignment could affect jury selection; instead, he said, it's the 20 articles in the newspaper.

V. Discuss process for preparing report

Judge Clifford said he thought that the committee would recommend in its report to the Judicial-Media Committee that the pilot program in Hartford be expanded to the entire state. (The rule regarding arraignments already is statewide and is not included in Practice Book section on the Pilot Program.) He also said the report should include the following: the creation of the committee from the Public Access Task Force; background on the committee, information about evaluations; and recommended standing orders.

Judge Berger suggested recommending that Section 1-11 of the Practice Book (re: Media Coverage of Criminal Proceedings) be amended to incorporate Section 1-11C of the Practice Book (re: Pilot Program for Media Coverage of Criminal Proceedings). That way, he said, there would not be two sets of rules.

Judge Clifford asked committee members whether anyone disagreed that the Pilot Program camera rules should apply statewide. No one disagreed.

Judge Gold asked whether the committee is being asked to decide whether the Pilot Program has worked well, or whether it believes that cameras in the courtroom are a good idea, or is it one and the same? If the committee is voting on whether it's good to have cameras in the courtroom, then that's more difficult, he said. Some might say the program is working well, but that it's bad to bring in cameras, he added. Judge Solomon responded that if the Pilot Program is working, then the committee ought to recommend what would make it work better.

The committee decided that a draft of the report should be completed by the end of May, so that the Judicial-Media Committee could receive it by the fall so that its members can vote on the recommendations and then forward them to the Rules Committee.

After the discussion on the report concluded, Hartford Judicial District Chief Clerk Robin Smith asked whether the committee had decided to stop distributing the evaluations. Judge Clifford made a motion to discontinue having the clerks distribute the evaluations to judges, lawyers and the media to fill out. Judge Gold seconded the motion, which carried unanimously.

VI. Schedule next meeting; adjourn

The committee will meet again on June 15, 2009. It adjourned at 3:25 p.m.

Agenda of the June 15, 2009, meeting of the Pilot Program Committee

Agenda

Pilot Program Committee
Monday, June 15, 2009, 2 p.m.
Jury Assembly Room, 6th Floor
Middletown Judicial District Courthouse
1 Court Street, Middletown, CT

- I. Open meeting
- II. Approval of minutes from meeting of April 6, 2009
- III. Review first draft of committee report
- IV. New meeting date; adjourn

Minutes of the June 15, 2009, meeting of the Pilot Program Committee

Committee members present: Tom Appleby and Judge Patrick Clifford, co-chairs; Judge Marshall Berger, Sara Bernstein, Judge David Gold, John Long, Ken Margolfo, Robin Smith

I. Open meeting

Judge Patrick Clifford and Tom Appleby, co-chairs, opened the meeting at 2 p.m.

II. Approval of minutes

Committee members approved minutes from the meeting of April 6, 2009.

III. Review first draft of committee report

Committee members spent the rest of the meeting discussing the draft report that will be presented to the Judicial-Media Committee this fall. Among the items discussed was a draft standing order prepared by Judge Clifford and distributed to committee members present. Judge Clifford asked members to review the draft and offer any suggestions they might have.

Committee members also discussed better ways to notify counsel when camera requests are received. Staff liaison Rhonda Stearley-Hebert will contact Beth Bickley at the Judicial Branch's IT Division to determine what would need to be done to place a request application form online.

Whether a media outlet should be required to cover an entire trial was another topic of discussion. Media representatives indicated that they would prefer not to be required to cover a trial gavel to gavel. Committee members in turn discussed adding language that would allow a judge in his or her discretion to allow just portions of a criminal proceeding to be videotaped or photographed rather than the entire case.

Tom Appleby also suggested inviting a court representative from a nearby state where cameras are routinely allowed into the courtroom. This individual could be available to address any concerns or issues that Connecticut has and could speak to the full Judicial-Media Committee.

IV. New meeting date; adjourn

The meeting adjourned at 3:40 p.m. Committee members scheduled their next meeting date for Monday, July 27, 2009, at 2 p.m.

Agenda of the July 27, 2009, meeting of the Pilot Program Committee

Agenda

Pilot Program Committee
Monday, July 27, 2009 2:00 p.m.
Jury Assembly Room, 6th Floor
Middlesex Judicial District Courthouse
1 Court Street, Middletown, CT

- I. Open meeting
- II. Approval of minutes from meeting of June 15, 2009
- III. Continue discussion of draft committee report
 - a) Suggested changes to Practice Book language
 - b) Suggestions for standing order
 - c) Any other area pertaining to the draft report
- IV. Next steps
- V. Adjourn

Minutes of the July 27, 2009, meeting of the Pilot Program Committee

Minutes

Pilot Program Committee

July 27, 2009

Present: Tom Appleby and Judge Patrick Clifford, co-chairs; Judge Marshall Berger, Sara Bernstein, Linda J. Cimino, Melissa Farley, John Long, Ken Margolfo, Robin Smith, Judge Elliot Solomon; Mike St. Peter, and Dave Ward.

I. Open meeting

Judge Clifford started the meeting at 2:08.

II. Approve minutes

Committee members approved the minutes from the meeting of June 15, 2009.

III & IV. Continue discussion of draft committee report & next steps

In discussing the proposed recommendations, Mr. Long said that the minutes of the June 15, 2009, meeting incorrectly reflected that the rules require gavel-to-gavel coverage of court proceedings. That has never been the norm, and he wanted to make sure that this error was corrected.

Committee members discussed various aspects of their recommendations, including the proposed standing order drafted by Judge Clifford. Some of the discussion focused on whether to expressly prohibit pictures/videotape of defendants in restraints and photos/videotape of a defendant walking into and out of the courtroom from lockup.

Judges on the committee indicated that they believe language regarding shackles is important to include and protects the media, because they will know what they can and cannot do. Media representatives on the committee asked why language in the standing order had to be in the negative. If some judges allow defendants walking into and out of the courtroom in restraints to be photographed or videotaped, Mr. Margolfo and Mr. Ward asked, why should it be prohibited?

Ms. Cimino asked whether too much emphasis is being placed on the standing order. Perhaps, she said, the topic would be better addressed during pre-bench training for new judges. Regarding the issue of addressing the topic in the first place, Ms. Smith added that when different courts have different practices, it's neither educational nor informational to have cameras in court, because the audience gets a skewed view of what is occurring.

Judge Solomon listed three ways the order could be written: 1) totally neutral; 2) slanted; or 3) with language that gives the court the discretion to impose restrictions as he or she

deems necessary. The committee agreed that a compromise was appropriate and developed the following language for its recommendation:

- 5 a) Photographers and equipment operators are prohibited from:
 - 1) photographing, videotaping, televising or recording spectators in the courtroom;
 - 2) commencing videotaping, photographing or recording before legal argument on issue;
 - 3) recording conversations between counsel and client;
 - 4) filming or zooming in on documents of counsel, clerk or the court.
- b) The Court may impose such other conditions of recording, videotaping or photographing as it deems appropriate, including, but not limited to:
 - 1) recording a defendant coming from or going into the lockup area;
 - 2) filming or photographing the prisoner's restraints.

Committee members also discussed language in the Practice Book rules regarding notice of objections to camera coverage. Judge Clifford suggested that someone compare the committee's proposed changes to the rules with the current rules to see exactly what's different. Ms. Farley agreed to do that.

IV. Adjourn

The committee adjourned and set its next meeting date for Aug. 31, 2009.

Agenda of the August 31, 2009, meeting of the Pilot Program Committee

Agenda

Pilot Program Committee
Monday, August 31, 2009, 2 p.m.
Jury Assembly Room, 6th Floor
Middlesex Judicial District Courthouse
1 Court Street, Middletown, CT

- I. Open meeting
- II. Approve minutes from meeting of July 27, 2009
- III. Review/approve draft committee report and proposed standing order
 - a) Discuss time line for presenting final report to Judicial-Media Committee
- IV. Adjourn

Draft minutes of the August 31, 2009, meeting of the Pilot Program Committee

Draft Minutes

Pilot Program Committee
August 31, 2009

Present: Tom Appleby and Judge Patrick Clifford, co-chairs; Judge Marshall Berger; Sara Bernstein; Larry Callahan; Linda J. Cimino; Judge David Gold; Gail Hardy; John Long; Ken Margolfo; Robin Smith.

Also present: Melissa Farley and Rhonda Stearley-Hebert.

I. Open meeting

Judge Clifford opened the meeting at about 2:10 p.m.

II. Approve minutes

Committee members unanimously approved the minutes from their meeting on July 27, 2009.

III. Review/approve draft committee report and proposed standing order

Judge Clifford noted that a major change among the committee's recommendations is the elimination of the rule that prohibits the broadcasting, televising, recording and photographing of court proceedings when a jury is out of the courtroom. With the change, a judge would have the discretion to allow or disallow camera coverage of court proceedings outside the jury's presence. As explained by Judge Clifford, the Public Access Task Force originally made this recommendation.

Committee members unanimously voted to make a few minor changes to the report, including grammatical corrections and another intended to incorporate consistently the phrase: "broadcasting, televising, recording and photographing" in the proposed standing order for arraignments. This phrase is used in the current Practice Book rules. Committee members also agreed to revise Section 5(b) of the proposed standing order for arraignments. As approved, the section will read as such:

- b. The court, as it deems appropriate, may impose other conditions, including but not limited to broadcasting, televising, recording and photographing:
 - i. a defendant coming or going into the lockup area;
 - ii. a prisoner's restraints;
 - iii. others who may testify or speak at a hearing.

Judge Berger made a motion to accept the report with the changes just made; Mr. Long seconded the motion. Committee members unanimously approved the motion.

Judge Clifford explained that he and Mr. Appleby now will present the report to the Judicial-Media Committee, which in turn will present it to the Rules Committee for its

review. If approved by the Rules Committee, recommendations would go before the judges for a vote next year.

The meeting adjourned at 3 p.m.

APPENDIX G

Criminal Pilot Program Evaluation for Judges

Name & Court: (Optional)

CRIMINAL PILOT PROGRAM **Evaluation for Judges**



1. What type of media coverage was there – still, video or audio?

2. What type of criminal proceeding was it? _____

3. Did the physical layout of the courtroom present any special problems in terms of camera placement, lighting, recording devices, etc.? _____

4. Did you find the media coverage distracting in any way during the proceeding?

5. Did the presence of the cameras/recording devices impact the proceedings? Explain.

6. Did any special problems concerning the cameras/recording devices arise during the course of the proceeding? _____

7. Did you impose any special conditions for cameras/recording devices in the courtroom? _____

8. Did you hold a pre-proceeding conference regarding media coverage?
[] Yes [] No
a. If yes, was it: [] On the record [] Off the record
b. Who was present: [] Media representative
[] Prosecutor [] Marshal/Clerk [] Victim Advocate [] Defense Counsel
9. Did you find the media cooperative? _____

10. Were they familiar with the applicable Practice Book rules and any standing orders, and did they abide by them? _____

11. In your opinion, and if applicable, was the jury's attention disrupted by the presence of the cameras/recording devices? Explain. _____

12. If the proceeding was a jury trial, was the jury selection process significantly extended because of the awareness that cameras/recording devices would be in the courtroom? _____

13. In your opinion, did the presence of cameras/recording devices affect the behavior of attorneys, witnesses or other participants during the course of the proceeding? Explain. _____

14. In your opinion, did the coverage of the proceedings by the media assist in educating the public about courtroom procedures? Explain. _____

15. Did increased responsibilities caused by the presence of cameras/recording devices interfere with your principal responsibilities as a judge? Explain. _____

16. In what ways was the presence of cameras/recording devices a positive or negative experience? _____

17. Do you have any other general comments? _____

***Please return this form to the clerk's office or mail to:**

Rhonda Stearley-Hebert
External Affairs Division
Connecticut Judicial Branch
231 Capitol Ave.
Hartford, CT 06106

Criminal Pilot Program Evaluation for Attorneys

Name:
(Optional)

