

CAMERAS IN CONNECTICUT COURTS _____

By John C. Long, Jr.

Cameras have been allowed in Connecticut courts since 1982, with very few problems. The rules were modified slightly only once, in 1990. These rules apply strictly to Connecticut state courts. Federal courts have separate rules that prohibit cameras or photography. As of March 2001, radio or television recordings and photographs are prohibited in Connecticut's federal courts except for ceremonial occasions, and then only upon the approval of the presiding judge, according to Rule 30 of the Local Rules of Civil and Criminal Procedure for the U.S. District Court, District of Connecticut.

The Connecticut court's rules can be divided into two major categories: the official court rules and the informal agreements on procedures among the news media organizations. The official rules are divided between the rules for 1) the Connecticut Supreme Court and appellate court and 2) those for the Connecticut superior courts (the trial courts).

Rules governing the actual photographic coverage of a trial are the same for all courts in Connecticut. The rules are listed below. The Supreme Court and the appellate court rules regarding camera coverage are included in the Connecticut Practice Book under Sections 70-9 and 70-10. The rules governing the superior courts are found in the Connecticut Practice Book under Sections 1-10 and 1-11. The rules are summarized below.

1. SUPREME COURT:

The use of television and still cameras and tape recorders is permitted in the Supreme Court and the appellate court, under specific circumstances. Media requests must be made in writing to the Chief Clerk of the Supreme Court and the appellate court twenty-one days before the opening of the hearing in question, and copies of the request must be sent to counsel for the parties by certified mail. However, the twenty-one day rule is waived when court published announcements of case schedules do not allow for a twenty-one day lead-time.

2. SUPERIOR COURT - Trial Coverage:

There is no blanket approval allowing news media to cover trials. Specific approval must be granted on a case-by-case basis. Any time approval is granted it is considered an exception to the basic canon of state law pro-

hibiting cameras in the courts. Any camera or tape coverage of a trial in progress is permitted at the discretion of the trial judge, who has the right to set limits on such coverage.

Camera and tape recorder coverage is allowed only for civil and criminal trials. Coverage can begin at the beginning of a trial and the beginning of a trial is defined as either 1) after the jury has been sworn in, or 2) when the first witness is sworn in, in non-jury cases.

The following is a simplified list of the rules as found in the Connecticut Practice Book and paraphrased from *A Guide to Court Information in Connecticut*, published in 1998 by the Connecticut Judicial Branch.

A) Filing deadlines for request: Three days before trial begins.

B) Procedure for filing: Send written request to the administrative judge of the district where the trial will be held. Both the administrative judge and the trial judge must approve. If more than one news organization is approved, all organizations will be notified by the court that pooling arrangements need to be made.

C) Trials excluded from camera or tape coverage:

1. Family relations matters as defined in the Conn. Gen. Stat. § 46b-1;
2. Sentencing hearings, except in trials that have been previously covered by cameras or electronic means;
3. Trials involving trade secrets;
4. Jury trial proceedings held in the absence of the jury (such as debates on admissibility of evidence or testimony);
5. Trials of sexual offense charges (this means trials where sex offenses are the primary charges; murder trials where sex offenses are ancillary may be covered);
6. Trials of cases that must be closed to the public to comply with the provisions of state law (witness protection cases, for example).

D) During a trial, the following may not be photographed or recorded electronically:

1. Recesses;
2. Judge/counsel or counsel/client conferences;
3. Jurors, except where coverage is impossible without including

the jury as part of the unavoidable background. In that case, closeups that clearly identify individual jurors are prohibited;

4. Any participant in the trial designated as off limits by the judge;
5. Areas adjacent to the courtroom.

E) Equipment requirements:

1. Television cameras: one camera operator using one camera on a tripod. Videotape recording equipment and other equipment that is not a component part of the television camera must be located outside of the courtroom. Audio and video multiple-signal distribution boxes must be located outside of the courtroom.
2. Still cameras: one photographer with not more than two cameras with one lens for each camera (plus related and back up equipment). Photographer may use a tripod.
3. Audio systems: audio pickup must be accomplished from the existing audio system. If there is no technically suitable audio system, microphones and related wiring essential for media purposes must be unobtrusive.
4. All equipment must be in a location approved by the trial judge. None can be placed in, moved or removed from the courtroom while the court is in session.
5. Changing film: television film magazines or still camera film or lenses may not be changed within the courtroom except during a recess or other appropriate time in a trial;
6. No artificial lighting may be used without the approval of the trial judge and other appropriate authority; and
7. Equipment cannot make distracting sounds. Blimping is recommended for older still cameras.

F) Pooling arrangements: Media must make pooling arrangements without calling upon the court to mediate any dispute.

G) Mandatory pretrial conference: The trial judge must hold a pretrial conference with attorneys and media representatives to review rules and set forth conditions of coverage.

3. SUPERIOR COURT - Non-Trial Coverage:

Before trial coverage began in 1982, cameras and electronic devices had

been permitted for many years in Connecticut's courts but only for two very specific reasons: a) for coverage of ceremonies (such as naturalization proceedings or swearing-in ceremonies); or b) if lawyers are using electronic equipment to present evidence at a trial. This has not changed and has no bearing on trial coverage, pro or con.

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 photographers associated with newsgathering 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 newcomers unless the members of the pool decide otherwise. Remember that 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, the 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.

Copies of the official Connecticut Superior Court Rules—Cameras and Electronic Media can be obtained by contacting the External Affairs Unit, Office of the Chief Court Administrator, 231 Capitol Avenue, Hartford, CT 06106 (860) 757-2270.