
The Virginia Press Association

2017 Guidelines

Cameras in the Courtroom

**MEDIA GUIDELINES FOR SECTION 19.2-266 OF THE CODE OF VIRGINIA REGARDING CAMERAS
IN THE COURTROOM**

Cameras in the Courtroom Overview

Brief Synopsis: Requirements of the Act

1. The presiding judge can prohibit photographic coverage at any time.
2. News agencies must provide advance notice of intent to cover.
3. Cameras must not be intrusive.
4. Media personnel can enter and leave courtroom only during recesses. A dress code is required. Only the personnel essential to operating the equipment can be in the designated area.
5. Equipment can be set up or removed only:
 - a. Prior to the start of proceedings,
 - b. During luncheon recess,
 - c. During other recesses with permission of the judge,
 - d. After adjournment.
6. No distracting lights or sounds.
7. No more than two cameras are allowed, set up in designated areas.
8. No more than one audio system. Existing system must be used wherever adequate.

Limitations on Coverage

The statute prohibits coverage of the following proceedings:

- a. Adoptions,
- b. Juvenile proceedings,
- c. Child custody proceedings,
- d. Divorce proceedings,
- e. Spousal support proceedings,
- f. Proceedings concerning sexual offenses,
- g. Proceedings for the hearing of motions to suppress evidence,
- h. Proceedings involving trade secrets,
- i. Conferences between the judge and attorneys in the judge's chamber or at the bench.

In addition, the statute prohibits coverage of the following:

- a. Police informants,
- b. Minors,
- c. Undercover agents,
- d. Victims and families of victims of sexual abuse,
- e. Jurors,
- f. Sound recording or broadcast of attorney/client conversations, co-counsel conversations.

Section 19.2-266 of the Code of Virginia

§ 19.2-266. Exclusion of persons from trial; photographs and broadcasting permitted under designated guidelines; exceptions.—In the trial of all criminal cases, whether the same be felony or misdemeanor cases, the court may, in its discretion, exclude from the trial any persons whose presence would impair the conduct of a fair trial, provided that the right of the accused to a public trial shall not be violated.

A court may solely in its discretion permit the taking of photographs in the courtroom during the progress of judicial proceedings and the broadcasting of judicial proceedings by radio or television and the use of electronic or photographic means for the perpetuation of the record or parts thereof in criminal and in civil cases, but only in accordance with the rules set forth hereunder. In addition to such rules, the Supreme Court and the Court of Appeals shall have the authority to promulgate any other rules they deem necessary to govern electronic media and still photography coverage in their respective courts. The following rules shall serve as guidelines, and a violation of these rules may be punishable as contempt:

Coverage Allowed

1. The presiding judge shall at all times have authority to prohibit, interrupt or terminate electronic media and still photography coverage of public judicial proceedings. The presiding judge shall advise the parties of such coverage in advance of the proceedings and shall allow the parties to object thereto. For good cause shown, the presiding judge may prohibit coverage in any case and may restrict coverage as he deems appropriate to meet the ends of justice.
2. Coverage of the following types of judicial proceedings shall be prohibited: adoption proceedings, juvenile proceedings, child custody proceedings, divorce proceedings, temporary and permanent spousal support proceedings, proceedings concerning sexual offenses, proceedings for the hearing of motions to suppress evidence, proceedings involving trade secrets, and in camera proceedings.
3. Coverage of the following categories of witnesses shall be prohibited: police informants, minors, undercover agents and victims and families of victims of sexual offenses.
4. Coverage of jurors shall be prohibited expressly at any stage of a judicial proceeding, including that portion of a proceeding during which a jury is selected. The judge shall inform all potential jurors at the beginning of the jury selection process of this prohibition.
5. To protect the attorney-client privilege and the right to counsel, there shall be no recording or broadcast of sound from such conferences which occur in a court facility between attorneys and their clients, between co-counsel of a client, between adverse counsel, or between counsel and the presiding judge held at the bench or in chambers.

