
Visual or Audio Coverage or Recordings in the Fillmore County Courthouse Order

Pursuant to Minn. Const. Art. 1, § 8; Art. 3, § 1; and Art. 6, § 1; Minn. Gen. R. Prac. 4.01; Minn. Stat. § 13.03, subd. 4; and Minn. Judicial Branch Policy 521, the district court has inherent authority to regulate what transpires in the courtrooms and areas of the courthouse where courtrooms are located. Accordingly, this Court issues the following standing order regarding visual or audio coverage or recordings in the Fillmore County Courthouse.

WHEREAS, “Visual coverage or recording includes film, video, livestreaming, and still photography.” Minn. Gen. R. Prac. 4.01.

WHEREAS, generally, “no visual or audio recordings . . . shall be taken in any courtroom, area of a courthouse where courtrooms are located, or other area designated by order of the chief judge . . . during a trial or hearing of any case or special proceedings incident to a trial or hearing, or in connection with any grand jury proceedings.” Minn. Gen. R. Prac. 4.01. In the Fillmore County Courthouse, this includes the courtrooms, the waiting areas adjacent to the courtrooms, the main entrance lobby next to the courtrooms, the court administration area or any other location inside the courthouse or attached government center where visual or audio coverage or recording of a courtroom entrance, waiting area or jury assembly area could reasonably occur.

WHEREAS, Minn. Gen. R. Prac. 4.02., states that exceptions to the general rule may only occur with permission from a judge of district court in a specific proceeding. And even where visual or audio coverage or recordings are permitted within the courtroom with judge authorization in specific proceedings, the coverage “shall not extend to activities or events substantially related to judicial proceedings that occur in other areas of the court building.” Minn. Gen. R. Prac. 4.02(c)(iii) and (d)(iii) (emphasis added). This means that except for judge-authorized video or audio coverage or recordings in the courtroom during a court proceeding, any other video or audio coverage or recording substantially related to a court case taken from inside the courthouse building is not permitted by members of the media or public.

WHEREAS, Minn. R. Public Access to Records of the Judicial Branch Rule 4(3), restricts the use of recordings of proceedings in the district court to assist exclusively with the preparation of a transcript, which is the official record of the proceeding rather than a recording, except as authorized by applicable rules. Additionally, “[a]ny spoken words in the courtroom that are not a part of a proceeding, hearing or trial of a specific case are not

intended to be recorded. Recordings of such words may not be listened to or used in any way other than by authorized operators of the recording equipment to orient themselves on recording content.” Rule 4(3)(b).

WHEREAS, there exists an ongoing need to ensure the safety and security of court staff, administration, attorneys, litigants, jurors, victims, witnesses, and the public in the courtroom, administration areas, and common areas of the Fillmore County Courthouse. The Fillmore County Sheriff has a duty to keep and preserve the peace at the Fillmore County Courthouse. Minn. Stat. § 387.03. Monitoring and retaining video or audio surveillance recordings by the Fillmore County Sheriff will necessarily aid judicial administration, safety and security as part of the Sheriff’s duty. Accordingly, the installation and use of security cameras or the use of individual electronic devices by peace officers to record video or audio of the courtroom, administration areas, and common areas of the courthouse are essential tools in maintaining safety and security for all court staff, administration, attorneys, litigants, jurors, victims, witnesses, and the public.

Based on the foregoing, with respect to visual or audio coverage or recordings of court proceedings in Fillmore County District Court, **IT IS HEREBY ORDERED:**

1. Visual or audio coverage or recording by the media or public from inside the Fillmore County Courthouse building is not authorized without prior approval of a judge of district court.
2. Judicial approval for visual or audio coverage or recording by the media or public from inside the courtroom may be sought on a case-by-case basis as permitted by rule.
3. This prohibition applies to all media and members of the public. It does not apply to law enforcement personnel, court personnel, or justice system or local government professionals acting in their professional capacity to maintain security, officially record proceedings, or otherwise complete their authorized work.
 - A. Cameras permanently installed or affixed in courtrooms, court administration areas, and common areas adjacent to courtrooms, including but not limited to hallways, elevators, and stairwells are solely for security purposes to aid in the protection of court staff, administration, attorneys, litigants, jurors, victims, witnesses, and public, are exempt from this order with the following conditions:
 - i. Access to view or review audio or video footage from the courthouse security cameras shall be limited to only those authorized employees who are essential for courthouse security.
 - ii. Any recording obtained from the security cameras shall be retained by the Fillmore County Sheriff’s Office or other designated agency for no longer than sixty (60) days, except for video or audio recordings within the exception under subparagraph (iii), *infra*.

- iii. Copies of video or audio recordings shall not be released without prior approval of a district court judge, except for criminal or civil investigations or trainings conducted by law enforcement, who may use the video or audio recordings as required for investigative, training, or prosecutorial purposes without approval by a district court judge.
 - B. Body-worn cameras and audio recording devices worn and operated by licensed peace officers or corrections staff in compliance with department policy during on-duty calls for services, transport of inmates, or active investigations, are exempt from this order.
4. Any person who fails to comply with this order may be subject to contempt proceedings.

BY THE COURT:

Jeremy L. Clinefelter
Judge of District Court