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MINNESOTA SUPREME COURT
TASK FORCE ON CLOSED CIRCUIT TELEVISION
FINAL REPORT
DECEMBER, 1991

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TASK FORCE MEMBERS

Supreme Court/Chair: Justice Sandra Gardebring
Minnesota Supreme Court

Prosecutor: Judy Johnston
Hennepin County Attorney's Office

Paul Tanis
Assistant Nicollet County Attorney

Public Defender: Candace Rasmussen
Chief Public Defender
Third Judicial District

Barbara Isaacman
Hennepin County Public Defender's Office

Jail Administrator: Captain Ed Hjermstad
Carver County Sheriff's Office

Court Administrator: Charles L. Kjos
Court Administrator, Freeborn County

Law Enforcement: Sheriff Gary Waller
St. Louis County Sheriff

Warden Frank Wood
Department of Corrections

Trial Court: Judge Donovan W. Frank
Sixth Judicial District

Judge Michael J. Davis
Fourth Judicial District

Judge Donald J. Venne
Tenth Judicial District

Court of Appeals: Judge R. A. "Jim" Randall
Minnesota Court of Appeals

Introduction

In July, 1991 Chief Justice A. M. Keith appointed a task force to evaluate the possible use of closed circuit television (CCTV) to conduct some criminal hearings, primarily arraignments and other initial appearances. The task force, chaired by Associate Justice Sandra S. Gardebring, was charged with reviewing the use of closed circuit television in other areas of the country, evaluating three specific proposals from three Minnesota judicial districts regarding the pilot use of CCTV, and making a recommendation to the Minnesota Supreme Court as to whether any or all of the proposals should be approved. If the task force's recommendation was affirmative, the task force was also charged with helping the Supreme Court design a monitoring and evaluation process for the approved pilot project or projects.

The task force's membership included representatives from the judiciary, the prosecutor and public defense bar, law enforcement, corrections, and court administration. After an initial review of how CCTV is being used around the country and a survey of the participant's views of the appropriateness of its use in Minnesota, the task force worked primarily through its four subcommittees. A subcommittee was appointed to evaluate each of the three district proposals. The fourth subcommittee was asked to draft some proposed standards to govern the implementation of any approved pilot project. The subcommittees worked closely with representatives from the districts concerned, the Second, Seventh, and Ninth Districts, and also with each other. Each subcommittee assigned to review a district proposal made an initial presentation to the whole task force, gathered additional information in response to task force concerns, and made a final presentation evaluating the

proposal based on criteria developed by the task force as a whole. The Standards and Criteria subcommittee drafted proposed standards, accepted revisions and additional standards from the task force, and presented a final set of proposed standards for the task force's approval.

RECOMMENDATION

In making a final decision and recommendation, the task force was split. A majority favored approving a pilot project, with the recognition that they were not advocating or approving widespread use of CCTV, but merely willing to experiment with CCTV in a carefully designed and monitored pilot project. The majority was willing to see if the proposed benefits in increased security, efficiency, and lower costs could be achieved without a reduction in the quality of justice. The minority who opposed recommending a pilot project believed that the costs to the criminal justice system, the loss of human contact, the revision of the definition of open court, the possible disparate impact on minorities and indigents, and the further mechanization of an already hurried, impersonal process, outweigh the benefits the use of CCTV could produce. This position is more fully expressed in the attached minority report. Despite some members' reservations about the use of CCTV at all, each subcommittee recommended the district proposal it had evaluated.

The task force also realized it was not going to get complete agreement on the final standards it proposed for use in any approved pilot project. To reflect the diverging views of task force members, some of the standards provide options for the court's consideration when making a final decision. All the Task Force members agreed that any pilot project must be carefully designed in conformance with the suggested standards, carefully monitored, and incorporate a thorough evaluation process. A review of the district proposals and the proposed standards and criteria is below.

