



Effective Date: 2010/07/01

Number: PD - 23

Title:

Practice Direction

Television Coverage of Court Proceedings

Summary:

This Practice Direction sets out:

- the procedure to request approval to record a court proceeding for the purposes of television coverage
- the criteria and restrictions applicable to television cameras and personnel in the courtroom and courthouse, and
- the use of recordings for television coverage.

Direction:

Application Procedure

1. A request from the media to record a court proceeding for the purposes of television coverage must be accompanied by the written consent of the named parties to the proceeding. The request must specify the form, extent and purpose of the coverage proposed. The request must be in form of Schedule A to this direction and the consents must be in the form of Schedule B to this direction.
2. The request, and required consents, must be filed with the appropriate court registry not more than 90 days and not less than 14 days prior to the scheduled hearing of the proceeding, unless leave of the court is granted for later filing.
3. The court may grant authorization without a hearing if the presiding judge assigned to the proceeding is satisfied that the requested recording and television coverage would be consistent with the proper administration of justice generally and would be consistent with this direction. Alternatively, the presiding judge may convene a hearing with the media applicant and the parties, and may grant or refuse all or part of the requested recording and television coverage at that hearing, subject to such terms and conditions as the court considers appropriate.

4. The court will not adjudicate between competing media applicants. If there is more than one application, the first application properly filed will be considered and adjudicated. If an authorization is granted, the authorized media entity and any other applicants who wish to share the production feed subject to the terms of the authorization and this direction will be required to agree on a pooling arrangement to share the feed. The authorized media entity must provide confirmation of the pooling agreement to the court, together with the names and e-mail addresses for all media in the pooling agreement. If such an agreement is not reached, there will be no coverage notwithstanding the prior authorization.

Types of Court Proceedings Excluded

5. Applications for coverage will generally not be considered in the following types of proceeding:
 - a. any matter in which a party to a proceeding is under the age of 19 years
 - b. matrimonial, family and child custody cases
 - c. applications for bail and bail reviews
 - d. applications for challenges to a jury panel
 - e. jury selection
 - f. proceedings in jury trials conducted in the absence of the jury, including all pre-trial applications in relation to jury trials
 - g. criminal or civil proceedings relating to sexual offences
 - h. cases involving the testimony of undercover police officers or involving undercover police investigations, unless the prosecutor and the officers consent
 - i. cases in which the public has been excluded by order under the *Criminal Code*
 - j. cases involving trade secrets, or business information of a confidential nature
 - k. cases where the safety of any participant may be jeopardized by coverage
 - l. pre-hearing conferences
 - m. applications for recording and television coverage.

Physical Criteria for Cameras and Personnel

6. The following criteria applies to the use of television cameras in the courtroom by authorized media applicants unless otherwise provided in the order granting authorization:
 - a. No more than one television camera is allowed.
 - b. The camera and operating personnel must be in place at least 10 minutes prior to the scheduled commencement of the proceeding.

- c. Operating personnel in the courtroom must be suitably attired in business dress, and conduct themselves in keeping with judicial proceedings.
- d. Equipment and operating personnel are to be placed in an area designated by the court, and shall not be moved or removed while the court is in session.
- e. Cameras and sound recording equipment must be unobtrusive and not distracting. The equipment must emit minimum sound, no visible light, and be designed or modified to prevent the participants from knowing whether the equipment is recording.
- f. All non-camera equipment must be outside the courtroom and not impede public access or traffic.

Specific Restrictions on Coverage and Use

- 7. The following restrictions and prohibitions apply in all cases where authorization has been granted:
 - a. Visual coverage of the members of the jury is absolutely prohibited at all times.
 - b. There must be no visual coverage of the members of the public in attendance.
 - c. Any witness, counsel or other participant in the proceedings who objects to being identified pictorially or by voice, or to being portrayed on television, must not be recorded.
 - d. There must be no recording of people or events within the courthouse building during any recess or adjournment.
 - e. Cameras must not focus on any materials on counsel tables, or in counsel's possession, or on any materials used in the examination of a witness that are not admitted into evidence. There must be no recording of conversations between counsel or between counsel and their clients or witnesses at any time.
 - f. There must be no shots closer than would include at least the head and shoulders of any participant being filmed.
 - g. Live broadcasting is not permitted. Unless the presiding judge orders otherwise, there must be a delay of at least two hours after the conclusion of the morning or the afternoon court session at which the recording was made and the broadcast of proceedings from that session. This will provide the court and the parties with an opportunity to consider any likely prejudice to trial fairness or the interests of justice that might result from the broadcasting of the proceedings of the particular court session. In some cases it may also become necessary to order further delay of the broadcast in order to avoid problems, such as tainting the testimony of subsequent witnesses who have been excluded from the courtroom.
 - h. In the event that the court decides to order a further delay, the authorized media entity and any other media that are parties to a pooling arrangement shall receive notice of the court's decision by e-mail at the addresses specified in their applications for authorization or the pooling agreement confirmation previously provided to the court under paragraph 4 of this

