



# MINNESOTA COALITION

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## ON GOVERNMENT INFORMATION

November 12, 2014

AnneMarie O'Neill  
Clerk of Appellate Courts  
25 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul MN 55155

Dear Ms. O'Neill:

The Minnesota Coalition of Government Information wishes to make an oral presentation at the December 16 hearing before the Minnesota Supreme Court in support of proposed amendments to the General Rules of Practice for a pilot program to allow for audio and video coverage of certain criminal proceedings.

I have enclosed a copy of our materials to be presented.

Sincerely,

Hal Davis Newsroom / Team Leader, Public Safety  
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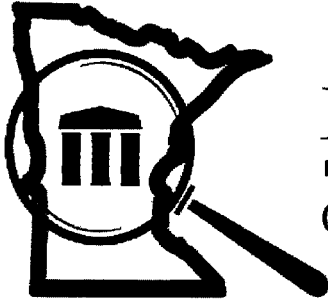
Encl.

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### **About the Minnesota Coalition on Government Information (MNCOGI)**

MNCOGI is a 501(c)(3) nonprofit organization committed to the public's right to know, the promotion of public access to government information and transparency of government operations. MNCOGI Board members are Bill Bushey, John Borger; Helen Burke, Treasurer; Hal Davis, Pat Doyle, Duchesne Drew; Matt Ehling; Don Gemberling; Nancy Herther, Gary Hill, Chair; Art Hughes, Secretary; Jane Kirtley, Sharon Schmickle, James Shiffer and Amy Springer.

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### **Minnesota Coalition on Government Information (MNCOGI) Cameras in the Courts Prepared by Hal Davis, MNCOGI board member**

#### **Minnesota Supreme Court December 16, 2014**

The Minnesota Coalition on Government Information (MNCOGI) commends the Minnesota Supreme Court for continuing to move forward in allowing Minnesotans to see their court system in action. The coalition commends the Court for its extensive efforts and hard work in striving to provide open access to judicial proceedings as we transition to the electronic age.

The U.S. Supreme Court, in a 1947 decision (*Craig v. Harney*, 331 U.S. 367, 374), said: "A trial is a public event. What transpires in the courtroom is public property." In 1981, in *Chandler v. Florida* (449 U.S. 560), the Court ruled that states could experiment with television coverage of criminal trials. The Court found that state experimentation with "evolving technology" in the courtroom, as long as it does not infringe on "fundamental guarantees" of the accused, is consistent with the Constitution.

The public has a right to observe proceedings in open court. "To work effectively, it is important that the society's criminal process satisfy the appearance of justice, and the appearance of justice can best be provided by allowing people to observe it." *Richmond Newspapers, Inc., v. Virginia* 448 U.S. at 571-572 (1980).

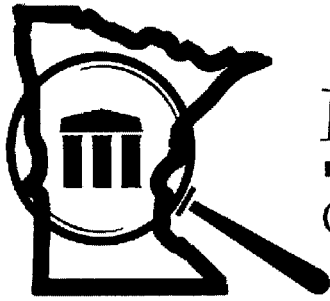
MNCOGI commends the Advisory Committee on Rules of Criminal Procedure for proposing a pilot program to allow cameras in "criminal proceeding[s] occurring after a guilty plea has been tendered or a guilty verdict has been reached." Rule 4.02(d). We are pleased by the recommendation that "Absent good cause, the trial judge must grant a media request for audio and video coverage of proceedings

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governed by the pilot,” by the presumption favoring coverage, and by the recommendation that the pilot should be carried out statewide.

This recommendation comes after a two-year pilot allowed cameras in certain civil proceedings. The Advisory Committee on General Rules of Practice reported, among its conclusions:

“The committee is not aware of any problems or complaints caused by the use of cameras or audio recording equipment in court proceedings during the pilot period.

“Coverage of the proceedings has not, to the committee’s knowledge, generated any known prejudice to any of the parties.”

MNCOGI is appreciative of the Advisory Committee’s commitment to further open criminal proceedings to video and audio coverage, and our organization looks forward to additional steps in this area. After more than 10 years of consideration, we believe no problems will arise. Adequate safeguards are in place to protect the participants in the process and the decorum of the court. Problems that have been anticipated have not materialized. We believe that will continue to be the case.

In the State of Ohio, for instance, video is now the official record. The cameras are positioned all over the courtroom, except toward the jury box, and microphones are everywhere but the spectator area. DVDs are the public record, available for \$2.25, and can hold a day-long hearing. The judges say that the fears that people would “play to the camera” have not come to pass. The cameras are so ubiquitous as to be almost invisible. Everyone knows they are there and no one thinks about them.

The Minnesota Coalition on Government Information believes that a similar outcome will ensue in this state. Further opening Minnesota courts to audio and video coverage will foster community understanding and present citizens with a positive experience of what goes on in their courtrooms.

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