The Second District Proposal

The Second District proposes to use CCTV to arraign defendants charged in the two suburban courts, but being held in the Ramsey County Adult Detention Center in downtown St. Paul. Currently, all defendants are first arraigned in the St. Paul courtroom, and suburban defendants who are unable to meet bail are held in the Adult Detention Center and re-scheduled for a suburban arraignment. Because the suburban courtrooms do not schedule arraignments for each municipality every day, a defendant can wait three to eight days before being transported out to the suburban court for the arraignment. Once arraigned, approximately eighty-five percent of the defendants are released. By connecting the jail and the Maplewood courtroom by CCTV, the Second District hopes to shorten the delay these defendants face before their suburban arraignments, save time and money now spent to hold and physically transport and guard the defendants, and improve security. CCTV hearings will be held at the next scheduled arraignment date, regardless of jurisdiction, and defendants wishing to appear in person will also appear at that hearing time. If the proposal is approved, all suburban defendants will still have the right to physically appear at their suburban arraignments, but may waive that right by signing a written waiver form. The District will ensure that the defendants have an opportunity to consult with a lawyer before signing the written waiver.

The proposal was developed with the input of a committee representing the judiciary, law enforcement, the public defenders and defense bar, and the City Attorneys. The proposal recognizes the need for careful research and evaluation of any pilot project. The Second District applied for and was granted \$100,000 from the Ramsey County Capital

Improvement Fund to finance the installation of the necessary equipment. The proposal is the Second District's solution to the problems of costs and security created by having a downtown jail and suburban courts and communities with an interest in keeping local procedures local.

The Seventh District Proposal

The proposal from the Seventh District is to use CCTV to connect the Clay County Courthouse and the Clay County Law Enforcement Center. Currently, defendants held in the Law Enforcement Center are escorted across a parking lot, a distance of approximately 400 yards, to the Courthouse, where they are held in the jury box while waiting for their arraignments or hearings. The use of CCTV for initial arraignments and hearings would improve security, and save the law enforcement staff time now spent transporting and guarding the defendants. All defendants appearing by CCTV will be provided counsel to be with them at the jail, a guarantee unique among the three proposals. Like the other two districts, the Seventh District will guarantee that all defendants who wish to appear in person may do so, and all defendants who want to appear by CCTV must sign a waiver indicating they know they have the right to appear personally but have waived that right.

The Seventh District proposal has the support of the judiciary, the County Board of Commissioners, the Clay County Attorney and Moorhead City Attorney, as well as court administrators and law enforcement officials. The Public Defenders in the Seventh District oppose the project, but would cooperate in a pilot project. The proposal includes the appointment of an evaluation committee, and sample evaluation forms for all participants in a pilot project.

The proposal represents a less expensive alternative to building a secure walkway, and remodeling the courthouse to provide secure holding rooms, preliminary cost estimates for that project were \$600,000. The proposal estimates the cost of equipping three courtrooms in the Courthouse, and one location in the Law Enforcement Center with CCTV at \$75,000.

The Seventh District expects Clay County to provide the funds for the project if approved.

The Ninth District Proposal

The Ninth District proposes using CCTV to connect four judicial sites with the Northwest Regional Corrections Center in Crookston. The four judicial sites are the Polk County Courthouse in Crookston, the Polk County Courtroom located in East Grand Forks, the Mahnomen County Courthouse in Mahnomen, and the Norman County Courthouse in Ada. East Grand Forks is twenty-five miles from Crookston, Mahnomen is fifty-five miles from Crookston, and Ada is thirty-seven miles from Crookston. These great distances between the courtrooms and the Northwest Regional Corrections Center in Crookston mean that for every hearing there is a great deal of travel involved for some and perhaps all of the participants. The District hopes to reduce judicial, attorney, law enforcement, defendant and public time spent in travel, and reduce the costs associated with transporting defendants long distances. The District also hopes to use the system to hold attorney-client conferences between public defenders and their clients in the Corrections Center. The District currently holds as many hearings as it can in Crookston, and does much civil work over the phone, to attempt to reduce travel time for parties. As with the other District proposals, defendants will always have the right to appear in court in person if they wish.

The District's proposal, prepared by Susan Mills of Tri-County Community Corrections, has the support of the judiciary, county attorneys, county sheriffs, and correction officials. The public defenders are not fully supportive but are willing to cooperate in a pilot project. The proposal includes an on-going evaluation component. The District will attempt to obtain funds from the legislature to finance a pilot project, if approved.

