

## Expanded Media Coordinators Survey

Nancy Raffensperger Newhoff surveyed all of the Expanded Media Coordinators in the state on four areas of concern the Expanded Media Coverage Committee identified during the February meeting. Here are the results of that survey:

### QUESTION 1

How are EMC initial appearances handled in your region? Be specific, from the time of the arrest until the time of the initial appearance, how do you handle requests for EMC? How does the chief judge in your district handle them? What would you change about the way it is handled?

### RESPONSES:

a) I believe a few initial appearances have been covered here, but not many because of the turnaround time in requesting a camera. I haven't been able to talk to TV outlets about my appointment yet.

b) We get to pool situations very quickly with television in this district (KCRG, KWVL, KGAN), and initial appearances are a real footrace. Outlets have to submit an EMC form to me in order to be included in the pool or have access. Most of these forms come ahead of the initial, immediately after an arrest. The time requirements (three days ahead, etc.) haven't had much meaning here in recent years.

Linn and Johnson counties handle things slightly differently. Initial appearances in Johnson County occur between 8 and 8:30 a.m. each morning. For years, we had to get the paperwork down there ahead of the hearings, although within last couple months the clerk began to accept a fax copy of EMC paperwork (with original to follow later). She retired last week, so I'm not sure if that will remain in place. In order to have paperwork in court, we have routinely used our staff to run paperwork down at night, I've met reporters who have applied half-way, etc. It's annoying.

In Johnson, The district associate or magistrate is in the courthouse and does initial appearances via closed circuit TV. These are not recorded, instead attending media shoots video or stills of the TV. Inmates stay at the jail, but you can usually see the entire group of them behind the defendant. Though we've not had any for several years, weekends require reporters to get access into the room in the jail where the appearances are held. It's a tiny space and a logistical challenge.

A bit of background: those making initial appearances in Johnson County are appearing on criminal complaints, not formal charges. The attorney uses the 14-day window they're granted for in custody defendants, or to the preliminary hearing, to file formal charges.

Linn County is different, and the county attorney has reviewed every case by the time initial appearances happen, usually between 10 and 10:30 a.m. We have to have paperwork filed if anyone wants access. We are quick to pool situations in Linn County. Additionally, on weekends, there is no access to the courthouse and reporters have to watch the initial appearance from the lobby of the jail.

If I could make changes, I'd like to do something to stop the foot race for pool on initial appearances. Ideally if we could make a recording available later in the day, or have the court provide the video at any point the following day that would work. Whether that's on the court, or a rotation of local stations, doesn't matter to me. I like having access to initial appearances so I would be hesitant to exclude initial appearances from EMC coverage, but it'd be nice to come up with a separate process for that.

Often times I have very little time to find case numbers, who is involved, etc., and it results in a pretty boiler plate approach with things like "Defense Attorney," "Presiding Judge," etc.

c) We don't get a lot of request here. It is mainly the reporters for my own newspaper and I make them fill out the form. Other times I receive phone calls from Des Moines TV, radio or newspapers requesting expanded media. At time they are last minute requests and it can create a lot of work quickly. The judges in our district have been very accommodating, even in last-minute situations. The only thing I would change is to have other news outlets understand the procedures in applying for expanded media.

d) Based on my experience, initial appearances are handled the same way as other hearings. I have never had a problem getting an expanded media request granted when a hearing is scheduled prior to the 14 day deadline. Typically in this case I hand-deliver all of the notices rather than mail them to make sure the request is processed quickly.

e) Media contact me with requests for EMC, providing the specific info needed regarding the request (i.e. case number, defendant, attorneys, judges, etc.). I then fill out a request and e-mail to the court administrator and mail copies to the attorneys and county clerk of court. The court administrator and her staff are excellent to work with. Judges typically act on the request in a few days. I also have found the judges typically easy to work with. Right now, the Iowa Code requires sending the notices by ordinary mail and I would like to see that changed to allowing it to be sent by e-mail as a means of saving time, paper and expense.

F) Here in Region 8, I've only received requests for initial appearances from Polk County. Primarily these come from one television station. I have partnered with that TV station's assignment editor. When there is a last minute or middle of the night request, he fills in the appropriate areas of the request and signs it in my absence.

If I could change one thing about initials, make them automatically open to electronic coverage. I know this is a can of worms...but hear me out...Very little happens at these hearings other than the defendant stands before the judge and hears the charges. The defendant's mug shot and the charges against them are already available to the public. Thus, that part of the judicial process is already being electronically covered.

Making these hearings open would stop the rat race of filing last minute papers at all hours of the morning in outlying counties or relying on email or fax machines to work. It's also one less thing for the judge and the court attendant to deal with on a given morning when they may see dozens of inmates. This also solves the problem of accidentally showing another inmate on camera. If all initials are open, it's not an issue.

g) Most are by video. I made contact with the judge by email or phone prior to the appearance. The judge allows ONE camera -- mostly due to the size of the courtroom -- to shoot images of the the judge, court personnel and (on the monitor) the defendant.

