



Best Practices Guide to Navigate Cameras in Court

September 2023

[Indiana Code of Judicial Conduct](#) Rule 2.17 provides judges discretion to approve or deny a request from the news media to broadcast, televise, record, digital stream, or photograph proceedings. The rule is often referred to as the cameras in court rule. Judges must balance competing interests in each case to determine if permission should be granted.

This best practices guide is designed to help judges navigate the rule. The guide is approved by the Indiana Judicial Conference’s Community Relations Committee and the Court Security Committee. The Office of Judicial Administration—specifically its Office of Communication, Education, and Outreach (OCEO), Court Technology, and Office of Judicial and Attorney Regulation—endorse these practices.

The Indiana Rules of Court are clear: Judges have the authority to control access to obtain video and still photography and to dictate courtroom decorum. In most instances, a judge is not allowed to permit a member of the public to use cameras in court. However, judges are allowed to permit news media to use cameras in court.

The Indiana Constitution states, “all courts shall be open.” These best practices are crafted to promote accessibility, accountability, and transparency. They are written with respect for the fundamental role freedom of the press plays in safeguarding democracy while also balancing the due process rights of any party. A trial court developing a policy related to Rule 2.17 is encouraged to craft the policy in the spirit of access rather than as a barrier to dissuade news media or make it so cumbersome as to effectively prohibit coverage.

Communication with local news media

It has always been important for judges to establish relationships with their local news media. The cameras in court rule makes good communication even more crucial. Indiana news directors, reporters, photographers, and editors want to work with courts and abide by requirements. Judge-led discussions with local news media about Rule 2.17, court policies, and challenges can mitigate potential misunderstandings.

OJA recommends judges host a general round table discussion with news media to discuss policy and include a hands-on component where media bring equipment into the courtroom(s) to showcase how it works and to test logistics related to camera and microphone locations. Continued discussions related to cameras in court and general court procedures and policy will foster stronger working relationships.

Crafting a 2.17 policy

Courts should adopt and implement a policy for broadcasting, televising, recording, digital streaming, and photographing court proceedings. Local news media should have the opportunity to provide feedback and insight related to a proposed policy.

The policy should be consistent with Rule 2.17 and address the following issues:

- Process and timing to submit a news media request for cameras in court
- Logistics related to location of equipment and news media personnel for in-person coverage
- Logistics for obtaining audio/video of digital recordings
- Logistics for obtaining digital recordings of remote proceedings
- News media pooling requirements
- Assignment of court staff to be a liaison with news media

For awareness, the policy should be shared with local news media; the Indiana Chapter of the Society of Professional Journalists (it is [posting county policies](#) to its website); and OCEO (oceo@courts.in.gov).

The policy should be posted on the local court's website.

A policy should not be created as a local rule. Local rules are designed for attorneys and case parties. News media are not parties to the case.

The policy should not be a blanket approval or denial; each request must be reviewed on its own merit.

News media requests

Courts should create a news media request form. OJA developed a [template](#) that can be used as a starting point. It is imperative that it is a request for permission to use cameras and **not** a motion; the court policy should not refer to the news media filing a motion into the case.

Timing of requests

Courts should require news media to submit written requests in advance of a proceeding. A minimum of five business days is a good starting point. This is an area that will require continued discussion between courts and local news media. A policy that requires an inordinate amount of advance notice to submit a request, makes news media coverage unrealistic and will be difficult to manage. Likewise, too short of a timeframe does not allow for appropriate party notification.

For expedited requests made less than five business days before a proceeding, courts should still consider the request and review the circumstances on a case-by-case basis. For example, a court could craft a policy which permits media to cover an initial hearing without a written request from the media.

Method of submission

The policy should describe the procedural steps that news media must take to submit a request.

- For example, some counties have instructed media to email the completed form to a specific local email address, whereas Marion County has developed an [automated system](#) with an outside vendor where the media submits an online request. Judges then receive a notification from the system that there has been a request submitted. The dashboard, accessible to the public, lists the authorized media requests and those still under review.
- The method for news media to request coverage should **not** be to e-file into the case; news media is **not** a party to the case.

Review and notice

Judicial officers assigned to the requested proceedings must approve or deny each request from news media. ([Judicial Code of Conduct Rule 2.5](#))

- If the court requires the news media to submit a written request, then the judge must provide a copy of the written request to the counsel of record and parties appearing without counsel.
- The request and the associated approvals or denials are to be documented on the case using Odyssey codes. The Office of Court Technology's Odyssey CMS Cheatsheet describes the steps judges or court staff take to use the codes.

Logistics for an approved request

When a request from the news media is approved, judges must plan and manage several logistics. The following should be considered:

Security

Protecting the safety and well-being of all guests and parties is paramount. Judges and court staff must coordinate with courthouse security to ensure the Sheriff's Office is apprised of any cameras in court policy established by the court for consistent application and enforcement of court procedures related to cameras in court. For example, self-styled "First Amendment Auditors" may not understand that they are still prohibited from using cameras in court.

If feasible, judges or court staff should strive to meet with the news media personnel that they have approved to use cameras, prior to the proceedings to establish and discuss expectations from the court and the media. The personal connection could help solidify trust in the process and respect for the court and its requirements.

Location of equipment

Courts should be aware of what type of recording equipment the news media will utilize and designate optimum locations in the courtroom(s) where cameras and recording devices should be set up so as not to impede or distract the proceedings, not capture members of the jury, and not record any notes or documents on the tables of the judge, attorneys, and parties.

Judges should inform participants where the news media's equipment will be located in the courtroom and remind them of Rule 2.17 and associated court policies.

- Working this out with participants and news media is the most advantageous way to determine what works best in the courtroom.
- Do not restrict the media's ability to tilt, pan, or zoom its camera; instead talk to them about expectations about Rule 2.17.

Signage

Judges must post notices in all courtrooms—and potentially hallways—that news media personnel may be present for the proceedings; and filming, photographing, and recording is limited to only authorized news personnel. OJA created a [sign that can be printed](#) and used. Judges should also remind members of the public that cameras are only restricted for approved news media.

Media pooling

If two or more media outlets request media coverage of a proceeding, the courts should require media to pool resources and require the media to work out the logistics to share audio, video, and photographs.

Technical considerations

Technical needs for broadcast videography, still photography, audio, and digital/streaming requests may differ. Taking the various mediums into account will be useful.

Training

Judges should provide ongoing training to court staff on the adopted policy, managing requests, and working with news media.

Cameras in court during jury trials

Advisement to jury

It may be beneficial at the beginning of a jury trial for a judge to provide members of the jury with an advisement such as the following:

The Court has authorized some news media to broadcast this proceeding. Media is restricted from broadcasting or photographing members of the jury. Broadcasting may include the use of still photography, audio recording, video recording, and/or live streaming of the proceedings. Only authorized media personnel may broadcast this proceeding. The presence of cameras or recording equipment does not make the case or any witness more important than others. The media is able to choose which portions of a proceeding to attend, and for legal reasons, may not be permitted to broadcast certain witnesses or portions of the proceedings. You are not to consider the presence of the media in any way.

OJA is eager to assist judges navigating Rule 2.17 and to hear feedback on what is working and where challenges remain. Visit courts.in.gov/cameras for more information.