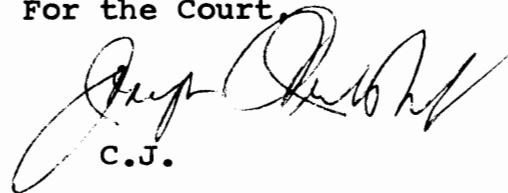


SUPREME COURT OF NEW JERSEY

The attached Statement of Principles and Guidelines for the Reporting of Criminal Procedures, having been drafted by this Court's Committee on Press Relations in conjunction with the New Jersey Press Association's Committee on the Courts; and said Committees having recommended that this Court approve and adopt this Statement of Principles and Guidelines; and the same having been approved and adopted by the New Jersey Press Association; it is hereby

O R D E R E D that the attached Statement of Principles and Guidelines for the Reporting of Criminal Procedures be and hereby is approved; said approval and adoption, however, being on the condition and with the express understanding that such action does not and is not intended to preclude any defendant or the State in any case from raising any question with respect to prejudicial publicity, nor to preclude the consideration or review by this Court or any other court of any such question so raised, even though such publicity may have been appropriate under these principles and guidelines.

For the Court,


C.J.

Dated: March 8, 1972



STATEMENT OF PRINCIPLES AND GUIDELINES FOR
REPORTING OF CRIMINAL PROCEDURES

Principles

The Judiciary, the Bar and the Press of New Jersey are equally concerned in (a) maintaining the rights of individuals subjected to the State's criminal process throughout the whole of that process, and (b) the right of the public to be informed fully and objectively concerning the operations of law enforcement agencies and the proper, lawful dispensation of justice. It is, therefore, jointly recognized:

1. Freedom of the Press is one of the fundamental liberties guaranteed by the First Amendment of the Constitution of the United States. This basic freedom must be preserved and responsibly exercised.

2. The presumption of innocence for those accused of crime until there has been a finding of guilt in the courts is a principle which must be zealously protected. Both the Press and those Public Officials responsible from initial investigation to ultimate prosecution and decision must share responsibility for preserving this inherent and constitutionally protected presumption.

3. It is fundamental to a free society for its members to acquire and disseminate information about all segments of society, provided such information does not endanger basic rights of individuals or national defense and security. However, there are rare circumstances when the national concern is so great that a responsible Press must use careful discretion in weighing the merits of the rights of a particular individual against the rights of all society.

4. The Press has the right and the responsibility to support the free flow of information consistent with the principles stated above. A free and responsible Press enhances the administration of justice and, therefore, the Judiciary, Bar and law enforcement agencies should cooperate with the Press in the reporting of matters dealing with the administration of justice.

5. Parties to litigation have a right to a fair and impartial trial and no trial should be influenced by the pressure of publicity. The Judiciary, the Bar and the Press share a responsibility to accomplish such purposes. Justice to be achieved must be justice accomplished by a reverent responsibility on the part of the Judiciary, the Bar and the Press to the fundamental teachings of the First and Sixth Amendments of the United States Constitution.

6. Respect for the judicial process, the administration of justice and the freedom of the press is a goal of not only the Judiciary, the Bar and the Press, but of all citizens -- these principles are adopted to that end.

Guidelines

1. The following information in any criminal procedure should be made available for the use of the Press:

(a) The defendant's name, age, residence, occupation, marital status and similar background information, and unless inappropriate, the identity of the complaining party.

(b) The text of the charge, such as the complaint, information and indictment.

(c) The identity of the investigation and arresting personnel and agency and the length of the investigation.

(d) The circumstances immediately surrounding the arrest, including but not limited to the time and place of arrest, resistance if any, pursuit, possession and nature and use of weapons and ammunition by the suspect and by the police.

(e) The circumstances surrounding bail, whether it was permitted, whether it was posted, and the amount.

2. The Press feels that unless very special circumstances dictate otherwise, it is not appropriate to publish prior to trial, the following:

(a) Opinions about a defendant's guilt or innocence.

(b) Admissions, confessions, or the contents of a statement attributed to the defendant, or his refusal to make an admission, confession or statement.

(c) References to the results of investigative procedures such as fingerprints; polygraphic, ballistics or laboratory tests; wire taps, or electronic surveillance; or refusal to take such tests.

(d) Statements concerning the credibility or anticipated testimony of prospective witnesses.

(e) Opinions concerning evidence or argument in the case whether or not it is anticipated that such evidence or argument will be used at the trial except where information is essential to the apprehension of a suspect, or to warn the public of danger, or to otherwise aid in an investigation.

(f) The possibility of a plea of guilty to the offense charged or to a lesser offense, or other disposition.

3. A criminal charge and conviction are matters of public record and the court records thereof are available for public inspection. However, such information might be prejudicial especially as the time for trial approaches and should be carefully considered prior to publication, except where public safety or security may be involved.

4. (a) Photographs of an unapprehended suspect may be released on proper request.

(b) Law enforcement and court personnel should neither encourage nor discourage the photographing of suspects or defendants when they are in public places other than the courthouse. In no event should the accused be photographed in a posed position. The Guidelines issued by the Administrative Office of the Courts, September 5, 1968, apply.

5. The Press is free to report any judicial public proceeding, except that any evidence excluded by the court at a hearing outside of the jury's presence shall not be published until after the trial is concluded. The court has the right to hold a portion of the trial outside the presence of a jury.

A complete record of the proceedings from which the public has been excluded shall be kept and made available to the public, following completion of the trial, unless otherwise ordered by the court.

6. During the course of the trial the Press should not publish opinion or editorial comment which might tend to influence judge or jury.

7. Nothing in these Guidelines should inhibit law enforcement agencies from disclosing information necessary to enlist public assistance in the apprehension of a fugitive from justice or in the interest of public security. Nothing herein is intended to supersede any existing more restrictive rule governing the release of information concerning juveniles or other offenders. The controlling court rule of court (R. 5:9-1) establishes the guidelines.

8. Accessibility of Public Records.

In order that civil litigation be fairly reported, it is of paramount importance that there be free access to public records, and it is the responsibility of the Judiciary, the Bar and the Press to see that such records are clearly open to the public.

Except where confidentiality is specifically provided for by statute or court rule, all records which must be maintained by law are clearly open to the public. Any effort by an individual or group to suppress or conceal a public record should be resisted and exposed by the Judiciary, Bar and Press.

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