



**RHODE ISLAND JUDICIARY
POLICY REGARDING THE REQUEST FOR
SECURITY SURVEILLANCE SYSTEM FOOTAGE**

Revised September 12, 2011

1. Authority.

Pursuant to G.L. 1956 § 8-15-4, the State Court Administrator, under the direction of the Chief Justice, is vested with the duty "to control and supervise the maintenance and repair of all buildings housing the supreme and several inferior courts of justice throughout the state of Rhode Island," "to perform all necessary functions relating to the administration of the courts," and "to act upon all administrative matters affecting the operation of the Judiciary." The Rhode Island Judiciary ("Judiciary") owns, operates and maintains security surveillance systems at its courthouses for the purpose of protecting public property and maintaining a safe and secure environment for judicial staff and the visiting public. Maintaining courthouse security is a function assigned to the Facilities and Operations Department and the Director of Security pursuant to the direction of the State Court Administrator. Although the Rhode Island Sheriff's Department and the Rhode Island Capitol Police are also charged with courtroom and judicial security, the role of these executive branch departments with respect to the security surveillance systems located in and around our state courthouses is limited to monitoring the system's closed circuit televisions. The security surveillance system equipment and all recorded footage are property of the Judiciary.

2. Purpose.

In the event the Judiciary receives a request for recorded footage from its security surveillance systems, this policy establishes a uniform Judiciary-wide process for handling and responding to those requests. The Judiciary's security surveillance systems shall retain footage for a period not to exceed fourteen (14) calendar days. Access to or release of any footage will only be permitted consistent with this policy.

3. Procedure.

When a verbal or written request for information concerning the Judiciary's security surveillance system is received by a Judiciary employee or the Capitol Police or Sheriff's department, the requestor shall be instructed to reduce a verbal request to writing, and in the written request, 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 subject and the reason for which footage is sought. All requests shall be promptly forwarded to both the Judiciary's Director of Security and the Office of General Counsel. If the request involves interior video surveillance footage of a particular courtroom proceeding, a copy of the request shall also be forwarded to the judge who presides over the particular courtroom.

4. Review of Request.

Once a request is received, the Director of Security will ensure that the requested footage is preserved while the Office of General Counsel determines whether the information should be

released. If the request is for footage of the interior of a courtroom relative to court proceedings, a decision regarding the form and method of access to or release of the footage will be determined by the applicable judge in conjunction with the Office of General Counsel.

Generally, information concerning the nature and format of the Judiciary's security surveillance system, including type of equipment and software specifications, operating procedures, locations under surveillance, and recorded footage, should not be released to the public as it contains sensitive security information. If information regarding the configuration and design of the security system is revealed through direct disclosure, or indirect access through the release or viewing of footage, it could jeopardize the safety of the state's courthouses, judicial staff, the identity of witnesses and victims, and members of the visiting public.¹ Access to or release of this information could significantly increase the Judiciary's risk of being the target of criminal activity as it would expose the Judiciary's internal and external security measures including, but not limited to, the type of security system utilized, floor plans of public and nonpublic areas of the courthouses, the operating procedures of courthouse security personnel, and the existence of any areas beyond the range or scope of surveillance.

The Office of General Counsel will review requests to determine whether extenuating circumstances warrant an exception to the general rule of nondisclosure, such as if the request is by a law enforcement agency pursuant to a criminal investigation, or in accordance with a valid subpoena. The release of any information concerning the Judiciary'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.

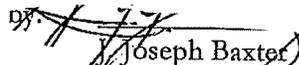
5. Failure to Comply with this Policy.

Judiciary employees who fail to comply with this policy may be subject to disciplinary action.

6. Amendment and Suspension of Policy.

This policy, or any portion thereof, may be amended or rescinded by the State Court Administrator, with the approval of the Chief Justice, provided notice of the substance of the proposed amendment is submitted in writing.

Adopted on: 9-12-11

by: 
Joseph Baxter
State Court Administrator

¹ It is the opinion of the Office of General Counsel that footage from the Judiciary's security surveillance systems are not required to be released to the public pursuant to Rhode Island's Access to Public Records Act, G.L. 1956 § 38-2-1 *et seq.* (APRA). First, the security footage does not necessarily constitute an "administrative function" as contemplated by the Act, and further, the security surveillance systems are an integral part of the Judiciary's security plans, the release of which could endanger the safety and security of the judges, staff, public and the facilities themselves. *See* 38-2-2(4)(F) (exempting the security plans of military and law enforcement agencies, the disclosure of which would endanger the public welfare and security.) Even if the footage were considered administrative in nature, the state's interest in the safety and security of public buildings and the persons therein outweighs the public's right of access to footage from the surveillance systems.