Defense ☐ State's Attorney ☐

CRIMINAL PILOT PROGRAM **Evaluation for Attorneys**



Court: _____ Charges: _____

Month & Year: _____ Type of proceeding: _____

1. Relative to the proceeding, when did you receive notice of the request for media coverage?

☐ 1 day ☐ More than 1 hour ☐ Less than 1 hour

a. Was that adequate? ☐ Yes ☐ No

If not, why? _____

b. How were you informed? _____

2. Were you afforded an adequate opportunity to discuss the request with your client?

☐ Yes ☐ No ☐ N/A

3. How were you informed of the protocol to be used for media coverage of the proceeding?

☐ In writing ☐ Orally ☐ Not at all

3a. Did there appear to be a standard protocol for media coverage? _____

4. Prior to the proceeding did you have the opportunity to discuss the proposed protocol with the judge?

☐ Yes ☐ No

a. If yes, was it: ☐ On the record ☐ Off the record

b. Who was present: ☐ Media representative

☐ Prosecutor ☐ Marshal/Clerk ☐ Victim Advocate ☐ Defense Counsel

c. Did you make any requests regarding the protocol? _____

d. Were your requests granted/denied? _____

e. What requests did you make? _____

5. Did you object to the use of cameras/recording devices? If so, was your objection granted, granted in part or denied? _____

a. What was the general nature of your objections? _____

b. Was the procedure established by the judge followed? _____

If not, explain. _____

6. Did the procedure impact the defendant's rights? If so, how? _____

7. Was the fairness of the proceeding impacted by having a camera/recording device in the court? If so, how? _____

a. Were there any problems? If so, explain: _____

b. Do you have any suggestions? Explain: _____

8. Did the use of cameras/recording devices affect the defendant's decisions such as, to have a trial/hearing, call certain witnesses or testify himself/herself? _____

9. Did the use of cameras/recording devices impact the testimony of any witnesses? i.e. embellishing, changing or withholding testimony? _____

10. Did the use of cameras/recording devices discourage witnesses from coming forward and cooperating with the State or the defense? _____

11. Did the procedure impact the victim's rights? If so, how? _____

12. Do you have any suggestions? Explain: _____

***Please return this form to the clerk's office or mail to:**

Rhonda Stearley-Hebert
External Affairs Division
Connecticut Judicial Branch
231 Capitol Ave.
Hartford, CT 06106

Criminal Pilot Program Evaluation for Media

Name (Optional):

CRIMINAL COURT PILOT PROGRAM **Evaluation for Media**



Preliminary Information:

1. Name of media outlet: _____
2. Type of media coverage(i.e., Print, Radio, TV) _____
3. Number of crew members and their positions: _____
4. Type of equipment used: _____
5. Name of case: _____
6. Date(s) case was covered: _____
7. Name of judge presiding _____

Access:

1. Were there any problems during the application process?

2. Were you asked to attend a pre-proceeding conference? If so, was it beneficial?

3. Was your request granted? If not, what was the reason? _____

4. Was the court responsive to your requests for obtaining logistical information? Explain.

5. Was the court responsive to your requests for obtaining information about the case? Explain.
-
-
-
6. Was the court cooperative in helping you to get the location/shots/audio you needed? Explain. _____
-
-
-
7. Did you encounter any unexpected problems with gaining access? If so, what were they?
-
-
-
-
8. Was access to the courtroom sufficient to set up equipment before court opened? Explain. _____
-
-
-
9. Was the position for photo/video cameras/recording devices in the courtroom satisfactory? Explain.
-
-
-
10. Were there any limitations or restrictions imposed on the photographer that made shooting the case difficult? If there were, please describe.
-
-
11. If the proceeding lasted more than one day, did the presiding judge expect the same photographer/ crew to attend each day? _____
-

12. Was there a contact from the Judicial Branch at the courthouse to assist you? _____

Technical:

1. Were there any issues with changing video tapes in recording devices during proceedings? Were you told by a judge not to? _____

2. Did you provide a pool feed for other media outlets? If yes, did this create any problems for you? If so, describe the problems? _____

3. If a pool feed was provided, was it satisfactory? If not, please explain. _____

4. Was the quality of the courtroom audio feed satisfactory? _____
5. If you were granted permission to set up microphones in the court, were there any problems? _____

6. Was the lighting of the courtroom satisfactory? _____

7. Were there any other technical issues? _____

Other:

1. What would you change about the process if you could?
2. Do you think the presence of your camera/mic/recording device in the courtroom affected the proceedings? If so, describe how? _____

3. Did the courtroom staff or case attorneys make any requests altering any prior agreement between you and the court regarding coverage? _____

4. Do you have any other general comments? _____

***Please return this form to the clerk's office or mail to:**

Rhonda Stearley-Hebert
External Affairs Division
Connecticut Judicial Branch
231 Capitol Ave.
Hartford, CT 06106

APPENDIX H

Criminal Court Pilot Program Summary of Evaluations Presented to the Pilot Program Sub-Committee on July 27, 2009

Overall

Evaluation time period

- June 2008 – April 2009

Evaluations received

- Total - 178
 - Judges – 50
 - Attorneys – 65
 - Media – 63
 - Television – 55
 - Print/Still – 7
 - Still & Video – 1

Responses from Judges

1. What type of media coverage was there – still, video, or audio?

- ❖ See above

2. What type of criminal proceeding was it?

- ❖ Arraignment – 47
- ❖ Murder – 3

3. Did the physical layout of the courtroom present any special problems in term of camera placement, lighting, recording etc.?

- ❖ No – 44
- ❖ Unable to answer/NA – 3
- ❖ Yes – 2
- ❖ Narrative answer – 1

Excerpts of Comments

- The marshals saw to it that the cameras were placed as previously agreed upon in prior proceedings.
- Ultra sensitive microphone posed problems of broadcasting conversations. between the defendant and counsel, as well as between counsels (each side had 2 attorneys).
- It was a small courtroom. I cannot answer this question and believe it is best answered by the media reps who covered the proceeding.
- The court monitor position interfered with video coverage. Fortunately, CTN came 2 days early.
- Lighting – was addressed w/photog ... placed with back to windows/light to obtain optimum access.

4. Did you find the media coverage distracting in any way during the proceeding?

- ❖ No – 42
- ❖ Yes – 8

Excerpts of Comments

- Only to the extent that you are aware of the presence.
- Yes, always on my mind, increased tension to a wearying degree.
- No, except for the time lost to set up and break down the camera.
- A television camera and operator in a small crowded courtroom never goes unnoticed. It would be so much better if all our courts were equipped with adjacent rooms from which cameras could be operated unnoticed or with unobtrusive wall mounted cameras. I did not find today's media coverage to be overly distracting from my perspective.
- The media coverage was not overly distracting or intrusive. However, the physical presence of a camera and camera operator in a courtroom does not go unnoticed by anyone.
- They were slightly disruptive when they left the courtroom.
- Yes, movement across the courtroom. "Paparazzi style" photos at conclusion.
- Not at all. Not sure if the cameras were even on – no lighting or movement.
- No, this WFSB team was highly professional, cooperative and unobtrusive.
- Mildly.
- A little.
- Somewhat.
- They were slightly disruptive when they exited.
- No – getting used to it.

5. Did the presence of the cameras/recording devices impact the proceedings?

Explain.

- ❖ No – 43
- ❖ Yes – 4
- ❖ No answer – 3

Excerpts of Comments

- Not so far as I know, except for cooperative scheduling of arraignments before the AM recess, arraignment of defendant at issue immediately after arraignment. Prosecutor and defense were highly agreeable.
- No, I resolved to change nothing in my formal trial routine.
- Yes, but only to the extent that before the arraignment I conducted a five minute proceeding on the record, during which I heard the request for camera coverage, the defendant's objection and state's position and articulated my ruling permitting coverage. This added time to the overall proceeding. Otherwise the camera coverage did not demonstrably impact the proceeding.
- I do not believe so. However, this may require further study, a year or so from now, when some of the persons arraigned now go on trial. We'll be better able to determine then during jury selection if members of the public saw the defendant being arraigned and whether the coverage negatively impacted potential jurors.
- No, we were not working on a specific case, but we were just calling cases for either pleas or continuance. The SCSU group was just observing and taking what I thought were still photos.
- I do not believe so – it was simply an arraignment.
- Yes – held consultation prior to arraignment.
- No – 4 5 to 90-second procedure.
- None to my knowledge.
- No, nothing was done any differently except the arraignment they were interested in was done first.
- Problem presented when public defenders wanted to be heard on motion.
- No, we were not working on a specific case, but we were just calling cases for either pleas or continuances. The SCSU group was just observing and taking what I thought were still photos.
- Defense counsel tends to give more detailed explanation as to when their client is not involved in crime when cameras are present.

6. Did any special problems concerning the cameras/recording devices arise during the course of the proceeding?

- ❖ No – 43
- ❖ Yes – 4
- ❖ No answer – 3

Excerpts of Comments

- None that I was told about during today's proceeding. During a prior arraignment conversation between a defendant and his lawyer during an arraignment were broadcast on TV. This should never happen, and I now order that it not occur whenever I allow videotape coverage of an arraignment.
- Camera left on during lunch pointing at exit sign, no one told me. One day the audio feed left on and lunch conversations went out on net – monitored by defense attorneys. Channel 3 apologized.
- There was a request to place the microphone on the table in front of the defendant. The court requested that it should be placed on the table by the court reporter so that there was no disruption of attorney- client discussion. The media complied.
- Because of the charges and the defendant's status as a convicted prisoner he appeared in court wearing an orange jumpsuit and surrounded by three DOC guards. He was not wearing handcuffs but was wearing leg restraints. Defense counsel's objections were based in part on the fact that the potential jurors would see the defendant in prison garb and surrounded by three CO's. This could affect his presumption of innocence and suggest that he was dangerous. I asked WFSB if they would photograph defendant from an angle that would not show his mechanical restraints or the DOC employees. They agreed to do so and I permitted them to reposition their camera. I allowed defendant to be videotaped in the jumpsuit. I held that because the alleged crime occurred in a prison. The defendant's status as a prisoner would inevitable be made known to jury.
- 4 witnesses objected to coverage. For security reasons these objections were granted in whole or part.

7. Did you impose any special conditions for camera/recording devices in the courtroom?

- ❖ Yes – 33
- ❖ No – 11
- ❖ NA – 3
- ❖ Other – 3, including one judge who wrote: "No, I do now." This succeeded a previous answer that referred to movement across the courtroom and "paparazzi style photos at conclusion."

Excerpts of Comments

- Yes, only film single defendant.
- Yes, no spectators/audience shots – no zooming on documents. All agreed to waist up view of defendant only, start when cued after objection heard; end when cued after arraignment, follow GA standing orders.
- No close ups of handcuffs – no recording of conversations between attorney and client.
- Standard protocols: views of counsel and court; no views of gallery.
- No, they have been imposed on prior occasion, re: location of cameras and scope of coverage.
- Only the recording and photos were to be distributed to other media requesting to video.
- I instructed the individual that he could not turn the camera on until we had put the agreement of counsel (previously discussed and arrived at during the morning recess) that there was no objection to the filming of the arraignment.
- "Standing orders for photographers and electronic media coverage of arraignments," which was agreed to by media.
- No victim coverage; 4 witnesses had restrictive coverage. No coverage of defendant entering/exiting the lock-up.
- A. Locations for both. B. Not show jurors. C. Cut at court's direction.
- Follow the rules -- of placement and filming.

- Camera could be on only at start of arraignment. Had to be off while public defender argued motion to prevent cameras in courtroom.
- Yes, only the specific defendant could be filmed in the (word illegible) section. We did that arraignment last.
- Photograph had to be head and shoulders – not show shackles, not show other people.
- Film defendant and court only.
- Location only.
- Do not pan the gallery.
- Yes, only the 4 defendants involved could be recorded – no other prisoners could be filmed. We did the other overnight prisoners first, leaving only the 4 defendants that were being filmed.
- Yes, no prisoner other than the one they were interested in could be taped.
- They never asked to meet.
- Head shot only; no other person in photograph. Defendant had blood on shirt. I requested that not be included.
- Yes. The camera could not video the public area and the microphone could not be placed on defense table.
- Yes – limitations on where the camera could focus in public area of courtroom; also no showing of defendant in restraints.
- Remain in assigned area. Only photo defendant, no other prisoner.
- No video allowed of defense counsel arguing for no cameras; no video allowed of chains on defendant; no audio allowed of conversation between defendant and his attorney; no crowd shots if possible.
- To be placed on the side of the courtroom in the front and not video the gallery.
- In addition to my standing orders regarding camera coverage, I issued following orders today to which the media agreed:
 - No photography of defendant's mechanical restraints;
 - No photography of defendants walking to or from lockup;
 - No photography of DOC employees who accompanied defendant into courtroom, and;
 - Media not to broadcast any conversations during arraignment between defendant and his counsel.
- In January 2008 I issued standing orders for the camera coverage of arraignments at SC GA13. In addition I now issue the following order prior to allowing camera coverage of an arraignment:
 1. No photographs are to be taken of the defendant's leg irons (or manacles, if they are used);
 2. No photographs are to be taken of the defendant going to or from lock up in custody;
 3. No conversations between counsel and defendant are to be recorded.

