

8.1. A.1 News Media and Cameras at Board Hearings

I Policy Index:

Date Signed: 2/16/2017

Distribution: Public

Replaces Policy: This policy supersedes the 12/2015 version.

Affected Units: South Dakota Board of Pardons and Paroles

Effective Date: Upon Signature

Scheduled Revision Date: 2/2018

Revision Number: 8

Office of Primary Responsibility: South Dakota Board of Pardons and Paroles

II Purpose:

To provide guidance and establish standards for the Board of Pardons and Paroles and the News Media on the use of electronic data gathering at Parole Board Hearings.

III Definitions:

Hearings:

For the purpose of this policy, hearings shall be defined as: any hearing conducted by Hearing Officer or Panel or all members of the Board of Pardons and Paroles, as defined by SDCL Chapter's 1-26, 24-13, 24-14, 24-15, 24-15A, 24-16 and 24-16A, and South Dakota Administrative Rules, Chapters 17:60 and 17:61.

Media:

For the purpose of this policy, any recognized news-gathering or news reporting agency and the individual persons involved, to include newspapers, radio, television, radio and television networks, news services, magazines, trade papers, in-house-publications, professional journals, or other news-reporting or news-gathering agency whose function it is to inform the public or some segment thereof.

Hearing Officer/Hearing Panels:

A member or members of the South Dakota Board of Pardons and Paroles as defined by SDCL 24-13-4.2 and 4.3. (See SDCL Chapter 24-13)

IV Procedures:

General Provisions:

- A. Subject to the requirements of this policy, representatives of the media may use video, still cameras or recorders to cover proceedings in all hearings of the Board of Pardons and Paroles.
 1. Media representatives must give reasonable notice to the Hearing Officer or Hearing Panels or to the Board if requesting to use video, still cameras or recorders to cover a proceeding.
 2. Media representative must be set up sufficiently prior to the hearing as not to delay the proceedings.
 3. No direct public expense is to be incurred for the equipment, wiring, or personnel needed to provide the media coverage.

Limitations:

- A. The Board imposes the following special limitations:
 - 1. There shall be no audio pickup or broadcast of conferences, which may occur in the hearings between the inmate, or subject of the hearing, and his/her attorney.
 - 2. There shall be no live broadcast from the hearing to include the media representatives talking or asking any questions during the hearing.
 - 3. No camera shall focus on documents, whether part of the evidence of the hearing or otherwise.
 - 4. Cameras shall focus only on the inmate and not on any victim or the victim's family or on the inmate's family or supporters, without their prior written consent.
 - 5. Individuals (family, victims, or representatives thereof) are prohibited from recording, videotaping, or taking pictures at hearings.

Equipment and Personnel:

- A. The Board imposes the following special limitations:
 - 1. No more than two television cameras, operated by no more than one camera person each shall be permitted in the hearing.
 - 2. No more than one radio recorder, operated by no more than one person, shall be permitted in any hearing.
 - 3. No more than two still photographers, utilizing no more than two cameras and related equipment each, shall be permitted in any hearing.
 - 4. If more Media representation is requested than allowed in reference to #1, #2 and #3 above, it will be up to the media representatives to pool and agree to come into compliance; this shall be done prior to the hearing and shall not delay the hearing. If no agreement can be made, the right to use the cameras and other equipment will go to the first to arrive.
 - 5. Media personnel shall wear appropriate business attire. They will also conform to the rules of the facility where the hearing is being held.
 - 6. Media representatives shall not move around the hearing room with cameras whether still or video during the hearing.

Sound and Light Criteria:

- A. The Board imposes the following special limitations:
 - 1. Equipment shall not produce distraction sound or light. Signal lights on devices to show when the equipment is operating shall not be visible. Moving lights, flash attachments, or sudden changes of lights shall not be permitted during a hearing.

2. Hearing proceedings shall not be interrupted by a reporter or technician because of technical or equipment problems. If technical problems do occur, the problem equipment must be turned off. No attempt to repair, fix or exchange of the equipment that would disrupt the hearing proceedings will be allowed until recess or the proceeding has concluded.

Location of Equipment and/or Personnel:

A. Designation by Board Members or Board Staff:

1. Board members or Staff may direct the location and placement of equipment and personnel.
2. During the proceedings, operating personnel shall not move about or place or remove equipment.

V Related Directives:

SDCL Chapter's 1-26, 24-13, 24-14, 24-15, 24-15A, 24-16 and 24-16A, and South Dakota Administrative Rules, Chapters 17:60 and 17:61.VI Revision Log:

December 2004 - New

December 2007: **Revised** section 5 to Limitations, individuals and recording.

December 2008: **Revised** Hearing definition, added SDCL Chapter 1-26, **Revised** definition on media, Revised definition on hearing officer to include hearing panel, **revised** grammar throughout policy.

January 2012: Reviewed with no changes

January 2013: Reviewed (Location of equipment and or personnel: #2 REMOVE "nor shall there be placement or removal of equipment ADD "or place or remove equipment"

November:2014: Review, no changes

2015: Review, no changes

February 2017: No changes required

<i>Original on file in Parole Board Office</i>	<i>2/16/2017</i>
Mark Smith, Chair	Date