DEPARTMENT OF CORRECTIONS

Policy Number:	**106.410**
Title:	**Facilitation of Virtual Court Hearings**
Effective Date:	**11/01/24**

PURPOSE: The Minnesota Department of Corrections (DOC) provides supportive systems to facilitate and support the coordination of virtual court hearings with other agencies so that incarcerated people and other residents of its facilities are able to resolve outstanding court matters. Innovation in the area of virtual court service delivery will focus on identifying system opportunities while supporting staff through training and education.

APPLICABILITY: Department-wide.

DEFINITIONS:

Correctional Operations Management System (COMS) – a custom application program used by the department to maintain information about incarcerated people/residents.

Login device – a tool used for video and audio conferencing to facilitate virtual court processes.

MN Government Access (MGA) – Minnesota judicial branch application program that allows Minnesota government agencies to access appropriate electronic court records and documents.

ODOCS – an electronic document management system the department uses for maintaining documents in individual files for incarcerated people/residents.

Shared Online Scheduling Tool – a scheduling software that allows the DOC to collaborate with outside agencies on the scheduling of incarcerated people/residents for court appearances.

Virtual conferencing service – communication platform that allows incarcerated people/residents to connect to remote court appearances by video or telephonically.

Virtual court hearing advisory committee – a group of stakeholders who meet regularly to review and advise the DOC on the goals, strategies, and outcomes of its virtual court program.

Virtual court hearing team – the staff members designated to oversee and manage the operations of the virtual court program.

PROCEDURES:

A. **Notification and Scheduling of Court Appearance**

1. Court staff determine the current location of the incarcerated person/resident and coordinate with that facility to schedule a court appearance.

2. When available, court staff use the shared online scheduling tool to determine the availability of hearing times and dates and schedule the hearing through the DOC's designated scheduling program. If the shared online scheduling tool is not available, court staff email the virtual court hearing team to determine availability of hearing times and dates and schedule an appearance.

3. Court staff are responsible for providing information for each hearing allowing the DOC to connect the incarcerated person/resident with the court through their preferred virtual conferencing service.

4. In the event the court schedules additional hearings in the same court file, court staff repeat this procedure for each additional hearing.

5. The DOC records staff must review all scheduled matters prior to the hearing and confirm to the courts the ability to accommodate the hearing.

6. Court staff follow their normal procedures for ensuring the availability and presence of needed language access services, including translators, American Sign Language (ASL), Communication Access Real-Time Translation (CART) services, or other appropriate accommodations as needed.

B. **Virtual Court Hearing Spaces**

1. The DOC must maintain space(s) within each participating facility to be used for the facilitation of the court process. These spaces must be approved by the virtual court hearing advisory committee.

2. The space must be adequately supervised by security staff, by camera or in person.

3. Within the designated area, incarcerated people/residents will be provided access to a space with limited distraction and appropriate technology to conduct their court matters.

4. Each participating facility must identify a minimum of one ADA-accessible virtual court hearing space.

C. **Virtual Court Movement and Monitoring**

1. Each participating facility must create and maintain a movement and monitoring plan that is approved by the virtual court hearing advisory committee. The plan must describe the following:
   a) Movement to and from the virtual court hearing;

   b) Available access to virtual court hearings while in restrictive housing or administrative segregation unless an immediate safety concern prevents it, which will be documented;

   c) Emergency lockdown procedures under Policy 301.070, “Lockups;”

   d) Interaction with the continuity of operations plan (COOP) events covered under Policy 105.012, “Continuity of Operations;”

   e) Severe weather procedures (see Policy 105.126, “Adverse Weather Guideline;” and

   f) Monitoring of incarcerated people/residents who are within the designated area.

2. In collaboration with the records team at each facility, the virtual court hearing team must identify incarcerated people/residents who have scheduled court appointments and ensure they receive hearing information.

3. Facility staff must work collaboratively to ensure incarcerated people/residents are provided access to the designated space for their hearing.

4. Facility staff must ensure that the login device is in working order, is able to connect to the video conferencing service, and make their best efforts to ensure the incarcerated person/resident maintains connectivity during the hearing. If a connection to the hearing cannot be achieved, this must immediately be communicated to the virtual court hearing team.

5. The virtual court hearing team must provide judicial staff with the rationale for any hearing interruptions within 24 hours to support court proceeding administration. It must also retain documentation of such reasoning and communication.

6. The virtual court hearing team must maintain the logs of all court appearances and share them with appropriate parties as needed.

D. **Cancellation of Previously Scheduled Virtual Court Appearances**

1. When a court appearance is cancelled by the court, court staff are responsible for removing the incarcerated person/resident from the online scheduling tool (if applicable) and will make their best efforts to notify the designated DOC staff of the cancellation prior to the scheduled start time.

2. If, due to the transfer of an incarcerated person/resident, technological malfunction, or emergency situation, a confirmed virtual court hearing is compromised, DOC staff must exhaust all available options to ensure the appearance of the individual. If no alternative solution is found, DOC staff must communicate with the courts to initiate the cancellation and rescheduling of the court date.

E. **Virtual Court Hearing Advisory Committee**

1. The virtual court hearing advisory committee reports to the assistant commissioner of agency services and supports, or an alternative appointee as designated by the executive team.

2. The committee meets on a quarterly basis, with more frequent meetings as needed to address concerns with implementation.

3. The committee is entrusted with reviewing the goals, strategies, and outcomes of the virtual court program and is responsible for identifying, understanding, and correcting system failures that could cause harm to staff and/or incarcerated people/residents over the course of the program's implementation. This includes such examples as the review of:
   a) Operational guidelines, legislation, and DOC and court policies to ensure there is alignment and that we are using best practices;

   b) Sites' virtual hearing spaces and their corresponding movement and monitoring plans;

   c) Evidence of system opportunities and breakdowns;

   d) Training materials for staff and incarcerated people/residents;

   e) Technology being used to administer virtual courts; and

f) Data measuring the fidelity and success of the virtual courts program.

4. The committee is comprised of DOC staff who fill the roles of and/or strategically collaborate with partners who can inform the following:
   a) Virtual court hearing team (navigator, coordinator, supervisor);
   b) Facility leadership (wardens, associate wardens of administration, or captains);
   c) Executive committee
   d) Case management;
   e) Security;
   f) Facilities/Physical plant;
   g) Technology;
   h) Accessibility;
   i) Communications; and
   j) Tribal Relations.

5. The virtual court hearing team must elevate system opportunities and breakdowns to the virtual court hearing advisory committee for review and input, and share trends and opportunities for improvement on a quarterly basis with the state court administrator's office.

6. Judicial staff may submit concerns about virtual court improvement opportunities to the DOC virtual court hearing advisory committee, so that trends and system improvement opportunities are reviewed and identified.

INTERNAL CONTROLS:

A. The virtual court hearing team maintains the logs of all court appearances and shares them with appropriate parties as needed.

B. The virtual court hearing team retains the documentation of system opportunities and breakdowns it has reported to the virtual court hearing advisory committee for review and input, and the documentation of the trends and opportunities for improvement it has shared on a quarterly basis with the state court administrator's office.

C. The virtual court hearing team retains the documentation of the reasoning and communication it relayed to judicial staff, regarding any hearing interruptions.

D. Court staff maintain and retain the records of the court proceedings as they would if there were an in-person court hearing.

REFERENCES: Policy 301.070, "Lockups"
Policy 105.012, "Continuity of Operations"
Policy 105.126, "Adverse Weather Guideline"

REPLACES: All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: None

APPROVAL:
Commissioner of Corrections