direction. Notice provided in that manner shall be effective and binding upon the media until further order.

- i. Any authorized recording may be used only for the purpose(s) authorized and only during the time period specified in the authorization. Use for any other purpose or time period requires the applicant to obtain the fully informed consent of all parties depicted and/or heard in the recording, and must be the subject of a separate court application and order pursuant to these provisions.
- j. All recordings of authorized coverage of court proceedings must be retained and securely stored by the media entity that recorded them for a period of at least three years. During that period the media entity will provide them to the court upon the direction of the Chief Justice or other judge of the court.

Informing witnesses

8. Parties or their counsel should inform witnesses of the authorization for media coverage and of the rights of the witness under this direction and should give notice to the authorized media of any witness's objection not less than 4 days prior to the calling of a witness to testify.

General Provisions

9. The presiding judge may consider it appropriate to impose additional conditions in granting an authorization in any particular case.
10. Authorization for coverage of a criminal trial generally extends to any sentencing hearings, but does not extend to hearings of Dangerous Offender or Long Term Offender applications that might be made in the proceeding, unless the presiding judge expressly extends the authorization.
11. The presiding judge may summarily terminate the authorization for television coverage at any time upon finding that the consent of the named parties is withdrawn or that this direction or other specific conditions imposed by the judge have been breached, or upon finding that continuation of the authorized coverage might prejudice trial fairness, or the privacy rights of any participant, or might adversely affect the proper administration of justice generally.

Robert J. Bauman
Chief Justice

Schedule A

No.

Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

[INSERT STYLE OF PROCEEDING]

Application for Television Coverage of Court Proceedings

TO: The Court

AND TO: *[insert names of all parties]*

FROM: *[insert name of media outlet]*

[insert name of authorized person from the media outlet responsible for the application]

[insert address and phone number of media outlet]

[insert direct telephone number and cell number, if available, of authorized person]

[insert email address for authorized person]

TAKE NOTICE that *[insert name of media outlet]* wishes to apply to the court for an order allowing it to obtain television footage of the proceedings which are scheduled to take place on *[insert dates of all days on which coverage is proposed to take place]*.

Description, Effect and Purpose of Coverage

1. *[Insert name of media outlet]* proposes to obtain the following footage in the courtroom:

[insert description of the form the coverage sought]

2. The footage being sought in the courtroom will be limited to:

[insert a description of the extent of the coverage sought]

3. The purpose of the coverage is as follows:

[insert detailed description of the purpose of the coverage sought]

Consent of the Parties

4. [Insert name of media outlet] has obtained the written consent of all parties to this proceeding, copies of which are attached to this application.
5. The applicant acknowledges having read the Court’s Guidelines for Television Coverage of Court Proceedings and undertakes to abide by the Guidelines and any order of the Court which may supplement the Guidelines in this case.
6. (If Applicable) The applicant requests that the criteria set out in paragraph 6 of the Guidelines be varied for this case as follows:

[insert description of variations]

7. As the person authorized to make this application on behalf of the media outlet, I agree to be the contact person for the purposes of paragraph 7(h) of the Guidelines and will notify the court of my replacement if I cannot act in that capacity.

Dated: _____

Signature of Authorized Representative
of Applicant Media Outlet

Schedule B

No.

Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

[INSERT STYLE OF PROCEEDING]

Consent to Television Coverage of Court Proceedings

TAKE NOTICE that:

- a) *[insert name of party]* has reviewed the application of *[insert name of media outlet]* to obtain television footage in this proceeding and is aware of the extent, scope and purpose of the television coverage is being sought as set out in the application; and
- b) *[insert name of party]* is under no legal disability.

[Insert name of party] consents to *[insert name of media outlet]* obtaining the television footage of the proceedings in this matter as set out in its application.

Dated: _____

Party or Party's Solicitor