

Second Judicial Circuit - Media Information

MEDIA CONTACT/LIAISON

Pursuant to Supreme Court Rules on Expanded Media Coverage, SDCL 16-20 (Rule 10-9), Circuit Administrator Karl Thoennes serves as media liaison for the Second Judicial Circuit. Karl can be reached at 605-367-5920, cell 605-310-3732, or karl.thoennes@ujs.state.sd.us. The circumstances of cases and the directions and preferences of individual judges can vary significantly however, so in general the Media Coordinator and Court Administration will closely coordinate with, and defer to, the judge presiding in each case on media access and communication.

More information regarding resources for the media and how to request expanded media coverage is available on the UJS website at <https://ujs.sd.gov/for-the-media>.

The Second Judicial Circuit maintains an email distribution group for messages that may be of interest to local (greater Sioux Falls area) media. The use of an email group ensures that all media outlets receive messages at the same time for even and fair distribution. To be included in that group, to update contact information or be deleted from the group, please contact Court Administration. The messages may include information on swearing-in ceremonies for new judges, building or weather closures or declared (administrative) state holidays. In court cases of particular media interest, the messages may include notifications that a jury has reached a verdict and the time when a verdict will be taken or read, or that a particular order has been issued.

RECORDS & INFORMATION ACCESS

Many media outlets are familiar with or currently use eCourts access offered to the public by the Unified Judicial System, and the UJS website provides additional information on records and access to case information in general on other pages. In addition, public terminals with access to court cases are available at both the Lincoln and Minnehaha County courthouses. Requests for access to copies of documents in a case file should be directed to the clerk of court's office in each county.

MEDIA ACCESS/PUBLIC AREAS

The Minnehaha County Courthouse in Sioux Falls happens to be a building used exclusively and entirely by the court, so pursuant to Judicial Canons and court rules, the general public is prohibited from photography or activating audio or video recording devices in the courtrooms and in lobby areas. Special arrangements may be made for exceptional circumstances like some family adoptions, ceremonial events, school tours or mock trials. Media representatives are generally allowed to photograph or video and conduct interviews in public areas of the courthouse, although we request a courtesy notification to Court Administration so we can confirm the access with Security staff. In Minnehaha County, judges may sometimes set a "same-floor" boundary on media coverage in lobby areas, which allows photography, video recording or conducting interviews in any lobby or public areas of the courthouse except on the

same floor as the courtroom itself. When a “same-floor” boundary is set by a judge, Court Administration will advise the media and Security.

In the Lincoln County Courthouse, which is currently shared with the County, the County makes its own determinations on the use of cameras or recording devices in and around county offices. In areas “immediately adjacent to” courtrooms and court offices however, particularly since juveniles, attorneys and clients, witnesses, jurors and parties to confidential cases may be present, the general public may not activate cameras or video or audio recording devices in those areas without the permission of the judge presiding. Similarly, we would request a courtesy call to Court Administration or the Lincoln Clerk of Court’s office if media intends to photograph, record or conduct interviews in lobby areas adjacent to courtrooms or offices.

DECORUM

Court cases including trials can vary widely in timing and circumstances. In some cases involving high levels of media coverage, the judge presiding over the case may issue media decorum orders setting out more specific directives on coverage, activity and access. Those orders are relatively rare, but if such an order is issued, Court Administration will distribute the order to local media at the judge’s direction.

Courtroom seating is also sometimes specifically designated or reserved, but again that is relatively rare; if a judge directs reserved seating, the seating will be marked, and an email will likely be sent to the local media email group.

From time to time, media representatives have inquired about video access to public court hearings, beyond the livestream initial appearances described below. Although the Second Circuit is very well equipped for video, that access is generally offered only to parties or participants in cases themselves as the courtrooms are otherwise open to the public, and video arrangements involve significant staff time and sometimes require setting up portable equipment.

From time to time, media outlets will inquire about getting copies of courthouse security camera video footage. Security in South Dakota county courthouses including security video systems is generally provided, operated and maintained by each county Sheriff’s office, so any such inquiries should be directed to the Sheriff’s Department.

CAMERAS AND EQUIPMENT IN THE COURTROOM

As discussed in greater detail elsewhere on the UJS website, cameras, video equipment, and recording devices are allowed in the courtroom only if specifically authorized by order of the judge presiding over the case. Further information can be found in Supreme Court Rule 10-09 and SDCL Chapter 16-20 at <https://sdlegislature.gov/Statutes/16-20>.

Cell phones, pagers, beepers, tablets, smart phones, or similar electronic devices must not be audible in the courtrooms and are to be activated only with the permission of the judge presiding. According to the circumstances of different cases judges do vary on allowing electronic reporting or posting updates from the courtrooms, so we would encourage any media representatives to contact Court Administration for any questions or clarification.

INITIAL APPEARANCES IN CRIMINAL CASES

In Minnehaha County, initial court appearances for in-custody defendants in criminal cases are held every working day of the week in multiple sessions and are livestreamed at <https://www.sd.net/ujs/UJSCourt10/>. That access is often helpful to the media for information on the setting of bond or conditions of release and initial charges. We should note however that pursuant to Supreme Court Rules and under the Supreme Court's authorization for livestreaming, that video feed may not be recorded or re-broadcast without the Court's express permission in individual cases.

DATA INQUIRIES

From time to time, the Second Circuit receives requests from the media for case statistics or trends or other aggregate information. The Second Circuit regularly compiles a wide array of local (circuit level) case data and trends and analyses, and our case management system does offer some powerful reporting options. For relatively straightforward data like overall caseload and filings, we are happy to be as helpful as we can to the media. For statewide or multiple circuit data however, or highly specialized data like offenses charged, those inquiries are best directed to State Court Administration in Pierre. Learn more at <https://ujs.sd.gov/about-us/public-information>. We are often asked, for example, for data on arrests involving specific controlled substances, but as a practical matter we are not able to extract data at that level of detail.

In addition to State Court Administration, media outlets may also find it helpful to contact the Attorney General's office which regularly compiles and publishes an extensive collection of crime data. The Sioux Falls Police Department also publishes an annual report with a number of statistical tables.

MEDIA CONTACT WITH JUDGES

The court will sometime receive media inquiries directed to judges themselves. Court Administration will routinely relay such inquiries to the judges, but judges are firmly bound by judicial canons and obligations of fairness and impartiality and are generally not able to comment or grant interviews on pending cases, including cases that may be concluded on the trial court level but may still be subject to appeal thereafter. A copy of the judicial canons can be found at <https://ujs.sd.gov/judicial-qualifications-commission/judicial-canons>.