STATE OF MAINE
SUPREME JUDICIAL COURT

ADMINISTRATIVE ORDER JB-15-1

CONFIDENTIALITY OF COURTHOUSE SECURITY SYSTEM FOOTAGE

Effective: May 1, 2015

I. SCOPE AND PURPOSE

Pursuant to 4 M.R.S. §§ 1, 17(15), the Supreme Judicial Court hereby issues this Administrative Order regarding requests for security surveillance system footage. The Judicial Branch owns, operates, and maintains security surveillance systems at its court facilities for the purpose of protecting public property and maintaining a safe and secure environment for the public, litigants, and all Judicial Branch and county employees. Court facilities are public locations, and members of the public in or near court facilities are subject to being video recorded. The security surveillance system equipment and all recorded footage are property of the Judicial Branch.

This Order establishes a uniform branch-wide process for responding to requests for recorded footage from the Judicial Branch security surveillance systems. The Judicial Branch's security surveillance systems may not be available in all locations. Footage is not generally retained for more than several days, and may not be preserved at all. Nothing in this order guarantees the quality of the footage. Footage will generally not contain audio. Access to or release of any footage will only be permitted consistent with this Order.

II. PRESUMPTION OF NONDISCLOSURE

Court security information and files are deemed confidential by statute. 4 M.R.S. § 17(15). Consistent with that confidentiality, the security surveillance video footage is deemed confidential and shall be provided only in very limited circumstances, primarily those involving public safety.

VIDEO TAKEN INSIDE THE COURTROOM: Security surveillance video taken within courtrooms during the pendency of any court event is also subject to the limitations contained within Administrative

Order JB-05-15, Cameras and Audio Recording in the Courts, which is hereby incorporated by reference.

VIDEO TAKEN IN PUBLIC AREAS AND ALL OTHER AREAS WITHIN THE COURTHOUSE: Security surveillance video taken in all other areas of the courthouse shall be released only in very limited circumstances, primarily those involving public safety.

III. PROCEDURE

All requests made pursuant to this Order shall be in writing and shall describe the information sought with a reasonable degree of specificity, including, but not limited to, the date of the recording, the approximate time period or duration, the location, the nature of the footage's subject, and the reason for which the footage is sought. All written requests shall be filed with the Office of the State Court Administrator (SCA) and will be forwarded to the Office of Judicial Marshals (OJM). Where appropriate, the State Court Administrator will consult with the judge who presided at the proceeding.

IV. REVIEW OF REQUEST

Once a request is received, if the footage is available, the OJM will ensure that the requested footage is preserved while the SCA determines whether the information will be released. Unless or until a written request is filed, no effort will be made to locate, preserve, or store any surveillance video.

Information concerning the nature, configuration, and format of the Judicial Branch's security surveillance system, including type of equipment and software specifications, operating procedures, locations under surveillance, and recorded footage, shall not be released as it contains sensitive security information. If information regarding the configuration and design of the security system is revealed through direct disclosure, or is indirectly accessed through the release or viewing of footage, it could jeopardize the safety of the state's courthouses, judicial staff, witnesses and victims, and members of the visiting public.

The SCA will review requests to determine whether significant and extenuating circumstances warrant an exception to the general rule of nondisclosure, such as if the request is:

- submitted by a law enforcement agency pursuant to a criminal investigation;
- contained in a search warrant;
- contained in a court order; or
- contained in a written request from the Committee on Judicial Responsibility and Disability or the Board of Overseers of the Bar, or similar professional oversight Board.

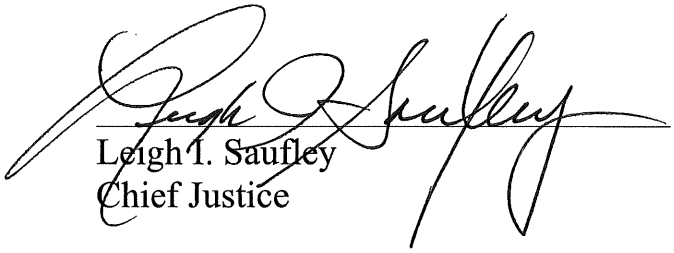
The release of any footage from the Judicial Branch's security surveillance system may be conditioned upon the payment of the costs associated with compiling and producing the requested information, and the execution of an agreement signed by the requestor imposing certain limitations of use, and terms and conditions of nondisclosure to third parties.

Surveillance video does not substitute for the court record.

V. FAILURE TO COMPLY WITH THIS ORDER

Judicial Branch employees who fail to comply with this Order may be subject to disciplinary action.

For the Court,



Leigh I. Saufley
Chief Justice

Promulgation date: April 28, 2015