8. Did you hold a pre-proceeding conference regarding media coverage?

- ❖ Yes – 34
- ❖ No – 16

8a. If yes, was it:

- ❖ Off the record – 26
- ❖ On the record – 4
- ❖ On & Off the record – 3
- ❖ NA – 1

8b. Who was present:

- ❖ Media – 32
- ❖ Prosecutor – 28
- ❖ Marshal/clerk – 25
- ❖ Victim advocate – 1

- ❖ Defense counsel – 28

9. Did you find the media cooperative?

- ❖ Yes – 45
- ❖ N/A – 5

Excerpts of Comments

- I found them to be very cooperative. I've now presided at four videotaped arraignments. WFSB was the media organization that covered each one. Their reporters and photographers have been very cooperative.
- Channel 3 yes; Channels 8, 30, and 61 no.
- Extremely. I could not have asked for more.
- Very.
- Yes – WFSB was very cooperative with my orders and requests.
- Fully.
- Highly.
- Extremely.
- Very cooperative.

10. Were they familiar with the applicable Practice Book rules and any standing orders and did they abide by them.

- ❖ Yes – 37
- ❖ NA/Unknown – 10
- ❖ No – 2
- ❖ Other – 1

Excerpts of Comments

- The attorneys were not specifically familiar with them, but I reviewed some of them.
- Channel 3, yes.

11. In your opinion and if applicable, was the jury's attention disrupted by the presence of the camera/recording devices? Explain.

- ❖ N/A – 40
- ❖ No – 2
- ❖ Yes – 8

Excerpts of Comments

- After declaring a mistrial I spoke with all jurors who said that the camera was not distracting. One juror then announced that his wife told of seeing him on Channel 30. He has kept that information to himself with some apparent difficulty.
- No. I explained the coverage on days (1) and (2). The jury was comforted by the explanation.
- No jury.

12. If the proceeding was a jury trial, was the jury selection process significantly extended because of the awareness that camera/recording devices would be in the courtroom?

- ❖ N/A – 47
- ❖ No reply – 2
- ❖ Extended somewhat – 1

13. In your opinion, did the presence of cameras/recording devices affect the behavior of attorneys, witnesses or participants during the course of the proceeding? Explain.

- ❖ No – 43
- ❖ Yes – 6
- ❖ N/A – 1

Excerpts of Comments

- I never tried a long case with either attorney. I did not check with witnesses but I saw no obvious problems. Extra burdens were placed on the marshals, which they handled beautifully.
- Somewhat, every one was aware of the camera in the courtroom and they slowed down because of that presence.
- Counsel and court staff conducted themselves very professionally and appropriately. There was no problem with spectators. The defendant behaved appropriately. Prior to arraignment the request for coverage was heard on record in courtroom with defendant defense counsel, prosecutor, marshal, other court staff, and public present. Defendant objected to the state (the rest of the sentence is unreadable).
- Yes, all were highly aware and acted conscious of it.
- Yes, I believe everyone was careful to speak slowly and clearly.
- Too brief a proceeding to have an impact.
- Was present only during closing argument.
- Attorneys trying to “block” view of client. Client had to sit down due to injury.

14. In your opinion did the coverage of the proceedings by the media assist in educating the public about courtroom procedures? Explain.

- ❖ Yes – 10
- ❖ No opinion, do not know, or unknown – 40

Excerpts of Comments

- Probably not. While I did not see it on TV my understanding is that it was used for a 30 second story about this case.
- Absolutely, presence of the camera helps shed light on the true process of arraignment. The more the public knows of the public process the less intimidating court will be.
- No, coverage was focused solely on identity of defendant.
- Perhaps, but limited in that it was an arraignment and only P.C. and bail was addressed.
- Not really. Proceedings were very brief though it may depend on how much is shown to public.
- No. 30 to 90 seconds followed by an outside the courthouse “review” by defense counsel of “the cost of doing business” in Connecticut.
- I am unable to gauge this. From my past experiences it does appear that the media was more interested during their coverage of those arraignments with getting videotape of the defendant than with educating the public about courtroom procedures. However this was my personal perception and opinion.
- My personal opinion is that the coverage does not facilitate public education about courtroom procedures. It does enable the media to cover an alleged crime and share information with the public about the alleged crime and the person charged with the alleged crime.
- Not really. I did not check the internet, but TV showed sound bites. Apparently some TV channel showed more covered but I did not see it. After one pm recess the camera was gone and missed crucial testimony to cover 2 assaults elsewhere in city.
- Do not think so.
- Yes, these were students from SCSU’s school newspaper who were observing the court procedures.
- Probably, but have no way to make this determination.
- The proceeding was too short. The media used a small portion of the proceeding.
- Yes, there was argument concerning the requested bond that would be of interest to the public.

15. Did increased responsibilities caused by the presence of cameras/recording devices interfere with your principal responsibilities as a judge? Explain.

- ❖ No – 47

❖ Yes – 3

Excerpts of Comments

- Some delays caused by need to communicate with Channel 3 producer on a few issues.
- Yes, on a relatively busy court day the request for camera coverage today required me to communicate via phone and emails with external affairs: review the request; inform the clerk, marshals, prosecutor, and defendant's counsel about the request. Meet briefly in chambers with counsel and conduct a five minute proceeding on the record at which the state defense and media representatives spoke at which I articulated my decision granting the request for coverage; and spend approximately 30 minutes filling out this evaluation. It obviously adds to my workload and takes away from my other judicial duties.
- No, I meet with them at recess.
- It adds work! I had to confer with the lawyers and court staff, attend to logistics and conduct a proceeding on the record where I articulated my decision about the media's request to videotape the arraignment. It increased my judicial workload considerably on an already busy day.
- No, it is a part of the assignment. All conferences were early morning, lunch hour or late afternoon.
- Neutral – did not notice.

16. In what way was the presence of cameras/recording devices a positive or negative experience?

- ❖ Neither a positive or negative (neutral or no impact) – 34
- ❖ Positive – 6
- ❖ N/A – 10

Excerpts of Comments

- Since all that was involved was a single photograph and the photographer was very discreet, I do not believe that his presence had any impact.
- Positive, in that it's consistent with applicable Practice Book sections and Chief Justice Rogers interest in court openness.
- It was completely non intrusive and had no impact on the proceedings.
- Positive because the media had access to the arraignment process and the media has developed a good open relationship with the criminal court.
- Positive in that there was some interaction with the media that hopefully gave them a favorable impression of the court system including the process and personnel.
- Negative since people were not acting naturally.
- I did not find it to be an overly positive or an overly negative experience. The camera did not disrupt the proceedings and was not overly intrusive.
- Too aware of it.
- In this setting, people are walking in and out of court constantly. Over 100 cases were called. I don't believe anyone notice the still camera being (there).
- It was neither positive nor negative.
- No effect.
- Most of the court personnel seemed to treat the media in the same manner as the court reporters: i.e. they were aware of their presence and aware that their behavior and statements were being recorded.
- Positive experience because there were new issues and arguments.

17. Do you have any other general comments?

Excerpts of Comments

- I do not opine further because it was such a limited proceeding.

- Media did not request coverage until 2:00 pm earlier request would make matters easier for court personnel.
- In the future when these arraigned defendants go on trial we must assess during jury selection process whether TV coverage has any impact on potential jurors or any other potential negative impact on the defendant's right to a fair trial.
- In an arraignment no harm can be done, in other situations I think it will effect the proceedings.
- Everyone medial, staff, counsel, and the accused all responded well
- I barely noticed the presence of the camera which is how it should be. This is my second experience both with WFSB they could not have gone smoother.
- Camera coverage of arraignments is still an evolving process. The four arraignments I've had where WFSB was allowed to videotape have proceeded very smoothly. This is thanks to cooperation between Rhonda Stearley and WFSB. I have not had experience with any other television outlets, radio outlets or print media photographers. Thus far I have granted every request finding that the public's right to know about what transpires in a courtroom regarding a particular case outweighed any objections that were raised by the defendants in these cases. However, I take each request on a case by case basis and am aware that these could be instances where cameras in the courtroom could be inflammatory or unduly prejudice defendant's or an alleged victim's rights.
- Cameras in a busy arraignment court have little or no impact on what's going on. We must call over 100 cases and the comings and goings make media people almost unnoticeable.
- A. Especially with overly sensitive microphones the judge needs the feed to be on a delay with a "kill button".
- B. This trial was not a good test:
 - 1) The media had more photos and footage than the parties did.
 - 2) The underlying incident had saturation coverage for years.
 - 3) The defendant is 72 years old, not in custody and not apparently threatening.
 - 4) Only one complainant eyewitness testified. All other witnesses were business people, police, or experts. All went home to suburban or rural residences, not to the area where a crime occurred.
- C. Unless the electronic media is dealt with as a group many mistrials are inevitable. While all media could plug into the trial feed, the stations other than Channel 3 were completely reckless. Channel 30 chased the defendant and his counsel up the street during lunch. It showed the footage and I arranged that both sides could eat in the courthouse and that the defendant be escorted out through the garage at night. Channel 30 also showed two or more jurors going to lunch during a "stand-up" in front of the courthouse. While probably inadvertent, it was careless and seen by a juror's wife. Channel 8 and Channel 61 crews chased the jurors in the parking lot after the mistrial and refused orders by the marshals to stop. On that same last day a newspaper requested juror identification. Throughout this larceny and insurance fraud trial, the media kept showing the carnage of the original accident.

Responses from Attorneys

30 respondents marked “state’s attorney”

28 marked “defense”

7 gave no affiliation

1. Relative to the proceeding when did you receive notice of the request for media coverage?

- ❖ Less than 1 hour – 27
- ❖ More than 1 hour – 20
- ❖ One day – 11
- ❖ No notice/no – 6
- ❖ More than one day – 1

1a. Was that adequate?

- ❖ Yes – 46
- ❖ No – 14
- ❖ No answer provided – 5

Excerpts of Comments

- No time to object or ask for conditions, prepare client. Client shackled and cuffed on TV.
- I did not have time to review police report.
- I did not have time to speak with the defendant prior to the arraignment.
- The media presence was irrelevant to the proceedings.
- Does not have any effect.
- I was already in the middle of calling cases and had no time to discuss with judge and defense council.
- The media had more notice of the proceedings than I did.
- I could have called it earlier to avoid crowding in court.
- Did not give me enough time to object.
- Did not receive any notice.
- No time to discuss it with client, although she had no objection.

1b. How were you informed?

- ❖ Judge -- 21
- ❖ Saw cameras in court; cameras already set up – 14
- ❖ Clerk’s office/court clerk/judge’s clerk – 7
- ❖ Fellow attorney/another prosecutor/supervisory/prosecutor/secretary/state’s attorney/staff – 7
- ❖ NA – 5
- ❖ Marshals – 4
- ❖ Supervisor – 1
- ❖ 1 each: 3rd party; not at all; after the fact; court motion; word of mouth;
- ❖ phone – total of 6

Excerpts of Comments

- Saw the camera and asked what it was for.
- Saw press in courtroom.
- They were here when I arrived.
- I was told by a fellow attorney.

- Not at all. I was told via phone a prosecutor was needed in “A” and I ran down. I was surprised to see a TV camera in the court.
- Court clerk told me when I inquired about the cameras.
- My secretary brought out a media request form indicating the case and who was requesting.

2. Were you afforded an adequate opportunity to discuss the request with your client?

- ❖ Yes – 19
- ❖ No – 9
- ❖ N/A – 37

3. How were you informed of the protocol to be used for media coverage of the proceeding?

- ❖ Orally – 34
- ❖ Not at all – 29
- ❖ In writing – 2

3a. Did there appear to be a standard protocol for media coverage?

