

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO**

In The Matter of : **General Order Number Fourteen**

Adoption of Memorandum of :
Understanding Regarding the : GENERAL ORDER: United States
Creation, Retention, Use and : Bankruptcy Court, Southern District
Disposal of Courtroom Security : Of Ohio (Cincinnati, Columbus and
Surveillance Video Recordings : Dayton) **Effective April 4, 2011**

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On October 14, 2009, the Director of the Administrative Office of the United States Courts signed a Memorandum of Understanding, on behalf of the Federal Judiciary. In relevant part, this document addressed the creation, ownership and control, retention and erasing, and the release or other use, of courtroom video recordings.

Accordingly, the attached Memorandum of Understanding, as amended from time to time, is adopted by the United States Bankruptcy Court for the Southern District of Ohio. The United States Marshal may proceed to take the necessary steps to ensure full compliance.

IT IS SO ORDERED.

FOR THE COURT



**Charles M. Caldwell, Chief Judge
United States Bankruptcy Court**

FILED

APR 04 2011

Kenneth Jordan
Clerk of Court
U. S. Bankruptcy Court

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS
AND THE UNITED STATES MARSHALS SERVICE
REGARDING THE CREATION, RETENTION, USE, AND DISPOSAL
OF COURTROOM SECURITY SURVEILLANCE VIDEO RECORDINGS**

1. Parties.

This Memorandum of Understanding (MOU) is entered into by the Administrative Office of the United States Courts, on behalf of the Federal Judiciary, and the United States Marshals Service (USMS), collectively referred to as "the parties."

2. Background.

By longstanding practice, the USMS has made video recordings from the transmissions of courtroom security surveillance cameras installed on or in the walls of courtrooms (hereafter "courtroom video recordings"). The sole purpose of these cameras and the recordings of their transmissions is to enable USMS personnel and court security officers to monitor from a courthouse control room activity that occurs in the well of the courtroom or at judge's point of courtroom ingress and egress. These transmissions and courtroom video recordings are intended to be used only for security purposes.

The purpose of this MOU is to provide policy and procedural guidance to the parties regarding the creation, retention, use, and disposal of the courtroom video recordings.

3. 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.

4. Ownership and Control of Courtroom Video Recordings.

The parties agree that the USMS manages, operates, and monitors the courtroom security surveillance system on behalf of the Federal Judiciary and that all courtroom video recordings are records of the Federal Judiciary. To the extent that the USMS has an ownership interest in the courtroom video recordings, it permanently and unconditionally assigns any claim or interest it has in the courtroom video recordings to the Federal Judiciary.

5. Retention and Erasing of Courtroom Video Recordings.

All courtroom video recordings shall be maintained locally by USMS officials at each court location for a period of not less than 14 days, nor more than 30 days. The exact retention period, minimum or maximum (between 14 and 30 days), will be established by the chief judge of the district in which the video recordings are made, and will be determined in part by the capabilities of the particular video recording equipment used to create the recordings.

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.

6. Release or Other Use of Courtroom Video Recordings.

In general, courtroom video recordings are to be viewed only by USMS personnel, contract court security personnel, judges, and authorized Judiciary employees.

A particular courtroom video recording may be authorized to be released to other persons or 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 of the district in which the recording is made, 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, or his or her designee, shall obtain the prior approval of the chief judge for such release, if feasible. In any event, the United States marshal, or his or her designee, shall promptly notify the chief judge of any such release.

7. Protection of Courtroom Video Recordings.

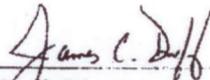
The USMS, its employees and agents shall maintain all courtroom video recordings as confidential and shall not release them to any person or entity except as specifically authorized by the United States marshal or the chief judge in accordance with this MOU.

If a request for a courtroom video recording is submitted to USMS personnel under the Freedom of Information Act (FOIA), the request shall promptly be forwarded to the chief judge of the district in which the recording was made for disposition. Under no circumstances shall USMS personnel release courtroom video recordings in response to an FOIA request without prior authorization from the chief judge.

8. Effective Date; Amendments to MOU.

This MOU shall become effective upon signature. This MOU may be amended only with the written consent of both parties.

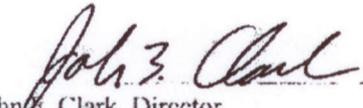
For the Administrative Office of the United States Courts,


James C. Duff, Director

10-14-09
Date

OCT 14 2009

For the United States Marshals Service,


John F. Clark, Director

11-17-09
Date