

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI**

**STANDING ORDER GOVERNING the FILING and RESTRICTING
of PSYCHOLOGICAL/PSYCHIATRIC MATTERS in CRIMINAL CASES**

This Court's official case files are readily available to the public via the federal judiciary's Public Access to Court Electronic Records [PACER] system. Although the Judicial Conference Policy on Privacy and Public Access to Electronic Criminal Case Files provides that public access should not be provided to sealed documents, such as motions for downward departure, it has come to the Court's attention that filings related to Psychological/Psychiatric evaluations have not always been accompanied by a motion to seal filings related to the Psychological/Psychiatric Report.¹ When that occurs, the filings that ultimately trigger a Psychological/Psychiatric Report become public documents upon being filed.

The court is concerned, especially if a defendant is later determined to have some mental disease or defect affecting his/her ability to assist counsel in decisions regarding his/her defense, that the defendant is not able to consent to such information being readily available to the public via PACER.

This court, at the same time, wants to clarify its current procedures in regards to the filing of Psychological/Psychiatric Reports.

For reasons listed above, the court finds that it is in the best interests of balancing the public's access to court filings and defendants' reasonable expectations in regards to protecting public disclosure of personal mental health information, it is

ORDERED

That, effective immediately, in all criminal cases in which filings, motion/ response/ order & report, are made regarding a defendant's mental health, that these particular filings will be RESTRICTED. Only counsel of record for that particular defendant, the prosecuting attorney and the court will have access to any documents with regards to a defendant's Psychological/ Psychiatric health. The public docket will show the filing made, however, when attempting to view the docket entry, the message, "You do not have permission to view this document" will appear.


SHARION AYCOCK
CHIEF JUDGE 7-7-2017

¹Historically Psychiatric/Psychological Reports received from the examiner have been filed under SEAL in this district, with copies of the Report distributed manually to the attorneys of record in the case, meaning the report is not truly SEALED but, instead, RESTRICTED.