

# Court Eyes Expansion of Interactive Video Technology

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Circuit Court Administrator



Years ago technology and the administration of justice were not thought of as compatible; they were subjects that seemingly had no relationship and shouldn't be uttered in the same sentence. Times have changed, technologies have evolved and today we realize that technology can and is influencing the delivery of justice in a favorable way for all involved.

Interactive video technology is reshaping how the courts do business. The Michigan Supreme Court, in Administra-

tive Order 2007-1, encourages the use of video, stating that the purpose of interactive video technology is to "promote efficiency for the court and accessibility for parties...."

Our experience in this Circuit Court bears witness to that statement. Tack on the budgetary savings for courts and their funding units, and it's clear that interactive video technology will be a permanent fixture in the administration and delivery of justice.

In a collaborative effort with the Oakland County Sheriff's Office, Prosecutor's Office, Information Technology Department and the Michigan Department of Corrections (MDOC), the Circuit Court recently launched a videoconferencing project for court proceedings involving incarcerated defendants. All MDOC facilities are equipped with videoconferencing technology, as is the Circuit Court, so inmates can make "virtual" appearances in court, saving the county from having to execute writs to transport the inmates here and hold them in the jail.

The Prosecutor's Office has indicated that it will routinely move for the use of videoconferences for authorized court proceedings under MCR 6.006(A) and the court will look for opportunities to use videoconferencing, when appropriate, for proceedings under MCR 6.006(C). As always, the decision to authorize the use of a videoconference is left to the court.

Requests for videoconference may be made by defense counsel also. The use of videoconferences in lieu of personal appearances in court will, in some instances, require a waiver signed by the inmate and defense counsel. Information regarding requests for videoconferences and waivers may be found on our Web site at [www.oakgov.com/circuit](http://www.oakgov.com/circuit).

When we were considering the implementation of videoconferences, one concern mentioned by defense counsel was how they would speak privately with their clients prior to a court proceeding. The MDOC will provide inmates with the opportunity to speak with their attorneys by telephone for purposes of discussing whether to authorize the waiver. Should the client and his or her attorney agree to waive the defendant's personal appearance in court, the MDOC will make inmates available 30 minutes prior to the scheduled court appearance so that attorneys may confer

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with their clients. The court will provide attorneys with a private location (and telephone line, if needed) from which they may speak to their clients.

The benefits of using video are widespread. They accrue to the court, attorneys, defendants and the public. Keeping violent offenders under lockup at MDOC facilities enhances security for those in the courthouse. Cost and effort needed to transport inmates are minimized. Adjournments are less likely. Avoiding writs means fewer inmates in the jail, which lowers costs to house inmates and helps to reduce the likelihood of jail overcrowding.

Even inmates can benefit. Former Circuit Court Judge John McDonald used videoconferencing last November to sentence an MDOC inmate held in Ypsilanti. The inmate loved the idea of appearing for her sentence by videoconference, as it wouldn't cause her to lose her bunk assignment or assigned job as a result of being transported out of her facility. Apparently an inmate may lose "status" at their facility if they are transported out on a writ.

Seven of the 18 circuit judges have videoconferencing equipment installed in their courtrooms. We hope to add to the list as funding becomes available. In the meantime we have two mobile video carts, purchased two years ago with a grant from the U. S. Department of Justice, which can be used in the other courtrooms. A mobile video cart was used successfully in the sentencing referenced above. The judge's secretary said that the video and audio quality were excel-

lent and the entire sentencing was conducted glitch-free.

Videoconferencing is a tool used by this Circuit Court since 2003 when we began arraigning defendants held at the Oakland County Jail for whom bench warrants had been issued. The technology was reliable, of suitable quality and of great benefit to a court and funding unit constrained by declining revenues.

In the last few months we used videoconferencing for several court proceedings that included arraignments, pretrials, motion hearings, evidentiary hearings, competency hearings, pleas, taking testimony and sentencing. The technology has proven itself to be a worthy tool.

As mentioned earlier, the Supreme Court has encouraged the use of interactive video technology for an array of court proceedings. In addition to the previously mentioned Administrative Order, at least four court rules (MCR 2.402, MCR 3.904, MCR 5.738a, and MCR 6.006) promote interactive video use.

With the Supreme Court's endorsement, the benefits afforded to all stakeholders in the delivery of justice, and the proven reliability of the technology, interactive videoconferencing will be a fixture in courts throughout the country. Our circuit court is at the front end of the video technology curve. We encourage you to consider videoconferencing if it can be of benefit to you and/or your clients. Please visit our Web site or call the court for more information.

Until next time ...



## OPERATION AFGHAN-IRAQ PAC

The Oakland County Bar Association's Veterans Committee, in partnership with the Washtenaw County Bar Association, Cooley Law School and the UAW, is again collecting money and goods to send to our military men and women overseas. This year's collection drive kicked off in December at the OCBA's Holiday Gala, and donations will be accepted at the OCBA offices until March 15, 2011.



*Photos sent by Major Elio Marcillo from HMH-466 in Afghanistan of the soldiers receiving the packages from the 2010 collection*

### COMMITTEE CHALLENGE

The Veterans Committee has issued a challenge to every OCBA committee to out-donate them!

The OCBA committee that donates more than the Veterans Committee will receive an award at the 77th Annual Meeting on June 2, 2011

For more information call the OCBA at (248) 334-3400