I would not change this arrangement. Overall, where witnesses and jurors are not present, I recommend we be allowed this "fast-track" procedure. For trials and subsequent hearings, the 14-day rule is appropriate.

h) In my district, initials are hectic to get the paperwork in, but we have an excellent chief judge in the district that OKs them. We get the fax to the courthouse prior to the 8:15 a.m. initials and generally get the OK. If need be, I go over and talk to the judge if there are any problems. The 14-day rule is waived here. I have no problem with the 14-day rule with trials. I would like to change possibly the paperwork part. Can we email the requests in? That would be quicker.

## QUESTION 2

How many cameras (TV, video or still) do you allow in for court appearances? Do you allow people to use smartphones or tablets as cameras? Why or why not?

### RESPONSES:

a) One TV, one still. Do you allow people to use smartphones or tablets as cameras? Yes, if it is sufficient for quality standards for the pool members. Why or why not? The tools should not matter, if they can provide professional results for the pool. What matters most is the conduct of media personnel and adherence to the EMC rules and instruction of the court. Anyone wishing to photograph or capture video in a courtroom should be subject to EMC, regardless of the device.

b) In some cases a judge will allow more cameras than the maximum two specified in the expanded media rules, but I always tell media organizations that the rule we should expect to follow is a maximum of two cameras and one audio recording device. If more than that are expected, then a pool system will have to be worked out. I would consider a smartphone or tablet camera to be a "camera," but if these are allowed I would prefer not to have them count against the camera limit because they take up less space than a TV camera. I would have someone who wants to film with such a device be required to sit in a designated media area.

c) Two are allowed here for TV, one newspaper. I am not aware that smartphones have been used in court here.

d) We have up to two photogs in court. They aren't allowed to convert and shoot video. Ideally I'd relax this restriction and let them shoot either. I don't care if they shoot a short video for Web, etc.

We allow two video cameras in for routine appearances, but if all three outlets are interested (which frequently is the case) we are usually on a rack or someone is providing dubs. We are on a TV rack for almost all trials where the three outlets file.

Equipment is an area of pain here, as KGAN doesn't have a functioning rack and KWWL doesn't tend to bring it down from Waterloo. That means KCRG is stuck doing this a lot. It seems like in order to participate, all companies should be equipped to take part. Slippery slope, but it also doesn't help that one outlet can never share the burden.

An issue we've run into down here, a lot of outlets just want to cover openings and closings and verdict, but not stay through the trial. There are conflicting opinions to whether this is acceptable or whether that can be seen as leading to the jury. It'd be nice to clarify language on that.

We've had the requests for smartphones and tablets, but to this point, I've said no. I've said this because judges have had specific places for photogs to sit in the courtroom and I don't want them moving them between photo area and the public space where reporters generally are. The potential for distractions increases if you were to allow these in, especially if people start moving around during the hearings to split time between reporting and photos. Phones are supposed to be off while in this district, and whether there is a media exception varies between Linn and Johnson counties. While some are ok with us texting

e) I usually apply for one video, one still camera and two audio recorders. I have not run into requests for other recording equipment. I would leave that up to the presiding judge.

f) In Region 8, we allow up to two video cameras, two still cameras and two audio recording devices. I have allowed smartphones to count as cameras, with the permission of the court. Because their use is not spelled out in the rules, some judges approve, others do not. \*\*The Court Rules will need to state that smartphones are allowed in courtrooms for news gathering purposes (other than phone calls), before you get blanket approval.

Instead of two video, two still and two audio, I'd like to see this rearranged to allow a maximum of six electronic image/audio devices total. For instance, a full house might be two video cameras, two still cameras, one audio recording and one smartphone camera. Or, three still cameras and one video camera and two audio recording devices.

Also, allow one device to multi-task without taking a slot away from another media outlet. For instance, if a video camera can also take stills, good. It's still counted as one device. If a still camera can also shoot video, that is great. Still count IT as one device. Two devices in one is less disruption for the court.

\*I think devices used exclusively for note-taking, or text transmitting (laptops, smart phones) should be allowed in the courtroom, but should not be included in this total. Their number should not be immediately limited or EMC notice required. However, the media outlet should be required to notify the coordinator so the coordinator can intervene if there are too many devices. How that's handled should be left up to the local media coordinator because judicial tolerance and the number of media will vary from region to region.

g) I allow as many cameras as the judge allows (usually two video and two still). I have not had any requests for the use of smartphones or tablets.

h) In some cases a judge will allow more cameras than the maximum two specified in the expanded media rules, but I always tell media organizations that the rule we should expect to follow is a maximum of two cameras and one audio recording device. If more than that are expected, then a pool system will have to be worked out. I would consider a smartphone or tablet camera to be a "camera," but if these are allowed I would prefer not to have them count against the camera limit because they take up less space than a TV camera. I would have someone who wants to film with such a device be required to sit in a designated media area.

### **QUESTION 3**

What is your definition of news media? Should it include more than credentialed news organizations? Should it include bloggers? Why or why not? Do you have suggestions on best practices to use for handling non-credentialed media requests?

