

U.S. DISTRICT COURT
N.D. OF N.Y.
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March 12, 2010
LAWRENCE K. BAERMAN, CLERK

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF NEW YORK

GENERAL ORDER #39

In the Matter of: The Creation, Retention, Use, and Disposal
of Courtroom Security Surveillance Video Recordings

The Judicial Conference of the United States has endorsed the following policy regarding the creation, retention, use, and disposal of courtroom security surveillance video recordings. The Northern District of New York Board of Judges have approved this policy for use in all courtrooms in the Northern District of New York.

IT IS HEREBY ORDERED THAT:

The United States Marshal for the Northern District of New York shall be responsible for maintaining video recordings from the transmissions of courtroom security surveillance cameras installed on or in the walls of the courtrooms. The sole purpose of these cameras and the recordings of their transmissions is to enable the USMS personnel and court security officers to monitor from a courthouse control room activity that occurs in the well of the courtroom or at the judge's point of courtroom ingress and egress. These transmissions and courtroom video recordings are intended to be used only for security purposes.

Creation of Courtroom Video Recordings: The creation of courtroom video recordings shall not first require the activation of a duress alarm in a courtroom, although judges and other court personnel will continue to be responsible for activating a duress alarm in an emergency situation. Courtroom video recordings of all transmissions from courtroom security surveillance cameras shall be made on a continuous, uninterrupted basis. These recordings shall be made on digital video recording (DVR) equipment or such other equipment as may be regarded as the industry standard for this purpose. The courtroom security surveillance cameras may never be used for audio recording.

Ownership and Control of Courtroom Video Recordings: The Northern District of New York United States Marshal shall manage, operate, and monitor the courtroom security surveillance system on behalf of the Federal Judiciary and that all courtroom video recordings are records of the Federal Judiciary.

Retention and Erasing of Courtroom Video Recordings: All courtroom video recordings shall be maintained locally by the USMS officials at each court location (Albany, Binghamton, Utica, Syracuse & Plattsburgh) for a period of not less than thirty (30) days. Absent a court order to the contrary, local USMS officials shall automatically erase or overwrite all courtroom video recordings at the end of the retention period.

Release or Other Use of Courtroom Video Recordings: In general, courtroom video recordings are to be viewed only by USMS personnel, court security officers, judges, and authorized Judiciary employees. A particular courtroom video recording may be authorized to be released to other entities in only one of two ways:

- a. The chief judge of the district in which the recording is made may order that a courtroom video recording be released for security purposes. The chief judge's order shall provide specific guidance regarding the persons to whom the courtroom video recording may be released, when the release may be made, and what, if any, restrictions are placed on further distribution of the recording.
- b. The United States Marshal for the Northern District of New York, or his or her designee, may order release to appropriate law enforcement entities in the event of a security incident, if immediate release is determined to be necessary for law enforcement purposes. The United States Marshal for the Northern District of New York, or his or her designee, shall obtain prior approval of the chief judge for such release, if feasible. In any event, the United States Marshal for the Northern District of New York, or his or her designee, shall promptly notify the chief judge of any such release.

Protection of Courtroom Video Recordings: The United States Marshals Service, its employees and agents shall maintain all courtroom video recordings as confidential and shall not release them to any person or entity except as specifically authorized by the United States Marshal for the Northern District of New York or the chief judge in accordance with this general order. If a request for a courtroom video recording is submitted to the USMS personnel under the Freedom of Information Act (FOIA), the request shall promptly be forwarded to the chief judge of the district for disposition. Under no circumstances shall the USMS personnel release courtroom video recordings in response to an FOIA request without prior authorization from the chief judge.

IT SO ORDERED THIS 12th DAY OF MARCH 2010 at SYRACUSE, NEW YORK.



Norman A. Mordue
Chief United States District Court Judge