Location of Equipment and Personnel

1. The location of recording and camera equipment shall be strictly regulated so as not to be intrusive.
2. Media personnel shall not enter or leave the courtroom once the proceedings are in session except during a court recess or adjournment.
3. Electronic media equipment and still photography equipment shall not be taken into the courtroom or removed from the designated media area except the following times:
 - a. Prior to the convening of proceedings;
 - b. During any luncheon recess;
 - c. During any court recess with the permission of the trial judge; and
 - d. After adjournment for the day of the proceedings.

Official Representatives of the Media

The Virginia Association of Broadcasters and the Virginia Press Association may designate one person to represent the television media, one person to represent the radio broadcasters, and one person to represent still photographers in each jurisdiction in which electronic media and still photographic coverage is desired. The names of the persons so designated shall be forwarded to the chief judge of the court in the county or city in which coverage is desired so that arrangements can be made for the “pooling” of equipment and personnel. Such persons shall also be the only persons authorized to speak for the media to the presiding judge concerning the coverage of any judicial proceedings.

Equipment and Personnel

1. No distracting lights or sounds shall be permitted.
2. Not more than two television cameras shall be permitted in any proceeding.

3. Not more than one still photographer, utilizing not more than two still cameras with not more than two lenses for each camera and related equipment for print purposes, shall be permitted in any proceeding.
4. Not more than one audio system for broadcast purposes shall be permitted in any proceeding. Audio pickup for all media purposes shall be accomplished with existing audio systems present in the court facility. If no technically suitable audio system exists in the court facility, microphones and related wiring essential for media purposes may be installed and maintained at media expense. The microphones and wiring must be unobtrusive and shall be located in places designated in advance of any proceeding by the chief judge of the court in which coverage is desired.
5. Any “pooling” arrangements among the media required by these limitations on equipment and personnel shall be the sole responsibility of the media without calling upon the presiding judge to mediate any dispute as to the appropriate media representative or equipment authorized to cover a particular proceeding. In the absence of advance media agreement on disputed equipment or personnel issues, the presiding judge may exclude all contesting media personnel from a proceeding. It is common practice for video and still representatives to share their respective material upon request. Those requests should be routed through the local coordinators.
6. In no event shall the number of personnel in the designated area exceed the number necessary to operate the designated equipment.
7. Only television photographic and audio equipment which does not produce distracting sound or light shall be employed to cover judicial proceedings. No artificial lighting device of any kind shall be employed in connection with the television camera.
8. Only still camera equipment which does not produce distracting sound or light shall be employed to cover judicial proceedings. No artificial lighting device of any kind shall be employed in connection with a still camera.
9. With the concurrence of the chief judge of the court in which coverage is desired, modifications and additions may be made in light sources existing in the facility, provided such modifications or additions are installed and maintained without public expense.

Impermissible Use of Media Material

None of the film, video tape, still photographs or audio reproductions developed during or by virtue of coverage of a judicial proceeding shall be admissible evidence (i) in the proceeding out of which it arose, (ii) in any proceeding subsequent and collateral thereto, or (iii) upon any retrial or appeal of such proceedings.

All electronic media and still photography coverage of public judicial proceedings authorized by this section, with the exception of electronic or photographic means authorized for the perpetuation of the record or parts thereof shall be conducted at no cost to the Commonwealth.

Virginia Press Association Still Photography Guidelines

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Introduction

Virginia State Code Section 19.2-266 states, "A court may solely in its discretion permit the taking of photographs in the courtroom during progress of judicial proceedings," The law allows for statewide access and requires cooperation and coordination between newspapers. Virginia Press Association, by law, may designate one person to represent still photographers in each jurisdiction. The names of these coordinators shall be forwarded to the chief judge of the court in the county or city in which the coverage is desired so that arrangements can be made for the pooling of equipment and personnel. Coordinators are the only persons authorized to speak for the media to the presiding judge concerning coverage of any judicial proceeding.

