



SUPERIOR COURT OF CALIFORNIA COUNTY OF MONTEREY

240 Church Street • Salinas, California • 93901 • (831) 775-5400

Court Order re Use of Cameras and Recording Devices

Purpose

This order is for the protection of the public, all parties, court personnel, and to facilitate the fair and orderly resolution of cases. This order is subject to modification based upon specific circumstances and the discretion of an individual judge in that judge's courtroom, the Presiding Judge, Assistant Presiding Judge or Supervising Judge at any courthouse site.

Policy

No one except authorized court and court security personnel may activate any camera, microphone, recorder, or broadcasting device for the purpose of photographing, recording, or broadcasting in or into any courtroom or courthouse in Monterey County where the court conducts business, including all entrances, exits, hallways, elevators and business offices, except as permitted by California Rule of Court 1.150 or as permitted by this order or other order of a judge as set forth herein.

This order applies to the use of cameras, camera-enabled cellular telephones and other camera-enabled or digital image-capture devices of any kind. This order does not prohibit the use of portable scanners, cameras, or copiers, provided such devices are used solely for the purpose of imaging documents, with prior court approval (*see procedures*).

This order shall not preclude any law enforcement officer from taking appropriate steps to ensure the orderly and peaceable conduct of court business at a courthouse, including recording of criminal activity in progress. A law enforcement officer's use of a body camera for passive recording is allowed, provided the camera is set to automatically over-write data within the timeframe prescribed by the officer's departmental standards.

A copy of this order shall be posted on the Court's website and shall be made reasonably available or posted near every security entry point into each court building, and at such other locations as the Presiding Judge or Court Executive Committee direct.

Violations

Any court staff, security personnel or peace officer who becomes aware that a person is using a device in violation of this order is directed to advise such individual orally of this order, and direct the person to a written copy of this order as soon as practical. Security personnel or a peace officer who has reasonable cause to believe a violation of this order has occurred are requested to prepare an incident report. The situation may warrant immediate corrective action if the person persists in violating this order despite being informed of it or has violated the order in a way that appears to have a significant adverse impact upon court security or the fair and orderly resolution of cases. In such circumstance court staff or security personnel shall notify a peace officer of the incident. The peace officer shall take possession of the device and bring the person and the device without unnecessary delay to the courtroom judicial officer, Supervising Judge, Assistant Presiding Judge or Presiding Judge, as appropriate; to determine if there is sufficient cause to believe there has been a violation of this order without good cause or substantial justification. The judicial officer may take action or issue orders to show cause regarding imposition of monetary sanctions, sanctions concerning the device, contempt and/or arrest pursuant to Code of Civil Procedure sections 128, 129, 177.5, 1209, and Penal Code sections 166(a)(4), 166(a)(5), and 632.

Procedures

All requests for coverage (use of a camera, microphone, recorder or broadcasting device) from the public or media should be submitted on Judicial Council form MC-500 (*Media Request to Photograph, Record, or Broadcast*) accompanied by a **completed proposed order** on Judicial Council form MC-510 (*Order on Media Request to Permit Coverage*). The appropriate request and order forms are available at the attorney service window, on the Court's public website under Media or on-line at:

Request - <http://www.courtinfo.ca.gov/forms/fillable/mc500.pdf>, and
Order - <http://www.courtinfo.ca.gov/forms/fillable/mc510.pdf>.

Time Requirements and Procedure:

All required forms must be filed at least five (5) court days before the proceeding to be covered unless good cause is shown as discussed below.

The procedure to request and obtain coverage is as follows:

- 1) Both the request and proposed order forms must be completed by the requestor and submitted via email or to the Clerk's Office / Attorney Service window at least five (5) court days prior to the court hearing;
- 2) The Clerk will review the request for completion of the appropriate information;

- 3) The Clerk will file stamp the request and make a notation of the event in the case management system;
- 4) The Clerk will immediately forward the request and order to the appropriate Judge for review;
- 5) After the Judge has ruled on the request, the courtroom clerk will return the order to the Clerk for processing;
- 6) The Clerk will file stamp the order, conform a copy and return the request and order via email, fax, mail, and/or at the attorney service window. The Clerk will make a notation of these actions in the case management system;
- 7) The requestor should have a conformed order to present to the bailiff before entering the courtroom.

Exception to Five-Day Rule:

The five-day filing requirement shall not apply if the case is set less than five (5) days in advance of the next hearing or for requests to image or photograph court documents. The request should still be filed at the earliest opportunity. **In these instances the process above will be followed except:**

- 1) In the event the matter is filed and set on the same day, the requestor may submit the request and proposed order as stated in the previous paragraph, or, if necessary, may submit the request and proposed order to the courtroom clerk (usually through the bailiff) of the judicial officer assigned to hear the matter. The courtroom clerk will file the documents in court. After the court has ruled on the request, the courtroom clerk will return a conformed copy of the request and order to the requestor.
- 2) All requests to image or photograph court documents should be filed two (2) days in advance completing questions 3 and 4 on request form MC-500 providing relevant details. In the event the filing is submitted on the same day, the requestor may submit the request and proposed order for same day review. On filing of a complete request and order, the Clerk will immediately submit the request and order to the Presiding Judge, Assistant Presiding Judge, relevant Supervising Judge, or assigned Judge for review.

Unless otherwise indicated in the requested order, it is expected that only one or two requests for coverage and orders will be required per case for each requestor. Coverage may be permitted only on written order of the judge assigned to or presiding at the proceeding (CRC Rules 1.150 (b)(4) & (e)(1).)

It would be expected that any order approving a coverage request for the initial hearing would extend to subsequent hearings (see Box 5(a) on Form MC-500) unless and until the order is modified or terminated prior to subsequent hearing by a judicial officer pursuant to CRC Rule 1.150 (e)(5).

This policy is not intended to limit the discretion of any judicial officer in granting, limiting or terminating an order. See CRC Rule 1.150(e) (5). Any request may be granted or denied without a hearing. CRC Rule 1.150(e)(2).

If the case is reassigned to another judicial officer or is set into another department for any proceeding, a new request and order may need to be completed at the discretion of the judicial officer presiding at the hearing.

ADOPTION:

The policy and procedures detailed in the Court Order re Use of Cameras and Recording Devicesⁱ are hereby adopted effective the date of signature below and until such time it is modified or rescinded.



Hon. Mark E. Hood
Presiding Judge

8-15-17

Date

ⁱThe Court's Media Policy adopted by Presiding Judge Adrienne M. Grover March 4, 2009; revised by Presiding Judge Marla O. Anderson April 21, 2014; and retitled and revised by the Judicial Legislative-Media Committee, approved by the Court's Executive Committee, and adopted by Presiding Judge Mark E. Hood February 9, 2017.