- ❖ Yes – 32
- ❖ No – 26
- ❖ N/A – 6
- ❖ Unsure – 1

Excerpts of Comments

- A work in progress.
- Judge Dyer has a good protocol. Our clerk Maria also does a nice job of handling the media requests.
- No there did not. It was my understanding that the camera should not move but it did.
- It was not even noticeable. The cameras were set in an area off to the side and had no effect at all on the proceedings.
- I have no idea. Ambush?
- Yes, in fact the clerk insisted it be handled same way as any previous video case.
- There may have been a written memo a while back regarding the use of media generally in courts, but I don’t recall a specific protocol.
- There never has been one – the judge usually allows the TV types to take over the courtroom.

4. Prior to the proceeding did you have the opportunity to discuss the proposed protocol with the judge?

- ❖ Yes – 33
- ❖ No – 32

4a. If yes, was it:

- ❖ Off the record – 29
- ❖ On the record – 3
- ❖ On and off the record – 1
- ❖ Answered “no” to No. 4, but off-the-record to 4a. – 1

4b. Who was present:

- ❖ Media representative – 16
- ❖ Prosecutor – 39
- ❖ Marshal/clerk – 14
- ❖ Victim advocate – 0
- ❖ Defense counsel – 40
- ❖ N/A – 14

4c. Did you make any requests regarding protocol?

- ❖ Yes – 22
- ❖ No – 30
- ❖ N/A – 13

Excerpts of Comments

- Coverage of hearings outside of the presence of the jury.
- To only have torso shots. No shots of the walk, cuff, or shackles.
- I was never given a chance. So I joined defense counsel in objecting to it on the record.
- Requested the matter be called first to accommodate the press.
- None of which were honored by the media. I requested and the judge reiterated that the defendant not be shown entering/exiting door to lock up. View of defendant to be limited to “from the waist up”.
- I strongly object to any televised court proceedings.
- Requested that no photos be taken of me and requested that no photos be taken of my client. Alternating photos of my client would be chest up to not show hand cuffs.
- Was afforded no opportunity.
- They are standard.
- No recording of conversation at counsel table.
- Asked cameras not be allowed due to prejudice to defendant’s mother if she were on TV (defendant is 17)

4d. Were your requests granted/denied?

- ❖ Granted – 17
- ❖ Denied – 4
- ❖ N/A or not legible – 44

4e. What requests did you make?

Excerpts of Comments

- Shut off camera and sound during these hearings before the judge without the jury.
- 1. Removal of the TV camera as it turned the court into a circus;
2. Its presence violated the constitutional rights of the defendant;
3. It polluted the future pool of impartial jurors.
- Do not show client entering/exiting lock up door. Do not show client from waist and below. Do not show audience.
- No shackles televised – denied. Argue objection prior to televising- denied. No “perp walk” granted.
- No filming of conversations between client and counsel at tables.
- The cameras and resulting broadcast poison any future jury pool with a taint that cannot be attenuated.
- That discussions with the defendant at table not be released and that no close up of defense table materials be allowed.
- I asked judge if this could be prevented.
- Court ordered camera to not show the mother.

5. Did you object to the use of cameras/recording devices? If so was your objection granted, granted in part or denied?

- ❖ No – 40
- ❖ Yes – 13
- ❖ NA/no response – 12

Excerpts of Comments

- Yes, it was denied.

- No objections entered; prosecution or defense.
- Yes, my objection was overruled.
- Yes, denied but specific request were granted
- No opportunity to object. Case called camera was rolling.
- No, I did not object because I did not know that I could.
- Objected initially to judge in chambers.
- No, because camera were already set up.
- I did not take a position on behalf of the state.
- No it would have been pointless.
- I would have had I been informed.

5a. What was the general nature of your objections?

Excerpts of Comments

- My objections are identical to those of Supreme Court Justice Antonio Scalia when he set forth his objections to the televising of arguments before the U.S. Supreme Court on 60 Minutes recently.
- Excessive publicity already due to nature of crimes. Defendant represented by public defender with conflict of interest. Taint jury pool. 6th amendment.
- Privacy issues.
- Use of cameras at arraignment is inappropriate and disruptive. Often prejudicial to clients too.
- Prejudice to defendant. Taint jury pool.
- 1) Public doesn't learn anything from televised arraignment that they wouldn't have learned from the news media; 2) Public may hear things that will disqualify them from being a juror; 3) The rule allowing in TV cameras was not vetted through the democratic process; 4) This only serves to sensationalize the case; 5) Shows the accused in the worst possible light.
- Yes (Granted) – We objected to the use of camera on 4 of the witnesses and camera/recording on 2 of the witnesses.
- Yes (Denied) –The publicity would hurt my client's chance to have a fair trial.
- Hate the media.
- We objected to request that incarcerated cooperating state witnesses not be video taped. Judge granted their motion.
- No, because cameras were already set up.
- Cameras tend to disrupt the courtroom – this media character zoomed in on a defendant as he was led away with his pants falling down – very tacky.
- Prejudice of jury pool; prejudice to defendant; prejudice to defendant's mother.

5b. Was the procedure established by the judge followed? If not explain.

- ❖ NA/No response – 31
- ❖ Yes – 27
- ❖ Illegible answer (likely no) – 1
- ❖ Unknown – 1
- ❖ No – 1
- ❖ 1 each of: I'm not (missing word) because I did not know that the judge actually established the procedures; None that I know of; What procedures? The court turned a busy courtroom into a "reality" TV show; I don't know what the procedure is – for a total of 4 responses

Excerpts of Comments

- Camera may not have been restricted as it should have been. Sound was not always shut off when it should have been.
- Cameraman panned the entire courtroom. Showed client entering courtroom from lock up and showed client from below the waist.

6. Did the procedure impact the defendant's rights? If so how?

- ❖ No – 31
- ❖ Unknown – 16
- ❖ Yes – 15
- ❖ Possibly – 3

Excerpts of Comments

- I believe that it does.
- It showed the defendant in restraints. That depiction clearly eroded the legal presumption of innocence to which he is constitutionally entitled in any future criminal trial.
- It did in that it influenced defense counsels efforts in encouraging the defendant to exercise his Fifth Amendment rights.
- The camera in the courtroom caused the bonds in the cases to be higher than normal.
- Quite possibly, but I am uninterested in speculation after the fact.
- Unknown until later proceedings.
- As defense counsel I reserve comments on this question.
- Right to privacy – (illegible word) public embarrassment. Defendant was treated differently from other defendants. Defendants (and attorney) had to adjust schedule to appear at a time convenient to TV station.

7. Was the fairness of the proceeding impacted by having a camera/recording device in the court? If so how?

- ❖ No – 42
- ❖ Yes – 10
- ❖ NA/no response – 6
- ❖ Unknown/impossible to assess/hard to know at this point – 3
- ❖ Illegible – 1
- ❖ 1 each of: As defense counsel, I reserve comment on the question; Tacky TV production; It was distracting – for a total of 3

Excerpts of Comments

- I don't think the fairness of the proceeding was impacted by having a camera in the court.
- The mere presence of the camera disrupted the court. Everything revolved around the camera.
- Yes. The judge ordered a substantial bond. I asked the Judge to give this young man who has no disclosable criminal record at all a chance to work with the Alternative Incarceration Center (AIC). The bail commissioner recommended AIC. AIC approved him. The opportunity to take a chance on a young man was juxtaposed with media scrutiny of the judges' level of toughness on me. My client who has no record was shown on television shackled and cuffed in a stained t-shirt and shorts. Now no matter what else happens with this case that is the image broadcast on television and available on the Internet.
- The presence of the camera makes it harder to effectively control the client from making statements that may be disadvantageous to him.
- Hard to tell at this point – would need to question future jury panels regarding their knowledge of case.
- Yes, the fairness of the proceeding was impacted by the camera in the courtroom: the judge's actions were not a function of the practice book and the relevant law but of the underlying power of public opinion.
- Increased pre-trial publicity.
- The fairness to the entire case was impacted by broadcasting the boasting and grandstanding of the defense attorney.
- Creates a chilling effect, causes parties to behave differently due to fear of causing embarrassment, court's desire to appear extra tough for public consumption – same for prosecutors.
- I believe so given the defendant's age. Also, it slows down the entire process of that day.
- Yes, I think it affected comments and conduct of all parties involved. Everyone seemed constricted and aware of camera.

7a. Were there any problems? If so explain.

- ❖ No – 52
- ❖ Yes – 8
- ❖ Only provided comments – 5

Excerpts of Comments

- Not with cameras, crowd control was an issue.
- The cables plus the presence of the camera itself. Lawyers and spectators and court personnel all act differently once everyone knows each may be on the evening news that day.
- Cameras chasing discharged jurors in parking lot of courthouse.
- Media wanted to record more than arraignment.
- Media had access to court before defense counsel.
- Generally speaking, the introduction of cameras in a small court like Enfield is very disruptive. Because we usually get the request moments before (or at most an hour or so), we must restructure our day and the cases we call to accommodate the request. For example, we usually need to wait until a recess or after the luncheon break to call that particular case (so the media can set-up) – which means that attorneys end up sitting around and other cases get reprioritized in terms of when they are called. Also, our courtroom is not set up for the media to have a place to stand/have their equipment, which means that they block one of doorways and can basically shoot only 1 angle (which often includes the state's attorney's backside). Courtrooms with built in technology, like cameras, that could be accessed remotely would be one way to solve the problem.
- Photographer was kneeling in the floor in an attempt to get a picture. He was in the general traffic flow of prosecutor and defense attorneys. It was suggested he stand to take his shots.
- Yes, the defendant's pants were falling yet cameras kept rolling.

7b. Do you have any suggestions? Explain.

Excerpts of Comments

- If TV stations get access to the inside of the courtroom they should agree not to harass the jurors after the trial is over.
- Yes, not allow videotaping of arraignments, allow videotaping of trials only.
- Yes, allow more trials to be televised.
- Keep TV cameras out of the courtrooms. Our courts are not secret. They are already open to the media and the public.
- Perhaps in cases where probable cause hearings are required or murder cases or cases in which the defendant is exposed to life imprisonment with the consent of the parties. This was awful format for entertainment of the public on a slow news day.
- There should be advanced notice with the opportunity for counsel to speak with the client about whether or not he wishes his appearance to be televised.
- I think it is a good idea to allow cameras in court. It gives everyone a sense that everything is above board and fair.
- Should be an all or nothing thing- either we record everything or nothing. It is very disruptive to have to pull files aside, ignore other cases to get these done early.
- Educate news media on what arraignment is. Especially when defendant is not incarcerated.
- As a Public Defender I would be called upon to represent most overnight arraignments at their presentment. I think all requests for media coverage should be conveyed to our office as soon as said request is made so we can prepare the client.
- Give advance notice to judge, state's attorney, defense counsel.
- Objections to televising should be off camera. Standard protocols should be in writing. Room for case by case review available.
- Keep cameras out.
- I would suggest cameras should not be permitted in the courtroom.

- Find a better place to situate the press. We prefer not to have the circus atmosphere accorded to high profile or unusual cases. In this case, the result of press involvement was to make a laughing stock of both the victim and the defendant. The coverage trivialized a serious case, and, a sad situation. It also trivialized domestic violence matters.
- It would be helpful to get a heads up earlier so a wardrobe selection can be arranged.
- More adequate notice.
- There should be written protocols given in advance.
- Keep cameras out of all courtrooms.
- I believe that media coverage requests get dumped on the trial judge at the last minute, which is inappropriate.
- Yes. Eliminate cameras from the courtroom.
- Notification the night prior to court date. Phone message is enough.
- If one case is filmed, let all cases be filmed.
- I think cameras in the courtroom can lead to posturing that can detract from the proceedings. Was not a problem in this instance.
- Should not be done if defendant is 17 years old.
- Just say “no” to cameras in court at arraignments. It’s purely sensationalism – self-serving for the commercial benefit of the networks involved. No public benefit exists that is apparent to me.

8. Did the use of cameras/recording devices affect the defendant’s decisions such as, to have a trial/hearing, call certain witnesses or testify himself/herself?

- ❖ No – 54
- ❖ Yes – 3
- ❖ Unknown – 8

Excerpts of Comments

- Who knows, evidently the court doesn’t seem to care anymore.
- It was a sentence, so no impact.
- Defendant felt that all media should have access, not just CTN.

9. Did the use of cameras/recording devices impact the testimony of any witness? (i.e. embellishing, changing or withholding testimony?)