The presiding judge at all times has the authority to prohibit, interrupt or terminate photographic coverage of judicial proceedings. Attorneys for litigants have the right at the commencement of any proceeding to object to photographic coverage. The presiding judge may prohibit or restrict coverage in any case for any reason as the judge deems appropriate.

Under these guidelines, courtroom photography is cooperative. It is essential that any disputes or disagreements with pool participation, operation or broadcast representatives be resolved within the VPA structure. Disputes should be resolved at the local level by the VPA coordinator and the Virginia Association of Broadcasters coordinator. Further disputes should be resolved by the VPA executive director.

To facilitate that cooperation, ensure full access to the courts and ensure full access by newspapers and news services to the photography produced by pool photographers in the courtrooms, the following guidelines have been adopted by the Virginia Press Association Board of Directors to govern pool operations:

Pool Eligibility and Access

1. By law the VPA is the governing body for still photographers. Only Virginia newspapers and news services are eligible for pool participation. In all cases, local photographers have priority over out-of-town media for pool access. In cases with state wide interest, photographers who regularly cover Virginia are considered 'local.'
2. Any newspaper or news service wishing to cover a courtroom proceeding will provide the required advance notice to the court and the coordinator (in writing if required by the court, using the attached form approved by the Virginia Supreme Court or a similar form approved by a local court). Some jurisdictions have agreed to 24-hour notice

while others require 10 days. The best procedure is the earlier the better.

3. In the event more than one newspaper wishes to participate in the photographic pool coverage of a courtroom proceeding, the court shall refer the second and all subsequent requests to the coordinator. The coordinator will facilitate pool coverage and will be the sole contact with the judge.
4. Only photographers who are assigned by a newspaper or news service will be allowed access to the courtroom. Photographers must demonstrate to all other members of the pool the ability to produce professional quality photographs delivered on a timely basis.
5. Any photographer or newspaper which fails to comply fully with the terms and conditions of this VPA policy, or violates the terms of the law, or does not conform with the standards, rulings and procedures of the judge in the particular courtroom, shall be refused admission to the photographic pool for the duration of that particular trial.

VPA Coordinator Responsibilities

1. The VPA coordinator must act impartially in making arrangements with the court, show no favoritism to the photographer's employer and no antagonism toward any competitor. Moreover, the coordinator must look out for the interest of all pool participants, especially newspapers which do not belong to a news service.
2. The coordinator shall implement a mutually agreed upon rotation. Otherwise, the rotation shall be determined by the drawing of names at least 24 hours prior to the court date to allow the notification of the court. The rotation shall be followed throughout the course of the trial. Photographers can be substituted with the verbal consent of the coordinator and other participants.
3. The coordinator shall make sure that no costs of coverage shall be borne by the Commonwealth of Virginia. All cost of coverage rests with interested newspapers and news services. In the case of court proceedings with wide interest, the coordinator will arrange for a central processing facility where pool participants are to divide those responsibilities.

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Photography Rules

1. APPROPRIATE DRESS. For men a coat and tie, no jeans, sneakers or hats. For women, a business suit or a dress, no jeans, sneakers or hats.
2. No distracting sounds should be permitted. Not more than one still photographer, using not more than two still cameras with not more than two lenses for each camera and related equipment shall be permitted in the courtroom.
FLASH EQUIPMENT CANNOT BE USED IN ANY COURTROOM. A request by the presiding judge for a demonstration of the equipment must be complied with.
3. Photographers must use current technology digital still cameras.
4. The photographer must remain in predesignated position for the duration of the day's proceedings. The Court allows NO MOVEMENT during the proceedings. All film shipments, etc. shall be done during breaks and recesses only.
5. The pool photographer is responsible to fulfill all the photographic needs of all pool participants and MUST NOT abandon their position without the prior consent of the coordinator and all participants.