Standards and Criteria

The Standards and Criteria Committee worked to develop standards to govern any approved pilot project. The standards, which are attached in the appendix, address eight issues which the committee identified as critical. These issues are 1) Authority, determining who in a district would have the authority to authorize a pilot project; 2) Equipment, setting minimum standards for the CCTV equipment required to ensure a high-quality picture and sound; 3) Making the record, deciding that the video recording of the hearings would not replace traditional court reporting methods, unless a district was already experimenting with using video recording as its court record; 4) Use of a translator, determining where a translator, if needed, should be located; 5) Location of Counsel, presenting options as to where the prosecutor and defense counsel should be located during a hearing; 6) Facility design, setting minimum standards to ensure that the hearing room within a corrections facility was spacious and conducive to the administration of justice; 7) Waiver, ensuring that the waiver defendants must sign in order to appear on CCTV fully informs them of their rights and educates them on the process; and 8) Appearances allowed, presenting options on what types of hearings may be conducted using CCTV.

Three of the standards proved to be the most controversial for the Committee and the Task Force as a whole. The location of counsel during CCTV hearings was of great concern. Both the Committee and the Task Force recognized the importance of defense counsel being physically with the defendant, and that by appearing with the defendant on a screen, and not having face-to-face contact with the judge, some of counsel's persuasiveness and effectiveness may be sacrificed. This might be especially true were the

prosecutor located in the courtroom with the judge. Recognizing that the location of counsel may also depend on the particular circumstances of the district or districts involved, the standard presents several options for the location of counsel.

There was also a great deal of concern about the form and content of the waiver, reflecting the group's belief that ensuring a knowing and intelligent waiver was critical. The group felt that a written waiver should be supplemented by an advisory read by the judge before each defendant's CCTV hearing began. Paul Tanis of the Task Force drafted the waiver and advisory presented, and enlisted the services of an expert to test the language and determine its reading level. The waiver and advisory are presented in language at a seventh grade and a sixth grade reading level.

The last, and possibly most controversial of the standards was the standard addressing the types of hearings to be allowed on CCTV. The Committee recognized a tension between the efficiency of allowing CCTV use for initial hearings, and of allowing defendants to plea and even be sentenced via CCTV, and the fears that justice might not be served by allowing all of this to happen without the defendant having an opportunity to consult counsel, or even see the judge face-to-face with the protection provided by an open court. There was also a fear that by limiting the use of CCTV in response to these concerns the potential gains in efficiency by using CCTV would be lost. If pleas cannot be taken over CCTV, then what was a one-step hearing in person becomes a two-step hearing, and defendants would have to be transported to the courtroom for the second step. The Task Force declined to make a recommendation resolving this dispute, and presents two options identifying the types of hearings to be allowed.

In addition to standards to govern any approved pilot project, criteria were developed to use in evaluating the three district proposals the Task Force was charged with reviewing. These criteria are also attached in the appendix, and include a review of the intended benefits, alternatives considered to CCTV, the proposal's design process, effects on due process and dignity of the court proceedings, safeguards to limit adverse affects, capital costs and possible cost shifting, the research and evaluation component, and how the project will be funded.

TASK FORCE MINORITY REPORT

It is imperative that the Supreme Court Closed-Circuit Task Force seriously consider not only the advantages of hearings conducted on closed-circuit television, but also the negative impact such hearings will have on our judicial system. Such consideration leads inevitably to the conclusion that the benefits gained in decreased costs, increased security, and enhanced efficiency are outweighed by the resultant inhumanity, injustice, and inequity.

Closed-circuit television creates closed courtrooms. Closed courtrooms are the antithesis of our code of justice. Historically, we have proudly dispensed justice in the light of day for all to analyze, scrutinize, or criticize. To now exclude anyone from any phase of any case is a step backwards in the administration of justice. No money saved, expediency logged, or security ensured is worth such a digression. We must resist the temptation to take this backward step in the name of safety, economy, and expediency.