### **RESPONSES**

a) I have a fairly broad definition of media and I am supportive of expanded access granted to citizen bloggers who play by the rules. I continue to come back to some sort of credential or certification system, which would include non-media parties. I don't have a problem working with bloggers, but they need to be aware of all of the rules, just the same as professional media are. I don't want to see us lose access because of issues with non-traditional media. I am not seeing a ton of demand on this front....I'm not sure how big a commitment this will be.

b) I consider someone to be a member of "news media" if they belong to an organization that typically disseminates information, video, photos, or audio related to current events. Under this definition, bloggers would qualify as news media. I would handle an expanded media request from a website the same way I would from a newspaper, TV, or radio station. As coordinator, I would expect a blogger to follow the same rules regarding the maximum number of cameras / audio recording devices as other media. If they were planning to type on a laptop throughout the trial (whether or not that information was published live or later in a prepared article), I would prefer that they be seated in some designated area similar to what is required for a person with a camera or audio recorder.

c) I would consider news media to be an employee of a newspaper, television station or radio. I would think it would be OK to include more than credential news organizations, but credentialed news organizations probably

would be most capable of providing shared photography with others requesting media access and the court allowing a limited number of photographers. I would not have a problem with bloggers. I would think requests from non-credentialed media would be handled like credentialed.

d) News media is a recognized TV or radio station or newspaper. That should be the limit. If expanded media is opened up to bloggers or unrecognized media, it might as well be opened to the public.

e) NON-Credentialed Media Requests: This has the potential to increase the workload for Media Coordinators to an unmanageable level. If everyone with a laptop and blog site can request a filing.. the paperwork for coordinators and clerks will likely skyrocket. I think a good guideline would be professional association. "Media" is anyone who contributes to an electronic publication on a regular basis for compensation. This would give the Court and the coordinator a way of holding an organization accountable if its reporter breaks the rules. John Doe with a laptop and a Facebook blog won't care if he transmits photos of the jury or privileged conversations the way a paid professional would. The professional will want to keep their place in the court and their job/income.

f) A for-profit or REGISTERED not-for-profit organization whose sole or major activity is covering or reporting news. Should it include more than credentialed news organizations? No. Should it include bloggers? No. Why or why not? It should include media organizations that are capable to hold up their responsibilities as a member of a pool. Do you have suggestions on best practices to use for handling non-credentialed media requests? They must have the equipment and personnel to participate in a pool.

g) My definition still mainly consists of established media. I know that more people are blogging, using cell phone cameras, etc. but are they journalists, are they established, are they responsible? News media here are asked to go through a credential process with those issued either by their station or the chief of police. If the rules limited cameras to 2 or 3 positions, I would be reluctant to give a position to a blogger over an established TV, newspaper or radio outlet.

#### **QUESTION 4**

Send me thoughts, suggestions, questions or concerns about the current system of EMC, so that our committee can review them.

#### **RESPONSES:**

a) I would favor up to four cameras allowed at this time, or if it's cost effective, a pool camera recording system for everyone to take a from.

b) I would like to see us come up with an online application site that would allow us to have people apply for EMC online consistently across the state. EMC coordinators would get emailed when a new application in their district has been submitted. Ideally it'd allow users to login and see what cases they'd applied for, sign up for alerts on hearings, etc. As EMC coordinator I waste a lot of time tracking down who had applied on a particular case in a paper file, have to track upcoming hearings, and I think we can develop a better and more user friendly system both for us and for end users. Staffing turnover at the stations and among papers like The Daily Iowan is also problematic This could also house their copy of the EMC filing, etc. This could be designed to be a one stop shop, and then the EMC coordinators just maintain their districts. I'd love to be involved in brainstorming this idea, and I'd commit some web development resources to making it happen.

c) Once again, I think all media outlet should understand the procedures in applying for expanded media. It would be helpful if each media outlet had one person who makes all of the expanded media requests, rather than various reporters.

d) Personally, I think the system works well as it is, but that's because I've only dealt with cooperative judges who tend to rule on the side of access. I would prefer that the 14-day waiting period be changed to a shorter notice period.

e) Many of the concerns I have were listed in the "summary of issues" that Kathleen Richardson sent out, and I am interested to see what progress is made.

f) Instead of two video, two still and two audio, I'd like to see this rearranged to allow a maximum of six electronic image/audio devices total. For instance, a full house might be two video cameras, two still cameras, one audio recording and one smartphone camera. Or, three still cameras and one video camera and two audio recording devices.

Also, allow one device to multi-task without taking a slot away from another media outlet. For instance, if a video camera can also take stills, good. It's still counted as one device. If a still camera can also shoot video, that is great. Still count IT as one device. Two devices in one is less disruption for the court.

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g) As stated earlier, where witnesses and jurors are not present, allow a "fast-track" EMC request. For trials and subsequent hearings, the 14-day rule is appropriate.

Allow electronic filing of copies to everyone, perhaps with a single hard-copy original to the judge or clerk of court.