- ❖ N/A – 51
- ❖ No – 12
- ❖ Probably - 2

10. Did the use of cameras/recording devices discourage witnesses from coming forward and cooperating with the State of the defense?

- ❖ N/A or no answer – 52
- ❖ No – 10
- ❖ Unknown – 3

11. Did the procedure impact the victim’s rights? If so how?

- ❖ No or N/A – 41
- ❖ Unknown – 9
- ❖ Possibly – 3
- ❖ No response – 12

Excerpts of Comments

- I would have been more effective in getting the defendant to exercise his right to remain silent without the cameras present.
- Cannot speculate.
- The judge instructed cameras not to show victim’s face and they seemed ok with that.

12. Do you have any suggestions? Explain.

Excerpts of Comments

- Install “kill” switch that will shut off both the picture and the sound instantaneously. Install a 10-second delay feature so that inadvertent events will not be broadcast in such a way as to jeopardize the fairness of the trial.
- Why not keep “reality TV” out of our criminal courts? Why turn serious criminal procedures to a media circus when it is not necessary? Whatever happened to the defendant’s constitutional right to a fair trial?
- More notice and adequate time to consult with the defendant regarding his options is essential.
- I suggest that it is best when the judiciary and the judicial system are actually understood. Cameras in the courtroom as presently authorized do nothing in that regard.
- The use of cameras/media in court should be encouraged.
- Suggest to network news people that they start reporting actual “news” and stop sensationalizing tragedies. Or, impose some sanction if the media disregards the judges’ directions.
- A standard should be set, implemented and adhered to. That standard should be published and posted in court.
- Televisе more trials; openness is good for our system. Many people watched it and wanted to see more. Give attorney’s time to talk with reporters to determine how they wish to cover the case, i.e. what their angle is.
- Please capture my “good side”!!
- Keep “Court TV” out of the courtroom.
- Although this was an arraignment, it is disturbing that I found out about media access only be chance. Not a good way to operate a courtroom or the appearance of fairness to the accused.
- Give attorneys time to talk with reporters to determine how they wish to cover the case, i.e. what their angle is.
- The Judicial Department should follow its protocol and inform the attorneys when cameras will be present in the courtroom. I have argued arraignments before cameras on 5 occasions. Only once was I informed prior to the hearing.
- No cameras or photography in the courts. It is difficult to assess the impact on a defendant’s rights. The best approach is to lean in favor of the defendant’s rights.
- As indicated in prior comment, entire process just seems quite cumbersome and not at all efficient at this point, in terms of how business is run – and all for only a few seconds of tape of an arraignment. The most unobtrusive way to accommodate the media would be to install cameras that could be accessed in another part of the courtroom. In California, I understand that the media bore the expense of installing that technology and then entered into agreements about coverage, etc.
- If cameras are to be used, please give defense a call to prepare our client.
- Film all cases or film none. Give more notice to parties. It seems to me the media run the courts with this program.
- Keep cameras out of the courtroom.
- Better lighting!
- Suggest to network news people that they start reporting actual “news” and stop sensationalizing tragedies. Or, impose some sanctions if the media disregards the judge’s directives.

Responses from the Media

Access

1. Were there any problems during the application process?

- ❖ No or none – 62
- ❖ Yes – 1

Comments

- Once the procedure was established this went smoothly.
- No problems once the waiting for verbal arguments over the cameras were over.
- Everything went very smooth.
- Judge wasn't aware we had approval to be in the courtroom. Was eventually let in when all was cleared up.
- No – very quick response.
- No, very smooth and easy.
- No – our request was approved promptly.
- Application process went smoothly. This was the first trial to be covered under the pilot program, so there were several advanced meetings with the judge, staff, and marshals to prepare for camera placement, cables and access for set-up. Shooting rules also were discussed at these meetings to ensure all were on the same page.

2. Were you asked to attend a pre-proceeding conference? If so, was it beneficial?

- ❖ No – 40
- ❖ Yes – 20
- ❖ Not asked – 3

Excerpts of Comments

- Yes, spoke to judge before case to go over what I could film and where I could stand in court.
- Yes, it made it clear what would be allowed.
- It helped to know the ground rules.
- Yes, it was very beneficial as Judge Kaplan went over lawyer jargon with me making me aware of what might go down in a simple fashion. He was very kind and easy to talk with.
- No, court clerk briefly went over the rules.
- Judge Gold warned us that he was worried about family reaction and so we were extra careful to avoid the impression that we were aiming the camera anywhere near the gallery.
- It was helpful to meet with the judge to address questions and concerns from both sides and gain an understanding into the court's needs and expectations.
- I was asked. Both prosecutor and defense did not have an understanding of the most recent rules regarding television coverage in courtrooms.
- I spoke with the judge and prosecutor before some of the proceedings. It was helpful because I could then explain the procedure to the photographer.
- Yes – very helpful. Judge Norko is great about letting us know what to expect. It really helps!
- Yes. Got good camera position.
- Yes – Judge gave guidance that appearance would be short. That is very helpful.
- Yes. Ground rules were covered. That is always helpful.
- Yes. Judge gave us clear ground rules.
- Because this was a first for all involved, these meetings were extremely beneficial for our staff. Knowing and understanding courtroom rules and establishing relationships ahead of time with courthouse staff made the process smoother.

3. Was your request granted? If not, what was the reason?

- ❖ Yes – 62
- ❖ N/A – 1

Comment

- Except for one instance in which Judge Handy disallowed still cameras. In that case, we were able to work with TV crews to get a publishable “frame grab.”

4. Was the court responsive to your requests for obtaining logistical information? Explain.

- ❖ Yes – 60
- ❖ N/A – 3

Excerpts of Comments

- Court was responsive, however court room 2 is small and I was only able to photograph from behind.
- Yes, this was last minute and we were given easy and concise instruction.
- Yes, everyone was helpful and court staff, from door security to marshals, was notified of our attendance and directed us accordingly.
- Yes, got good camera position.
- Yes. Either Judge Dewey or the lawyers involved in the case adequately apprised us of the trial schedule for the following day. Judge Dewey also let us know in advance when there were witnesses about to testify that we were not allowed to videotape. (trial)
- Yes, typical questions on camera position microphone position.
- Marshals helped with setup.
- Yes – the marshals were helpful as always.
- Yes. Clerks helped us as did the marshals.
- Gave us names and spelling of principals involved.
- Sometimes the judge called the case first in order to accommodate media or schedule it for immediately after lunch.
- Judge Dewey was very helpful and eager to provide educational context about the motion hearing covered on the first day of proceedings (sentencing).
- Yes, however, the suspect’s file was not made available to us.
- Yes. Outlined shooting/recording guidelines prior to court session.
- Yes – marshals let us know when and where arraignment was being held as soon as we arrived.
- Yes – Tony D’Addeo, the deputy chief clerk in Manchester, was extremely helpful – told us where to set up, when to come in, etc.
- Yes – clerk, marshals and Judge Gold all helped.
- Yes. both marshals and the clerks office.
- Yes, we were given location and time immediately.
- Absolutely, everyone was very helpful and thorough.
- Yes. Judge spelled out parameters very clearly.
- Yes. We were told when photographer needed to arrive and who he needed to meet.
- Yes. The Judicial Marshals in the courtroom were extremely friendly and helpful. They made the process much easier.
- Yes – Larry Callahan was there and he was very helpful with setup and logistics.
- Yes – marshals in Meriden continue to be very helpful.
- Yes – the court clerk showed us where to set up. She also explained any limits placed by the judge.
- Yes. We learned soon after our camera request that we would be allowed in the courtroom at 2 p.m. the same day.

- The courthouse staff was extremely responsive and helpful. Because this was a first for all involved, we walked through the process together. Flying cable, establishing a pool feed area outside the courtroom, and access to the courtroom before and after the proceeding for setup/cleanup was efficient and did not cause interruption.
- Court cleared walkthrough of courtrooms and test of court audio feed.

5. Was the court responsive to your requests about the case and its participants? Explain

- ❖ Yes – 51
- ❖ No, N/A, or no need – 12

Excerpts of Comments

- Yes, got the name of Judge from the marshal and time case expected to be heard.
- Yes, gave us all the names and spellings.
- Yes, got affidavit in one half hour.
- Directed me to appropriate courtroom and arranged set up.
- Yes, we obtained the arrest warrant from the clerk's office.
- Yes, PC docs available in minutes.
- Yes, court allowed walk through of courtrooms to test of court.
- Yes, just as with all other people in the courtroom had to wait until case was called.
- The warrant wasn't in the case file but the state's attorney turned over a copy upon request.
- Yes. The court monitor, Donna Mainville was particularly helpful with witnesses' names and their job titles.
- Judge Dewey was very helpful and eager to provide educational context about the motion hearing covered on the first day of the proceedings (sentencing)
- Yes. Affidavit available minutes after arraignment.
- Yes. Explained when each would be arraigned and timing (4 defendants)
- Yes – marshals and clerk were helpful.
- Yes, clerk was very helpful.
- Yes. All information was made available.
- Yes. Gave us names of court personnel on tape.
- Yes. Gave us all names and spellings.
- Yes. Very accommodating to our placement request.
- Always.
- Yes. Just as with all other people in the courtroom, had to wait until case was called.
- Yes, the court clerk Paul was very helpful with information about the case and warrant. He informed us it's sealed for 14 days.
- Yes. The warrant wasn't in the case file but the state's attorney turned over a copy upon request.
- Yes, both Judge Gold and his clerk answered questions and helped with information.
- Yes – the court clerk provided names of the judge and attorneys, which was extremely helpful.
- Yes ... court staff were all extremely helpful to answer questions and provide docs/information we needed in a timely manner.

6. Was the court cooperative in helping you get the location/shots/audio you needed? Explain.

- ❖ Yes – 60
- ❖ No response – 3

Excerpts of Comments

- Put us right where we always go. Defendant did move a bit making it hard to shoot her at times, moved behind her attorney.
- Mostly the clerk's office.
- Very cooperative court marshal let me stand in a spot where I would be out of the way and still get the shots I needed.

- We were able to set up during a recess, shoot the arraignment and leave right after without any disruption.
- Judge came out to discuss all this well before proceeding.
- Being able to shoot from the jury box was a tremendous benefit.
- At GA 10 New London, the photographers are instructed to shoot from a place in the courtroom with a very limited view of the defendant. All we get are the sides of their faces (profiles)!
- Yes, but due to the layout of the courtroom and the position of the jury box, we were very limited in where we could set up the camera.
- Yes, the judge was very accommodating and flexible.
- Yes. We needed to make an adjustment to obtain a shot of (the defendant) and Judge Dyer was more than accommodating.
- Yes. Everyone was very helpful.
- Yes. Positioned in spot to shoot judge and defendants. Did not allow microphone on defendant's table.
- Yes – allowed camera to set up across from prisoner entrance.
- Yes – told us where to stand, where to put the microphone.
- Judge was very clear where we could be and what we could shoot.
- Yes. The procedure was so smooth and quick.
- Judge set us up in usual spot.
- My photographer has worked with Judge Taylor before, and he knows what the judge is comfortable with and where the camera should be.
- Yes – let photographer go in favorable spot.
- Yes. The marshals spoke to me prior, explained the judge's wishes explicitly. No undue burden.
- Yes. Marshals were helpful with setup and logistics.
- Helpful with the location and shots allowed to take. Asked about audio (if we could place microphone in center of room) but didn't get an answer until marshal helped us out.
- Yes. Put us in spot to get good shot of all people involved.
- We would have preferred a different position for photographer.
- Yes. Marshals suggested location and it worked well.
- Yes. We used the standard Enfield location, which works well.
- Yes ... Judge Mullarkey and court staff were open to our requests/suggestions and we worked with their requests to accommodate everyone's needs.

7. Did you encounter any unexpected problems with gaining access? If so what were they?

- ❖ No or N/A – 61
- ❖ Yes – 2

Excerpts of Comments

- No, affidavit available minutes after arraignment.
- Yes. The case was called and passed after only 15 seconds and then recalled 20 minutes later. We felt this was an obvious effort to thwart the spirit of the pilot program and to keep the public from seeing the proceedings.
- No. When we met Judge Dewey before the trial, she apprised us that some witnesses had made requests not to be videotaped.
- Because of the advanced planning, there were no access issues.
- No. When we met Judge Dewey before the trial, she apprised us that some witnesses had made requests not to be videotaped.
- No. Right down to the marshal who got us right to the courtroom.
- No. Once the judicial marshals knew we would be welcome in the courtroom they were helpful.
- No, other than originally hearing the arraignment was happening at 10 a.m. only to later learn it's public knowledge arraignments happen at 11:30 a.m. Mondays in Manchester.
- Judge wasn't initially aware we had access and had to wait for it to be cleared.
- None. Everyone was aware we were coming.