Closed-circuit hearings rob us of the judicial atmosphere we are mandated to maintain by the ABA Standards. We are supposed to administer justice in an atmosphere of unhurried and quiet dignity. The very existence of such hearings would confess that we are trying to hurry things along by streamlining the system to the point where we will not even take the time necessary to bring a defendant to court. As for dignity, none can exist where a lone judge sits facing only a camera and the defendant never even leaves the jail.

Closed-circuit hearings, whether first appearances, bail hearings, or arraignments, strip the defendant of his or her humanity. The judge sees an image on a screen; there is no eye contact, no body language, no real person. Although intangible, the human contact is of

inestimable value and importance. A glance, an action or reaction, a gesture can portray a message, positive or negative, to a judge. That human contact in the decision making process must not be lost at any phase of a case.

Closed-circuit hearings will make a defendant feel, rightly so, that he or she is being rushed through an already hurried process. As things are, defendants feel that things are happening quicker than they can understand. It is important in our tradition of justice that defendants perceive they are being treated fairly. It is likewise important that family members, friends, and the public perceive that justice is fairly dispensed. Without seeing defendants in open court, a perception of fairness will not prevail. Rather, suspicion, distrust, and fear will be fostered.

Closed-circuit bail hearings deprive defendants of important assistance at a crucial stage in their cases. Whether a person's bail is reduced or affordable affects the outcome of his or her case. We know that a defendant walking in off the street fares better before a jury than a defendant held in custody pending trial. If family members or friends are excluded from bail hearings the judge cannot take their presence and assurances into consideration when setting bail. Consequently, more defendants are likely to be kept in jail, some unjustly.

There are two problems that would be exacerbated by closed-circuit hearings that in and of themselves should cause us to reject the use of closed-circuit television. First, in a majority of outstate arraignments, there is no prosecutor or defense attorney present. The coercive effect of such a situation increases unbearably if the hearing is conducted on closed-circuit television. Not only is there no one present to monitor the judge, the only other

people present in this scenario are the jailers who ask the defendant to waive an open-court hearing. The potential for coercion between the defendant and his jailer is painfully obvious. Such a situation should not be possible in our judicial system. We should recoil at the suggestion that we so radically digress from our roots.

Second, closed-circuit hearings will disparately impact minorities and indigents. Only those who cannot immediately post bail will be asked to forfeit their right to an open-court hearing. It is wrong to attempt to balance our schedules and budgets on the backs of those whose resources can least cope with the added burden.

**Closed-Circuit Television Task Force
Signators on Minority Report:**

Paul Tanis, Esq.
Asst. Nicollet County Attorney

Candace Rasmussen, Esq.
Chief Public Defender

Barbara Isaacman, Esq.
Asst. Public Defender

The Honorable Michael J. Davis
Judge, Hennepin County District Court

Proposed Standards
for Implementation of a Pilot Project
using Closed-Circuit TV for certain Criminal Matters

Purpose:

The Closed Circuit Television (CCTV) pilot project is being conducted to evaluate the possible applications of CCTV transmissions in a court environment for limited situations. CCTV hearings should be efficient, cost effective and a secure method of conducting in-jail appearances and arraignments.

Expected Goals:

- *Increased savings by law enforcement due to reduced manpower needs in housing, guard use and transportation needs.
- *Increased courtroom security by the lessening of number of prisoners in and around courtroom areas.
- *Increased access of defendants to appear before the court for initial appearances.

1. AUTHORITY

Standard: Affected courts and the responsible budgetary authorities should be the primary decision makers.

Committee Recommendations:

CCTV should be allowed only after the Chief Judge of the Judicial District, after consultation with judges directly affected, and the affected County Board(s) have agreed to such proposal.

2. EQUIPMENT

Standard: Equipment should be state of the art and in sufficient quantity to fully satisfy the needs of the court, counsel defendant and public as to its access, viewing and audio clarity and quality.

Committee Recommendations:

In Courtroom:

- 2 audio units (1 for bench; 1 for counsel)
- 2 cameras (1 on judge; 1 on counsel)
- 3 color TV monitors (1 for judge; 1 for court reporter; 1 large)

- screen counsel/spectators)
- Mixers for P.A. in courtroom
- Camera mounts and stands

In Jail:

- 1 camera (defendant and counsel if applicable)
- 1 color monitor split-screen (for defendant to see judge and courtroom counsel)
- Voice override for defendant/counsel

Comment: Fax machines should be on or near the judge's bench with another located in the jail near the defendant for the exchange of documents during CCTV hearings.

