

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF INDIANA,
AND THE UNITED STATES MARSHALS SERVICE FOR NORTHERN INDIANA
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 United States District Court, Northern District of Indiana, on behalf of the Federal Judiciary, and the United States Marshals Service (USMS) for Northern Indiana, 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 United States Courts, Northern District of Indiana, and that

all courtroom video recordings are records of the United State Courts, Northern District of Indiana. 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 United States Courts, Northern District of Indiana.

5. Retention and Erasing of Courtroom Video Recordings.

The USMS, its employees and agents shall maintain all courtroom video recordings at each court location 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 the MOU.

USMS officials shall automatically overwrite all courtroom video recordings at the end of their capacity.

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, the district and bankruptcy court unit executives, and the chief probation/pretrial services court unit executive.

A particular courtroom video recording may be authorized to be released to other persons or entities in only one of two ways:

- a. Recordings Inside Courtrooms. 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. Recordings in Areas Other Than Courtrooms. The United States marshal of the district in which recordings are made, or his or her designee, may order release to appropriate law enforcement entities, if immediate release is determined to be necessary for law enforcement purposes. 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.

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 United State Courts, Northern District of Indiana:

/s/ Robert L. Miller, Jr.
Robert L. Miller, Jr., Chief Judge

January 19, 2010
Date

For the United States Marshals Service:

/s/ David Murtaugh
David Murtaugh, United States Marshal

January 22, 2010
Date