8. Was access to the courtroom sufficient to set up equipment before court opened?

- ❖ Yes – 58
- ❖ No response – 5

Excerpts of Comments

- 20 minutes set up time.
- Marshal escorted us in early.
- Excellent, used jury box.
- We were escorted back in plenty of time. The whole process was so well organized.
- Judge let us set up right before the case was heard.
- All we needed is 2 minutes we got 5.
- Judge took a break so we could set up.
- Judge made court shut down for a moment so we could set up.
- The only problem was that we were asked to set up at 9:45 and the arraignment didn't begin until 12:30 but this wasn't a major issue. I know that we're expected to work around the court's schedule.
- Yes. Set-up was accomplished in steps. The cabling for the pool feed was wired the day before the trial began. This was wise. The judge also allowed us the flexibility to come the day before and set up the camera equipment. Again, very helpful. We chose to set up the remaining equipment the morning of the trial because of potential trial delays and concerns over access to the courtroom by overnight cleaning/maintenance staff.
- We were granted time the day before to set up. When a pool feed is involved, setting up a day in advance is necessary.
- Yes ... because of advanced planning, we were able to leave cable in place, which made it very easy and quick to set up our camera and microphones.
- Yes, had plenty of time. However, this was also because the case took place after lunch.
- Yes – marshals allowed us time to set up prior to arraignment.
- Yes, we got in a full 15 minutes before the case.
- Yes, Marshal Paul Allen was very helpful.
- Yes. We were allowed (in) 15 minutes before court was back in session ... allowing us ample time to set up and ask questions.
- Excellent. Used jury box.
- Yes, it does not take too long for me to set up.
- Yes, Judge Taylor came out to meet us and bring us into the courtroom early.

9. Was the position for photo/video cameras/recording devices in the courtroom satisfactory? Explain

- ❖ Yes/qualified yes – 51
- ❖ No – 6
- ❖ N/A – 4
- ❖ Unsatisfactory – 2

Excerpts of Comments

- Not at first; the Judge let us adjust.
- Not really the best location. Might want to try jury box for next arraignment.
- Allowed for view of judge, defendants, and prosecutors.
- I was allowed to stand in a spot where I could get the best video.
- Always can use more light.
- All we need as a television outlet is a picture/video of the defendant and he was right in front of us. Our position was great.
- Mostly. At times the defendant will hide behind his/her counsel.
- Yes. Could see defendant well. But the problem was, once the prisoner walked in (which we have on tape but cannot use) she hid behind her attorney and there was little we could use.
- In this court the prosecutor has his back to the camera. That makes using sound from him difficult.

- Would be great to have audio feed.
- Because it was a jury trial, we were set up in the back of the courtroom, so not to ID jurors. This did limit our ability to provide mostly profile shots of the participants, but did not limit our ability to provide viewers with information and overall visuals of the proceeding.
- The camera location made shooting difficult because it placed the jury at the edge of the viewing area throughout the trial, placing jurors at great risk of being accidentally videotaped and leaving little to no margin of error for the camera operator. In addition, the witnesses were blocked by the head of the court reporter. The court staff felt that alternate camera positions would have either taken away too much public seating space or would have been too distracting to the public and/or the participants.
- Judge Dewey granted our request to place the camera in the jury box since there was no jury for this part of the case. This position worked very well for CT-N and was preferred over the rear of the courtroom.
- Yes, good view of defendant.
- Yes, volume levels were low.
- Yes. Windows behind the camera were best; clear shot of defendants and judge.
- Yes, across from prisoner entrance.
- Yes – microwave could have been in better location to get higher quality audio.
- Yes, view of the defendant allowed for photographing him without placing gallery in view.
- Yes. Only thing is we could really use clean audio feed.
- Yes. Only thing in future would be the availability of clean audio feed. Putting a mic where we do gets us ambient audio that, at times, is unusable because of people speaking in low tones.
- Yes. Sometimes we do run into trouble with defendant hiding behind attorney.
- Yes, but photographer would have preferred to be in jury box, which, of course, was empty at sentencing, in order to get full-face shots of defendant rather than just profiles.

10. Were there any limitations or restrictions imposed on the photographer that made shooting the case difficult? If there were please describe.

- ❖ No/none/qualified no – 55
- ❖ Yes – 8

Excerpts of Comments

- Yes, we were not allowed to show shackles or handcuffs, which makes shooting video difficult because with video you want action shots (i.e. him walking into courtroom) but since we are prohibited from getting that because of his handcuffs, we're then only allowed one shot.
- I encountered no limitations or restrictions. Judge and marshals were very accommodating.
- Normal restrictions. I understand the person's rights to object prior to case about media pictures. It would be good for TV to get at least the walking out shot being the visual medium that it is.
- No shackles, no gallery, no walk shots. It was very helpful given these restrictions that he was handcuffed behind his back.
- Just the Practice Book restrictions.
- Yes, we were not allowed to show shackles. What made this more difficult was he was shackled in front, so I couldn't shoot any wide shots to show the courtroom.
- No. Judge Dewey was very accommodating and very communicative.
- No, except audio.
- We were told we couldn't shoot the judge, which isn't usual practice at other courthouses. It wasn't a real problem, it's just something we usually do.
- Just the typical rule to avoid the gallery. They moved our location to accommodate that rule.
- No – except length of proceeding. By the time the camera was turned on, we captured only a few seconds of video. If the case is going to be this short, it would be helpful to warn the crew in advance.
- No and camera location was excellent.

11. If the proceeding lasted more than one day did the presiding judge expect the same photographer/ crew to attend each day?

- ❖ N/A or did not respond – 61
- ❖ No – 2

Comments

- While the judge did not require it, WFSB provided the same person each day for consistency to know the rules and layout. WFSB made this commitment because it was the first for all involved. For future proceedings, a station might not be able to commit to this, but it is preferable and we would accommodate as much as possible.
- No. CT-N had the flexibility to use different camera operators. However, there are advantages to have one camera operator.

12. Was there a contact from the Judicial Branch at the courthouse to assist you?

- ❖ Yes – 36
- ❖ No – 20
- ❖ N/A – 7

Comments

- The marshals were extremely helpful and friendly each day. Because of advanced planning, marshals understood our role and needs; including equipment and access.
- Rhonda Stearley-Hebert checked in on the first day of trial to make sure there were no problems with the set-up and issued subsequent advisories by email.
- Yes, the marshal, he was great.
- Yes, marshals very accommodating.
- Yes. Asst. Ct. Clerk “Bill” very helpful.
- No, but Paul from the court clerk’s office was very helpful.
- Yes, marshal supervisor.

Technical

1. Were there any issues with changing video tapes in recording devices during proceeding? Were you told by a judge not to?

- ❖ No or N/A – 62
- ❖ Narrative answer – 1: Judge Dewey did not instruct us to not change videotapes during the proceedings. However, we followed the Connecticut Practice Book rules forbidding videotape changes while court is in session.

2. Did you provide a pool feed for other media outlets? If yes, did this create any problems for you? If so describe the problems?

- ❖ No or N/A – 47
- ❖ Yes – 16

Excerpts of comments

- Yes, we did provide the pool feed. The greatest difficulty was running the cables out of the courtroom because we were informed that there was no cable conduit through the courtroom walls. However, a conduit was found between the media pool room and the rotunda, which we utilized. This may warrant a detailed investigation into the ceiling spaces in the courts to look for existing unknown conduits that could be used to install permanent cabling.
- CT-N did provide a pool feed. The only problem with providing a pool feed is the amount of time and effort that CT-N personnel have to expend to run the cabling out of the courtroom to the pool feed location. We would recommend that the court explore the options for installing the necessary wiring to facilitate pool feeds out of the courtroom(s).
- A pool feed was provided via mult-box (signal distribution box) to other stations who brought their recording devices to plug into. The pool distribution went smoothly in a room outside, but adjacent to the courtroom.
- We transmit photos to AP when requested. There have been no associated problems.

- No, but if requested, we always share with other media.
- Not today. 50/50 on pool feed requests. Technical details for dubbing our concern – not the courts.
- Yes. No problems because no requests.
- We provided dubs outside of court.

3. If a pool feed was provided was it satisfactory? If not explain.

- ❖ N/A or no – 50
- ❖ Yes – 13

4. Was the quality of the courtroom audio feed satisfactory?

- ❖ Yes – 22
- ❖ N/A or no – 41

Excerpts of Comments

- There was no audio feed.
- Ambient sound. Acoustics pretty good.
- Used ambient microphone only per judges request audio was too low to use.
- Yes except when the defense attorney moved the microphone away.
- The quality was satisfactory. There was some low frequency hum detected in the feed from the courtroom audio system that could be resolved. Additionally, we would recommend a review of the types of microphones being used in the courtroom as there are more suitable choices for the different applications.
- No. Being able to tape into the courtroom audio system would have served the public more efficiently to truly hear and understand the proceedings.
- Yes, except when defense attorneys moved the microphone away.

5. If you were granted permission to set up microphones in the court were there any problems?

- ❖ No/NA/no response – 62
- ❖ Yes – 1

Comments

- Yes, during a recess the camera was aimed at the exit sign, but microphones were accidentally left on. Some courtroom audio – conversations between courtroom staff and attorneys – was reportedly heard while eating lunch. Once recognized, a procedure was immediately put in place by WFSB. During every recess, the camera would continue to be aimed away, and microphone cables would be disconnected at the bench ... so a visual confirmation could be made that the mics were off.
- Was granted permission no problems.
- No problem, we set up microphone on prosecutors table.
- No permission to set up microphones.
- A marshal said we might be able to set up a microphone, but we were never given the chance.

6. Was the lighting of the courtroom satisfactory?

- ❖ Yes – 63

7. Were there any other technical issues?

- ❖ No or N/A – 60
- ❖ Yes – 3

Comment

- The volume levels were too low in the courtroom. We could not hear the prosecutor or judge.

Other

1. What would you change about the process if you could?

- ❖ Narrative/recommendations/suggestions – 36, many of which cited audio issue.
- ❖ Nothing/NA/no response – 27

Excerpts of Comments

- Have an audio feed. That would require a substantial investment though.
- Better audio.
- Nothing beyond audio feed provided for microphones.
- Audio feed would be great.
- Some way to better accommodate audio.
- Courtroom audio feed access would be very helpful.
- Only better audio. If cameras become permanent, a feed line would be helpful and facilitate more trial coverage.
- It would be helpful to have a box to tap into using the court's microphone system – rather than using our own microphones. That would provide cleaner audio for us – but I'm not sure how practical/expensive it would be for court to install.
- Nothing except my usual request to have access to courtroom audio.
- Blending together on a more routine basis sentencing and pleas we can cover.
- Would be nice to be inside court for other proceedings other than arraignments.
- Microphone system with clean audio feed.
- Everyone was so courteous and polite I wouldn't change a thing.
- Less delay in waiting for escort from security to courtroom.
- Would get "multi box" audio system to plug into for cleaner sound.
- An actual audio feed would help. We would hear everyone more clearly (our viewers would).
- A courtroom audio feed would really improve viewers' ability to clearly understand what's going on.
- The only thing I really wish we had was a way to tie into courtroom audio feed. Without it our audio is not as clear as it could be since we use a single microphone for the entire room.
- Discuss shackles. Not to show a close up of shackled hands in totally understandable. However, to get a wide shot and simply see shackles in the general from afar shouldn't be a problem.
- From our perspective, the process was very positive and valuable as it was the first trial CT-N has covered gavel-to-gavel and the experience will no doubt be beneficial to us in the future. Judge Dewey was very approachable and always pleasant. Ideally, however, we would have preferred to have more flexibility with the position of the camera. Also, we would have preferred to be able to include the testimony of prosecution witnesses Erik Martinez and Jose Guzman in our coverage, even on an audio-only basis, as their testimony was critical to the state's case. Without the benefit of their testimony, CT-N viewers' knowledge of the evidence against Cipriani and their understanding of the subsequent portions of the trial were greatly compromised.
- We would recommend pool feed infrastructure be put in place and a change to the rules allowing a separate audio system for the media.
- It was the first time for all, and aside from the microphone issue ... it was a good first-time experience.
- Allow mics on defendant's table to record what is stated on court record.
- Create a microphone plug-in.
- Allow critiques online.
- Settle the cameras issue before proceedings so that the whole courtroom isn't looking at the photographers.
- Nothing. Bantam SC always accommodating and follows procedures.
- Better lighting.
- In this courtroom, a better camera angle.