3. MAKING OF THE RECORD:

Standard: Recording of court proceedings shall be made in accordance to applicable statute and court rules.

Committee Recommendation:

Verbatim record of court proceedings should be made in a manner prescribed by the presiding judge for that court.

4. USE OF TRANSLATOR

Standard: In circumstances where the use of a translator is necessary to allow the defendant due process, use of CCTV should not interfere with communication between defendant and the translator.

Committee Recommendations:

Translator must be present at the location where the defendant is.

5. LOCATION OF COUNSEL

Standard: Counsel for the defendant and for the state could appear in closed circuit television hearings through a variety of configurations, including the following options.

OPTION I. Defense attorney may be with the defendant in the jail,

and the prosecutor in the courtroom with the judge. In this event, facilities for confidential communication between defense counsel and client and between the defense attorney and the prosecution must be a standard part of the equipment.

OPTION II. Defendant may be represented by two attorneys: one defense attorney present in the courtroom with the prosecutor and the judge and one defense attorney in the jail with the defendant. In this event, the prosecutor will be with the judge in the courtroom and defense counsel. Then, equipment for providing confidential communication between the prosecutor and the attorneys and between the two defense attorneys must be made a standard part of the equipment.

OPTION III. Defense counsel may be in the jail with the defendant. The prosecutor may be in a room separate from the judge and the courtroom, and the judge would be in the courtroom. In this event, equipment for providing confidential communication between the prosecutor and defense counsel should be a standard part of the equipment.

OPTION IV: Both the prosecutor and defense counsel may be in the jail with the defendant and the judge would be in the courtroom

OPTION V: The defendant, with or without counsel, as above, could be present in a courtroom at one location, and the prosecutor and judge (and perhaps defense counsel) could be in a courtroom elsewhere.

Committee Recommendations:

The choice of configuration for location of counsel may turn on the particular details of the pilot project design and the thesis which the pilot project is designed to test. Any such choice, however, must take into account the need to avoid the appearance of impropriety which might arise under certain of these options. Further, care must be taken to avoid the risk of ex parte communication, and the general appearance of isolation of the defendant.

Comment: The committee recognizes that the choice of Option II, requiring two defense attorneys, could severely limit the potential cost savings associated with the use of CCTV, and shift costs onto the public defender system.

6. FACILITY DESIGN

Standard: The physical surroundings in the law enforcement facility should be designed to create an atmosphere of unhurried and quiet dignity appropriate to the administration of justice.

Committee Recommendations:

Minimum room size 10' X 12' or 120 square feet. Wall, floor, ceiling coverings and/or treatments, door and window trim, light fixtures and all other appointments will be consistent with the aesthetics of the courtroom to which the room is linked by interactive T.V. smoking will not be permitted in this room, consistent with courtroom restrictions.

In counties where more than one person is routinely scheduled to use the interactive T.V. room, a waiting room will be provided in close proximity to the interactive T.V. room. The waiting room will be separated by both sight and sound from the interactive T.V. room. The waiting room could be designated as a smoking area.

The acoustics, lighting, air handling and climate control systems in the interactive T.V. room will provide temperatures and maintain noise levels consistent with the courtroom. Lighting will be sufficient to facilitate optimum conditions for video use, to ensure high quality picture resolution, clarity, contrast and brightness during use of interactive T.V.

Tables, chairs and all other furniture will be of the same size, quality and comfort of the furniture provided in the courtroom for the prosecution and defense attorney areas of the courtroom. Should any wall decorations be provided, they will be consistent with the justice theme and the dignity of the courtroom. At a minimum, furniture will include three chairs and conference table no smaller than 7' X 3', which comply with stated furniture specifications.

7. WAIVER OF IN-COURT HEARING

Standard: No defendant may make any court appearance through the use of CCTV without waiver of right to be physically present in the courtroom. No defendant may be denied the right to be physically present in the courtroom for any of the court proceedings otherwise conducted through the use of CCTV.

