



THE COURT OF APPEAL FOR SASKATCHEWAN

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**Effective Date:** 2 June 2017

**Court Policy**

**Subject:** Cameras in the Courtroom

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### **Application of Policy**

1. This document sets out the general policy of the court on the use in a courtroom or chamber's room [a courtroom] of a camera or other device that may be used for recording or transmitting video images, still images or audio [a camera] for the purpose of recording or transmitting on or over any medium any appeal or matter, including a ceremonial proceeding, or any part thereof [a proceeding].

### **Leave Required**

2. Except as otherwise provided by law, under Rule 73 of *The Court of Appeal Rules (Civil)* and Rule 48 of *The Court of Appeal Criminal Appeal Rules (Saskatchewan)* no one may use a camera in a courtroom in respect of a proceeding without obtaining leave to do so from the panel or the judge presiding over the proceeding [the presiding panel or judge].
3. Anyone who holds media accreditation through the Saskatchewan Ministry of Justice [a member of the media] may seek leave from the presiding panel or judge to use a camera in a courtroom in respect of a proceeding.
4. The presiding panel or judge may at any time suspend, rescind or vary any leave granted to use a camera in a courtroom. A determination that this policy has been disregarded or that the terms of leave have been breached may result in the summary suspension or revocation of leave.

### **Notice to the Court**

5. Any member of the media who wishes to use a camera in a courtroom in respect of a proceeding should notify the registrar of that intention in writing [a notice]. This should be done at least one day before the date of the proceeding.
6. A notice should specify the name, address and other contact particulars of the member of the media, set out the file number or style of cause of the proceeding that is subject to the notice, and provide brief descriptions of the type of camera proposed to be used, the nature of the recording intended to be made or transmitted and the intended purpose therefor (*i.e.*, video and audio feed for live broadcast or webcast, still images for a newspaper article or television news clip, background video images for a documentary, etc.). The information in the notice will assist the presiding panel or judge to weigh the matter and make a determination as to whether to grant leave.

### **Notification of Parties**

7. Upon receipt of a notice, the registrar will inform all parties to the proceeding that the registrar has received notice from a member of the media of an intention to use a camera in the courtroom during the proceeding. The registrar will advise each party that, if the party objects to the use of a camera in the courtroom during the proceeding, the party should notify the registrar of same as soon as possible and, in any event, at the first opportunity on the first day of the proceeding. The registrar will notify the presiding panel or judge of any objections received from parties to the use of a camera in the courtroom during a proceeding.

### **Granting of Leave**

8. The presiding panel or judge will determine whether to grant leave to the member of the media to use a camera in the courtroom during a proceeding. In doing so, the presiding panel or judge will take into account the open court principle, public interest in the proper administration of justice generally, the interests of the media (including as may arise under s. 2(b) of the *Charter*), and the interests of the parties.
9. Nothing in this policy or any leave granted in furtherance of this policy abrogates from the overriding authority of the presiding panel or judge to maintain decorum in the courtroom over which it, he or she presides or from the primary duty of the presiding panel or judge to ensure that a proceeding is conducted in a manner consistent with the proper administration of justice.
10. Nothing in this policy restricts the presiding panel or judge from imposing, at any time, conditions or restrictions on any leave granted to use a camera in a courtroom.
11. The presiding panel or judge may generally authorize members of the media to access court-provided webcasting equipment, if it is available in the courtroom, in lieu of granting leave to a member of the media to use the member's own camera in the courtroom.

### **Prohibited Uses**

12. As a general rule, even where a member of the media has obtained leave to use a camera in a courtroom, the member of the media must not use the camera to record or transmit:
  - (a) private dialogue between or among legal counsel or between or among legal counsel and their clients in any way that might allow the content of the dialogue to be understood or deciphered by anyone;
  - (b) any document or image appearing on a computer screen, a counsel table, the clerk's desk or the dais that is not a document or exhibit to which the court has permitted public access in accordance with *Public Access to Court Records in*

*Saskatchewan: Guidelines for Media and the Public* in any way that might allow the text thereof or the image to be magnified, read, understood or discerned by anyone; and

- (c) private dialogue between or among members of the presiding panel in any way that might allow the dialogue to be understood or deciphered by anyone.

### **General Conditions on Use**

13. Any member of the media who obtains leave to use a camera in a courtroom should, if requested to do so, make arrangements to contemporaneously share the resulting recording or data with any other member of the media who holds accreditation through the Saskatchewan Ministry of Justice. The court will not adjudicate disputes as to compliance with this aspect of this policy; however, an instance of non-compliance may, if brought to the court's attention, result in the summary suspension or revocation of leave to use a camera in a courtroom.
14. Members of the media should note that any leave obtained from the presiding panel or judge to use a camera in a courtroom will not affect, or relieve anyone from an obligation to comply with, the legal requirements of a statutory or court-ordered publication ban in effect with respect to a proceeding. Further, the presiding panel's or judge's leave to use a camera in a courtroom does not affect rights and obligations under *The Privacy Act*, RSS 1978, c P-24.
15. While the presiding panel or judge may vary the conditions or restrictions placed on the use of a camera in a courtroom, in general terms any grant of leave to use a camera in a courtroom will be subject to the following conditions unless a contrary intention is expressly indicated by the terms of the leave so granted:
  - (a) no more than one camera will be allowed in a courtroom at any time;
  - (b) a camera for recording video of a proceeding must remain on a tripod in a space within the courtroom designated by the presiding panel or judge, acting through the registrar;
  - (c) a camera for recording video of a proceeding and its operating personnel must be in place and ready at least ten minutes prior to the scheduled commencement of the proceeding and the camera must not be removed while the Court is in session;
  - (d) a camera must be operated in a way that does not distract the presiding panel or judge, or the parties to the proceeding or their counsel, or otherwise interfere with the proceeding or court process;
  - (e) no lighting equipment may be brought into or used in a courtroom;

- (f) personnel operating a camera must comport themselves in keeping with the nature of a judicial proceeding;
  - (g) no camera may be used in or from, and no operating personnel may have access to, the well of the courtroom (beyond the bar) or the dais; and
  - (h) no camera may be used to record or transmit images or audio of the public gallery of the courtroom.
16. Where leave has been granted, the registrar will place a notice on the exterior of the door of the courtroom to notify the public that the proceeding therein is subject to being recorded or transmitted.
17. A member of the media who has obtained leave to use a camera in a courtroom will bear all costs associated with that use, subject to any arrangements the member may make with other members of the media in furtherance of s. 13 of this policy.

#### **Permitted Uses**

18. Subject always to compliance with ss. 15(b) to (g) of this policy, anyone may use a camera in a courtroom immediately prior to, during and immediately after any ceremonial proceeding, such as the swearing-in of a judge, for purposes related to that proceeding.