2. Do you think the presence of your camera/mic/recording device in the courtroom affected the proceedings? If so, describe how?

- ❖ No or N/A – 59

❖ Yes – 4

Excerpts of Comments

- No one seemed to notice or care.
- It just gives people sitting in a chance to be distracted a little bit.
- Proceedings went on as planned. We are simply there to record the action for viewers to see who could not attend in person.
- The trial was not affected in any way that was noticeable to us. To her credit, Judge Dewey was very conscientious in ensuring that television coverage did not impact the trial, and everyone involved conducted themselves in a professional manner.
- Overall, I don't believe it had an effect, but, within the courtroom, the new experience of having a live camera during the proceeding did attract some extra attention. Over time, this has lessened as cameras have become more common.

3. Did the courtroom staff or case attorneys make any requests altering any prior agreement between you and the court regarding coverage?

❖ No or N/A – 59

❖ Yes – 4

❖ Referred to previous answer – 1. This answer was: During a recess the camera was aimed at the exit sign, but microphones were accidentally left on. Some courtroom audio – conversations between courtroom staff and attorneys – was reportedly heard while eating lunch. Once recognized, a procedure was immediately put in place by WFSB. During every recess, the camera would continue to be aimed away, and microphone cables would be disconnected at the bench ... so a visual confirmation could be made that the mics were off.

Comments

- Both prosecutor and public defender asked video not be recorded even through the judge approved our taping.

4. Do you have any other general comments?

Excerpts of Comments

- We were able to take pictures and leave without any problems.
- Generally a very easy event.
- I do feel this whole program is working well. I do feel, for the most part, that all sides of this experiment are getting more comfortable with one another.
- I really appreciate the Judicial Branch's understanding as we work our way through the process, smoothing it out more each time we do it.
- We appreciate having access to the court in this way and hope to continue/expand this relationship in the future.
- Is it possible to allow on cam interviews in the hall outside the courtroom following the proceedings – especially if no other TV crews are there OR those would be provided as pool as well?
- I would like to fill this form out each time on-line, not hand written. It would be quicker.
- This was a great experience for WFSB. It was difficult to predict any problems, but because of the good preparation by all parties and the open communication, we could anticipate problems before they became issues. Most importantly, the open communication was a benefit when problems did arise so they could be addressed swiftly and corrected.
- The day was easy and professional. It's best to have case first thing to not have to wait through cases. Would be best for all.
- No – always a pleasant experience. We appreciate Rhonda's work coordinating our access and helping identify a point person for us to check in with at the courtroom.
- Our experience in New Britain Superior Court was professional and efficient. We were able to take pictures and leave without any problem.
- Thank you.
- I would like to express appreciation of the court and staff for professionalism.

- Went without a hitch.
- We did have trouble getting the arrest warrant affidavit after the case was heard. The clerk says Mr. Tsikitas was not on the docket she had and there was no paperwork. Ended up getting paperwork from defendant's attorney.
- I think this is a great program and hope to participate in more with the courts.
- Pilot program works well – no problems.

Summary of Evaluations Prepared by Judge Patrick J. Clifford

MEDIA:

- not showing D walking out of lockup
- Ds hiding behind attorneys
- cannot show cuffs/leg shackles
- cannot show disruptions in gallery
- microphones inadequate. Need audio feed
- pooling issues
- one judge refused to be video taped

STATE:

- notice issues
- circus atmosphere
- fair trial issues

DEFENSE:

- notice issues
- no opportunity to discuss/alert client
- need established protocols
- effect publicity will have on fair trial
- media not following judge's orders
- disruptive in general
- higher bonds from judges

some courtrooms not conducive
not educational
no conversations between attorney and client
filming documents used or on defense table
everyone constricted
hard to control client from saying things disadvantageous

JUDGES:

no close up on documents
added responsibility
no gallery shots
burden on marshals
still photographer moving around like paparazzi

TRIALS:

jury selection extended
need more advance notice on some of the proceedings
distracting
careful with exhibits that show phone #s, etc.
watch out with juror names when sworn in and for verdict
“Increased tension to a wearing degree”

JURORS:

cameras not distracting to them

APPENDIX I

Summary of Camera Practices/Procedures in Other States

The Radio and Television News Directors Association classifies states as Tier 1, Tier II or Tier III regarding camera access in court. As defined by this guide, Tier 1 states allow the most coverage (“broad discretion in presiding judge”); Tier II states have restrictions “prohibiting coverage of important types of cases, or prohibiting coverage of all or large categories of witnesses who object to coverage of their testimony; and Tier III states are states that “allow appellate coverage only, or that have such restricting trial coverage rules, essentially preventing coverage.”

Connecticut is listed as a “Tier II” state. Judge Patrick Clifford, co-chair of the Pilot Program Committee, wanted to determine as much as possible what kind of camera action states actually have: for example, is a state classified as a Tier II more open than described, and conversely, does a Tier I state have less cameras in court than one would think.

Committee members asked staff liaison Rhonda Stearley-Hebert to survey other states. Here are the results:

Alabama, Tier III

Several circuit courts in Alabama do have approved news media plans that cover cameras in court. For example, a copy of the order (1990) from the 17th Circuit (Marengo County) authorizes judges to allow cameras in court. Written consent from the parties and attorneys is required; the order also says the “court shall allow all photographs and all television and radio stations desiring coverage to participate. Should requests become too numerous, the court may require pooling or may divide time so that all persons or outlets will be allowed coverage of the proceeding.”

The Supreme Court in 2007 adopted a plan allowing its proceedings to be broadcast, recorded or photographed.

Alaska, Tier II

Cameras are in court on a regular basis, probably every day there is a case interest that results in either a TV or still camera. A simple form must be filled out for court approval, but approval is routinely granted unless the judge believes there are special circumstances. Typically, area court administrators, presiding judges and trial judges handle the requests, and the process goes smoothly.

Arizona, Tier II

Arizona has allowed cameras for a number of years. In the Tucson area, however, TV stations are picking which cases they cover very carefully because of resources. In addition, a rule change that occurred Jan. 1, 2009, requires that TV stations provide 48 hours notice of their intent to have a camera present. A camera request form is on the web site; it goes directly to the court's public information officer (PIO) when "send" is hit and provides a time stamp. The PIO forwards it to the judge in question.

The new rule provides a presumption that cameras are allowed in all hearings, except juvenile, unless a judge holds a hearing with parties present and makes a record of the reasons why cameras will not be allowed, thus the 48-hour advance notice.

Arkansas, Tier III

Cameras are not in court on a regular basis. The appellate courts don't allow cameras. Cameras are sometimes allowed into the circuit (trial) courts. They are often allowed into the state's district courts, which handle pleas and arraignments.

California, Tier I

Cameras in courtrooms are very common in LA courts. The courts there process several dozen media requests a week, ranging from still and video to long-range projects. Proceedings, especially criminal, frequently are broadcast live.

The technology of cell phone cards has made originating a live Webstream from a courtroom very easy. TMZ.com is the leader in this area. It has the gear part of it down to a camera, tripod, a couple of microphones, a laptop with an aircard, a booster antenna that is almost invisible and a large auxiliary battery. Other entertainment tabloids are now getting into livestreaming for competitive purposes.

Colorado, Tier I

Colorado's rules are very broad and cameras are in courts fairly often. The decision on whether to allow still, video and/or audio coverage of certain hearings (most pre-trial hearings are off-limits) and the trial itself is totally at the judge's discretion, and they have wide latitude to set whatever rules they feel are necessary.

Connecticut, Tier II

Effective, January 1, 2008, new rules regarding cameras in court took effect. Highlights were: a) a presumption of openness regarding cameras in court for civil cases; b) arraignments in the Geographical Area courthouses could be videotaped/photographed, excluding certain cases, i.e. sexual assault; c) a two-year pilot program implemented in the Hartford Judicial District, whereby there is a presumption of openness for the news media to photograph/videotape/audiotape criminal proceedings, except under certain circumstances, i.e. sex assault. A Pilot Program Committee currently is evaluating the new rules in criminal court.

Delaware, Tier III

All state courts, with the exception of the Supreme Court and the Court of Chancery, are closed to still/video cameras. In the Supreme Court and Court of Chancery, "Courtroom

Connect” is allowed with prior approval to videotape the proceedings, which are posted on its web site. “Courtroom Connect” charges to watch the videos. Delaware’s Judicial Information Center also broadcasts Supreme Court arguments on its web site, but that is delayed not live.

Florida, Tier I

Florida’s chief justice issued a proclamation declaring April 2009 as a month to commemorate the 30th anniversary of the state Supreme Court’s adoption “of the nation’s broadest rule allowing cameras into court.”

Quoting from the press release: “Cameras in the courts have become so much a part of Florida public culture that few question the idea anymore.”

Georgia, Tier I

With downsizing of the local daily paper, Georgia has few still camera requests, but TV is still in court at least a couple of days each week. What is new in Atlanta is that three of the four local TV stations agreed to share video of non-breaking stories, resulting in the courts sometimes getting one camera request and seeing the video on three stations.

Hawaii, Tier II

Cameras are in court regularly.

Idaho, Tier I

Info from 4th District, which includes Boise; 31-judge unified trial court. Cameras are in these courts on practically a daily basis, more often at the limited jurisdiction level than the felony courts (arraignment v. trials). The media is required to submit a written request to the presiding judge of the particular hearing for approval or restriction. Idaho has a Courts/Media Committee that meets quarterly to discuss court-media issues and also has established a Conflict Resolution Panel to resolve any conflicts that may develop between the courts and the media.

Illinois, Tier III

No response.

Indiana, Tier II

Indiana had an 18-month pilot program from July 1, 2006 through December 31, 2007. During the pilot, all parties had to agree, and as a result only about six hearings were filmed at the trial court level. When the pilot ended, the media recommended continuing camera and audio coverage, but the judges never ruled on whether to continue it. There are cameras in the appellate courts; they probably are at six to 10 of the Supreme Court’s 70 oral arguments a year.

Iowa Tier II

Iowa allows cameras in the courtroom for most cases, at the judge’s discretion. (Not, however, juvenile, dissolution, child custody or trade secret cases unless consent on the record is obtained from all parties.) According to the court’s rules, “Expanded media coverage of a proceeding shall be permitted, unless the judge concludes, for reasons

stated on the record, that under the circumstances of the particular proceeding, such coverage would materially interfere with the rights of the parties to a fair trial.” That said, not many cases are covered by the media – mostly criminal cases in the trial courts.

Kansas, Tier II

At the trial court level, there is typically camera coverage going on somewhere in the state (usually Topeka, Wichita or KC). Kansas rules permit coverage even when the defendant objects, but excludes particular witnesses (undercover officers, sexual assault victims, juveniles). The state has media coordinators appointed to work on most cases; the chief PIO is called upon for high-profile cases.

Kentucky, Tier I

Kentucky doesn’t track the frequency of cameras in court, but they are fairly common in the state’s major media markets – Louisville and Lexington. Elsewhere in the state, cameras follow high-profile cases as they occur.

Louisiana, Tier III

No response.

Maine, Tier III

Maine in February 2009 adopted a revised administrative order regarding cameras in courts. This modified the order issued in 2005. The news media is allowed into various types/stages of civil and criminal cases, although the news media has said it would prefer that Maine adopt the “New Hampshire model,” whereby there is a presumption of openness. One of the biggest changes in the 2009 order was to remove the requirement that the media submit their request 24 hours in advance. Previously, all requests had to be made to the clerk in writing; requests by fax or phone were prohibited. Under the new rules, written requests may be made by fax or email to the clerk, but not by telephone. The presumption is that if the media doesn’t hear back, then the request has been approved, although that’s not fool-proof (i.e. clerk didn’t receive fax). So reporters are urged to follow up with a phone call to the clerk’s office.

