

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

### I Policy Index:

**Date Signed:** November 19, 2020

**Distribution:** Public

**Replaces Policy:** March 2018 version

**Affected Units:** South Dakota Board of Pardons and Paroles

**Effective Date:** November 19, 2020

**Scheduled Revision Date:** November 2021

**Revision Number:** 10

**Office of Primary Responsibility:** Parole Board Office

### 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 a hearing officer, panel, or full board, 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, the media is 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 and other individuals (family, victims, or representatives thereof) 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 a hearing officer, hearing panels, or to the full board if requesting to use video, still cameras or recorders to cover a proceeding. The notice shall be given by contacting the board office.
  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 permitted to record a hearing through audio or video technology. However, the recording must be reasonable, obvious, and not disruptive. This provision does not apply to meetings closed to the public.
6. Media personnel shall wear appropriate business attire.
7. All visitors must conform to the rules of the facility where the hearing is being held.
8. It is not permissible to move around the hearing room with cameras whether still or video during the hearing.
9. Board members or staff may direct the location and placement of equipment and personnel.

**Sound and Light Criteria:**

## A. The board imposes the following special limitations:

1. Any equipment used 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 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.

**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: **Revise** section 5 to limitations, individuals and recording.

December 2008: **Revise** hearing definition to include SDCL Chapter 1-26. **Revise** definition of media and hearing officer to include hearing panel. Minor grammar changes.

January 2012: **Review**, no changes.

January 2013: **Remove** Location of equipment and or personnel: #2 “nor shall there be placement or removal of equipment. **Add** “or place or remove equipment”  
November:2014: **Review**, no changes  
November 2015: **Review**, no changes  
February 2017: **Review**, no changes  
March 2018: **Review**, no changes  
November 2020: **Add** to IV Procedures, General Provisions-Reference to Full Board, directive to make media requests through the Parole Board Office. **Change** IV Procedures, Limitations – individuals are prohibited from recording to individuals are allowed to record. **Add** to IV Procedures, Limitations – media shall wear appropriate business attire, all visitors must confirm to rules of the facility, not permissible to move around the room while recording, board members and staff may direct placement of equipment and personnel. **Remove** IV Procedures, Equipment and Personnel-entire section (some moved to Limitations section). **Move** information from IV Procedures, Location of Equipment and/or Personnel to Limitations section.

<i>Myron Rau (Original Signature on File)</i>	<i>11/19/2020</i>
Myron Rau, Chair	Date