



STATE OF INDIANA

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August 31, 2023

Randolph County Prosecutor's Office
David Daly, Prosecutor
100 South Main Street, Rm. #202
Winchester, IN 47394

VIA EMAIL: ddaly@randolph.in.gov .

RE: 23-INF-13; Courthouse security camera footage

Dear Mr. Daly,

This informal opinion addresses a concern you raise with access to footage captured by the security camera system in the Randolph County courthouse. On August 2, 2023, the judges of the Circuit and Superior courts issued an order in accordance with Indiana Code of Judicial Conduct Rule 2.17 mandating that:

No person shall broadcast, televise, record or take photographs in the courtrooms and areas immediately adjacent thereto at the Randolph County Courthouse without prior authorization by either the Judge of Randolph Circuit Court or the Judge of Randolph Superior Court.

The courthouse has cameras in the common hallways, including those areas referenced in the order. Your specific inquiry concerns public access requests for security footage in non-courtroom passages. You question whether the disclosure of footage capturing these areas would implicitly or expressly circumvent that order.

You rightfully note that Rule 19 of the Indiana Court Administrative Rules require courts to develop and implement a court security plan consistent with the Indiana Courthouse Security Minimum Standards.

ANALYSIS

1. The Access to Public Records Act

The Access to Public Records Act (APRA) states that “(p)roviding persons with information is an essential function of a representative government and an integral part of the routine duties of public officials and employees, whose duty it is to provide the information.” Ind. Code § 5-14-3-1. Randolph County and its courts are public agencies for purposes of APRA; and therefore, subject to the law’s requirements. *See* Ind. Code § 5-14-3-2(q). As a result, unless an exception applies, any person has the right to inspect and copy a court or county’s public records during regular business hours. Ind. Code § 5-14-3-3(a).

Notably, APRA contains exemptions and discretionary exceptions to the general rule of disclosure. *See* Ind. Code § 5-14-3-4(a), to -(b). This inquiry involves the intersection of APRA and rules promulgated by the Indiana Supreme Court.

2. Court recordings

This office has tackled the question of courthouse security and recording devices on several occasions. General surveillance footage of common areas is presumptively disclosable unless a specific exception to disclosure applies. Those are context-specific determinations made on a request-by-request basis.¹

Court recordings are also presumptively disclosable unless an exception applies, or disclosure would substantially interfere with the operations of the court.² The Indiana Public Access to Court Records Handbook 2023 edition, published by the Indiana Supreme Court, states the following:

Recordings of court proceedings made by court reporters are public records[.]

...

Management of access does not justify a denial of access to the public record. The public has the right to obtain the record within a reasonable period of time after making the request.

...

Providing a copy of the record is probably the most efficient and least time consuming method to provide public access.³

¹ *Opinion of the Public Access Counselor, 23-FC-23 (2023)*.

² Indiana Rules on Access to Court Records, Rule 4(D)

³ <https://www.in.gov/courts/iocs/files/PublicAccessHandbook.pdf> (Judge and Court Staff FAQs, Q1).

Generally speaking, the county executive is responsible for maintaining the safety and security of county property, including courthouses,⁴ however, judges also have a say in the matter. In Randolph County, consistent with Rule 19 of the Indiana Court Administrative Rules, the courthouse has security cameras monitoring the common hallways outside of the courtroom.

Additionally, unless specially authorized by the judge, a court may prohibit broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent to the courtroom.⁵ Ostensibly, this is the impetus of the August 2 order. It is true that judges may regulate any material interference with their proceedings. And while at least criminal proceedings are presumptively disclosable and open to general attendance by the public, judges have discretion to overcome that presumption should circumstances dictate.^{6,7}

Even so, broadcasting and recording court proceedings, however, is mutually exclusive from disclosure of general security footage. What is more, Rule 2.17 can coexist with surveillance cameras for safety purposes. Unless the footage depicts something that is considered *de facto* confidential,⁸ disclosure should be treated like any other court recording.

CONCLUSION

Based on the foregoing, it is the opinion of this office that fielding and fulfilling public records requests for general surveillance footage is not at odds with the Code of Judicial Conduct or the order of the Randolph County judges.



Luke H. Britt
Public Access Counselor

⁴ Ind. Code § 36-2-2-24.

⁵ Indiana Code of Judicial Conduct, Rule 2.17.

⁶ Ind. Code § 5-14-2-2.

⁷ Ind. Code § 5-14-2-3.

⁸ Examples include identities of parties in juvenile proceedings, victims of sex crimes, vulnerable witnesses, etc.