Maryland, Tier III

Appellate level: Cameras allowed in on limited, case-by-case basis. At other levels of courts, cameras are rarely present and are considered on a case-by-case basis.

Massachusetts, Tier II

Cameras are in court on a fairly regular basis. Most of the courts are used to having cameras (one TV and one still) and know what to do. There are questions that arise. For example, the commonwealth’s rule states that there should be “reasonable advance notice” from the media re: camera access. That phrase is widely interpreted by the judges.

Michigan, Tier I

Michigan Government Television covers all Supreme Court hearings; the Court of Appeals gets an occasional request. At the trial level, sense is that courts do have cameras

on a regular basis, depending on how much attention the case is getting. For example, the TV media heavily covered the perjury/obstruction of justice case involving the former mayor of Detroit; all three local news stations streamed some of the proceedings live. The judges have wide discretion.

Minnesota, Tier II

In the trial courts, the key restriction is that all parties must agree, and they never do. In more than 20 years, there have been cameras in courts only in a handful of instances and those involved non-controversial matters, such as drug court graduations. The Minnesota Supreme Court has ordered a pilot to test a new set of rules, because it's clear the old ones aren't working. The pilot would use rules similar to those used in other states (i.e. no sex assault victims, etc.) The pilot program is supposed to begin by the end of 2009, and perhaps sooner.

Cameras have been automatically allowed in the appellate courts for a long time.

Mississippi, Tier III

Camera coverage has become routine in many of Mississippi's trial courts. Its rules permitting camera coverage were enacted in 2003 and apply to both trial and appellate courts. The only courts excluded are those that are not courts of records – i.e. the “justice courts” (small claims and misdemeanors). The rules do give some discretion to the trial judges, and there are a few judges who do not allow in cameras very often. There are exclusions, i.e. victims of sex assault, undercover officers. Cameras are excluded from motions to suppress evidence and from most family cases.

As a practical matter, courts in some areas of the state rarely see TV cameras because of their distance from the TV newsrooms.

Missouri, Tier II

As of April 2009, the court public information officer in St. Louis had not received a single camera request from a TV station in his nearly two years on the job and only a few requests from newspapers.

From Kansas City: each judge has autonomy. One judge has said no cameras ever, end of discussion; another has said no problem, no further discussion. The rest decide on a case-by-case basis. The courts in this judicial circuit probably receive one request a month for a camera in the courtroom, and they are normally allowed outside of the courtroom. If a request is denied, it's usually because the defense strenuously objects. Kansas City courts also have a 5-day advance notice requirement, but it's loosely enforced.

Requests come into Cole County (the county seat that includes the state Capitol) on a fairly regular basis. Cameras are in the Boone County Circuit Court (where the University of Missouri is located) mostly in criminal cases. In the Springfield metro area, there is a lot of coverage of cases, but very little of it is from inside the courtroom.

Judges in Missouri have discretion on whether to grant access.

Montana, Tier I

Cameras appear regularly in Montana courtrooms, certainly they are present during high-profile trials. The state's Constitution has a very strong “right to know” provision, so cameras have become commonplace in the courtroom.

Nebraska, Tier III

Nebraska was among the most restrictive. In 2008, however, Nebraska began a pilot project to test the use of still and video news cameras in the courts. Several other courts in the state have implemented pilot programs, including an experiment in one county where the court partnered with the Nebraska Broadcasters Association to permanently install cameras in two district court courtrooms.

Nevada, Tier I

Cameras are routine in the district courts, primarily in Las Vegas, but also in Reno and the rural courts. It's usually one newspaper or one TV station, rather than several, but there are those cases where everyone wants the pictures. Rules limit to one TV and one still unless the judge authorizes more, which sometimes happens because of dubbing issues. New rules are being drafted, which are expected to be broader than the existing ones, making it easier for the media to access proceedings with cameras.

New Hampshire, Tier I

There's a fair amount of camera coverage, on occasion from Boston. Since the state's rule is so well established, however, the clerks and courts are very accustomed to cameras in the courts. Presumption of openness in the rules.

New Jersey, Tier II

NJ has cameras all the time in court. No big deal; easier to say when *not* allowed.

New Mexico, Tier I

Cameras are in court on a regular basis. Most judges are pretty camera-savvy, the media is well-behaved and disputes rarely arise. Cameras are not allowed in Magistrate Courts, where the judges are non-attorneys. Supreme Court has cameras, but only on high-profile cases.

New York, Tier III

New York has a statute that prohibits broadcasts and photographs of any court proceeding in which witnesses may be compelled to testify. The news media has responded by requesting permission to photograph/videotape such events as opening arguments, and those requests have been granted. Over a roughly 10-year period in the 1980s and 1990s, New York had a series of statutes allowing camera coverage on an experimental basis. Reports issued at the end of each experimental period found no harm done, but the Legislature took no action to allow more broadcast coverage. The last experiment lapsed in the mid-1990s, and the state has since been left with the statute prohibiting broadcasts and photographs of any court proceeding in which witnesses may be compelled to testify. From time to time, a trial judge will declare the statute unconstitutional and allow cameras in to cover a particular trial, while other judges reject those constitutional claims. There's no comprehensive appellate ruling on the matter. At the appellate level, cameras allowed at the discretion of the court.

North Carolina, Tier II

The judges decide on cameras in the Superior and District Courts on the local level, and most of the time cameras are allowed. North Carolina does have rules regarding juveniles, sex assault victims, u/c officers and jurors. Witnesses, however, do not control coverage of their testimony.

In one county, cameras were allowed into court for the first time in May 2009 for the case of a man who killed eight elderly people at a rest home.

North Dakota, Tier I

Cameras are infrequent in the courtrooms. However, they are present for high-profile cases. Part of the reason is that there are few television markets in North Dakota – stations are in 4 major markets. Coverage is more limited in other parts of the state.

Ohio, Tier II

The rule on cameras in Ohio is essentially that they are presumed to be allowed unless the judge determines that to do so would cause specific problems for decorum, due process, etc. Under this rule, cameras are allowed routinely into the trial court. All oral arguments before the Supreme Court are broadcast live.

Oklahoma, Tier III

Cameras not used often in the trial courts; coverage rules are very limiting.

Oregon, Tier II

The rating is accurate in that some types of proceedings are still restricted. But the rule is a little broader than the rating indicates. The rule currently in effect has worked well for about 10 years, although with the advent of camera cell phones, local courts have tightened the rules regarding those devices.

Pennsylvania, Tier III

Pennsylvania allows cameras in all civil trial proceedings with the agreement of the litigants and judge. In practice, no one opts to try. The state's two intermediate appellate courts allow in cameras and are covered by PCN, a non-profit C-SPAN network, but they don't cover cases all the time. The Supreme Court does not allow any coverage.

Rhode Island, Tier II

Rhode Island is fairly open to cameras. The judge has complete discretion to allow or ban cameras as he/she determines, and there is no appeal. Most judges allow photography all of the time; at least one of them requires gavel-to-gavel coverage. Some judges will instruct that certain witnesses not be photographed, and there is no photography of bench conferences or sidebars.

South Carolina, Tier I

Cameras are not an everyday occurrence in South Carolina. Where TV is interested in a case, the presiding judge typically will grant the first request for use of a TV camera and others will feed off the pool. Still cameras are even less common, although they are there occasionally.

South Dakota, Tier III

South Dakota is working out the logistics of allowing cameras into its circuit courtrooms. In 2008 the *Committee for the Study of Cameras in the Trial Courts* got under way, much of the information that has been received through the committee process and presentations is on South Dakota's court web site, www.sdjudicial.com/index.asp?category=eents&nav=58

Tennessee, Tier I

Judges have broad use over the use of cameras in the courtroom. Requests go directly to the judge, and it's up to him/her to decide whether to allow them. It's pretty common for cameras to be allowed into the courtroom.

Texas, Tier II

In the trial court, various counties have varying local rules. Cameras are always in the Supreme Court; not so with the Court of Criminal Appeals, which require a motion to the court for coverage and consent by the parties. But the media usually doesn't cover these cases.

Utah, Tier III

Utah allows still pool photographers into the district courts on a regular basis. Video cameras are allowed in the Appellate Courts but not in the district courts. The court's public information officer last year facilitated more than 65 photo requests.

Vermont, Tier I

It's pretty routine to have cameras in court. In high-profile cases, the media is required to work together, so that there is one feed.

Virginia, Tier II

Cameras are not in Virginia courtrooms on a regular basis. It is the call of the local chief judge whether to allow them.

Washington, Tier I

The municipal courts occasionally get a high-profile case in which there is media interest. The courts pretty much follow "GR16," which is the rule regarding cameras. Openness is presumed, and judges need a good reason for denying cameras. Denial would occur in some if there were too many news media reps present with cameras or if the case met any of the conditions under the rules. Cameras are permanently installed in the Supreme Court and record every oral argument via TVW, the statewide public affairs channel.

West Virginia, Tier I

At the Supreme Court, one video, one still allowed on first-come, first-serve basis. If more want to come in, the first to ask must serve as pool. For other courts, the basic rule is that both video and still are allowed if the judge allows them. Some allow them, some don't. Some allow them sometimes and not at others,

depending on the case. Some allow still cameras and not video, or vice versa. The media doesn't like this; they want consistency.

The judges who allow cameras say it works best if they have a standard place for the cameras to be, so that the photographers/camera operators are not moving around.

Wisconsin, Tier I

Tier I is a fair description. There are cameras in Wisconsin's circuit courts routinely for high-profile cases and in the Supreme Court hearing room for each oral argument.

Wyoming, Tier I

No response

APPENDIX J

E-mail about the number of states that allow cameras in courts

Hebert, Rhonda

From: John Long [jlong35@cox.net]
Sent: Thursday, January 08, 2009 11:34 AM
To: Hebert, Rhonda
Subject: Pilot Program Committee

1/8/09

Rhonda: At our meeting last Monday, several issues came up that prompted me to do a little research. I checked with Mark Hertzberg who has been covering courts in Wisconsin for many, many years and who is the point person of the National Press Photographers Association's camera in the courts advocacy work. I also checked with NPPA's lawyer Mickey Osterreicher.

The question came up as to how many states have cameras in their courts. I said I thought it was 34. I was wrong. According to RTNDA (Radio and Television News Directors Association) there are 35. Most of the other 15 states also have programs but are very limited. Mickey sent me this link:

http://www.rtna.org/pages/media_items/cameras-in-the-court-a-state-by-state-guide55/php

Then I asked Mark Hertzberg about the concerns raised that televising witness testimony could influence future witnesses or influence the jury pool. This is what he had to say:

"This has never come up –to my knowledge- in 31 years in Wisconsin. Never."

Please send this Email to the other members of the committee. I appreciate all you do for us.

John Long

APPENDIX K

Suggested pooling arrangements taken from the “Media and the Law Handbook”

In 1996, the Connecticut Bar Association’s Media and the Law Committee and the Hartford County Bar Association published a booklet entitled “**Media and the Law Handbook.**” The chapter “**Cameras in Connecticut’s Courts**” by John Long details the rules for court coverage and ends with the following information on pool arrangements. These guidelines for pool arrangements were not cast in stone (or in statute) but were merely what the media representatives agreed upon at the time. Media outlets today can make any rules they want. The following is offered only for historical perspective.

4. Mutually agreed upon media guidelines:

Besides the official state rules, these are some informal guidelines mutually agreed upon by media representatives when the rules were drawn up.

1. Dress: Photographers are urged to dress appropriately if they are working in the court during session. This means coat and tie for men and business attire for women.
2. Credentials: Only photographer associated with news-gathering organizations will be permitted to join the pool.
3. Pools: Pools are arranged by the news organizations involved. Parameters for the pool can be whatever the members wish (shooting order, where the film will be processed, who brings the recording equipment). Once a trial has begun, the pool is closed to new comers unless the members of the pool decide otherwise. Remember, the court will not mediate any disputes and if forced to, will cancel the pool and discontinue coverage of that trial.
4. Daily coverage: Trials need not be covered every day. If one organization is covering the trial, they can determine when they will cover the trial. If there is a pool, rotation can be whatever the pool decides but if one organization drops out of the rotation, they lose the right to the pictures or tape created by the pool after they dropped out. They can be reinstated when and if the other pool members agree.