Committee Recommendation:

A written waiver of courtroom appearance must be signed by the defendant before proceedings with CCTV. The waiver must:

- give full explanation of defendant's rights to appear physically in the courtroom;
- have a place for defendant to sign if they wish to appear on CCTV.

The waiver process must be meaningful, in that individuals who choose not to waive their right to appear physically in court must not be subject to inordinate delay in making the court appearance. Furthermore, before a defendant may appear through the use of CCTV, the court must be satisfied that s/he has knowingly waived her/his right to appear in person in open court. The court must also determine that no pressure has been exerted by any person(s) to cause the accused to waive this right.

OPTION I. Defendant may sign the waiver without prior consultation with counsel.

OPTION II. Any defendant represented by an attorney must be given the opportunity to consult with that attorney before waiving the right to appear physically in court. Any person who is not so represented must be given the opportunity to consult with a public defender before making the decision to waive her/his right to appear physically in the courtroom.

8. APPEARANCES ALLOWED BY CCTV

Standard: Cases appearing on CCTV should be limited in scope so as to afford defendants speedy, dignified and meaningful access to the court without diminishing any of their rights. No hearings deemed to be contested for any reason pursuant to the Rules of Criminal Procedure should be conducted by CCTV. In judicial districts where CCTV is being utilized, personal appearances in court should be required unless the efficient administration of justice and the public interest will be served by use of CCTV.

OPTION I: Attached.

OPTION II: Attached.

No other hearings other than those specified within these standards should be conducted by CCTV.

Comment: As noted in the Minnesota Rules of Criminal Procedure in the committee note to Rule 11, when courts take early control of criminal cases with meaningful pretrial events, it benefits all people within the criminal justice system and it serves the efficient administration of justice.

Many judicial districts make effective use of pretrial dispositional or settlement conferences, even when there are no contested issues to be heard. This early resolution of motions provides for more efficient handling of criminal cases and facilitates meaningful pretrial dispositional conferences which promotes early disposition of cases.

Therefore, pretrial settlement or dispositional conferences, whether conducted pursuant to Rule 11 or 12 of the Rules of Criminal Procedure, or otherwise in the discretion of the court, should be conducted in the courtroom with all parties present and not by CCTV. (See committee comment to Rule 11.)

OPTION I:

STAGES OF MISDEMEANOR
PROSECUTIONS

IN-CUSTODY DEFENDANT
APPEARANCE BY CCTV

	<u>Yes</u>	<u>No</u>
<u>Rule 5 First Appearance</u>	X	
Includes entry of plea, setting of bail and appointment of counsel. If guilty plea is entered, plea could be accepted and sentencing could occur by CCTV.		
<u>Pretrial Conference</u>		
A. If no contested Rule 7 or Rule 12 issues.	X	
B. If any contested Rule 7 or Rule 12 issues.		X
C. Rule 20.		X
<u>Trial</u>		X
<u>Sentencing</u>		
A. Guilty plea	X	
B. After trial		X
<u>Probation Violation Hearings</u>		
A. Contested		X
B. Uncontested	X	

COMMENT: If a guilty plea is entered after the Rule 5 hearing, such plea shall be heard in formal court. Any sentencings to be conducted after the Rule 5 shall be heard in formal court as well.

STAGES OF GROSS MISDEMEANOR/
FELONY PROSECUTIONS

	IN-CUSTODY DEFENDANT APPEARANCE BY CCTV	
	<u>Yes</u>	<u>No</u>
<u>Rule 5 Initial Appearance</u>	X	
Includes setting of bail and appointment of counsel		
<u>Rule 8 Arraignment</u>	X	
<u>Rule 7 and 11 / Omnibus</u>		
A. No contested issues	X	
B. Contested issues includes any <u>Rasmussen, Spreigl,</u> Rule 20 or probable cause proceedings.		X
<u>Rule 15 Plea Hearing</u>		X
<u>Trial</u>		X
<u>Sentencing</u>		X
<u>Probation Violation Hearings or Other Post Conviction Proceedings</u>		X

COMMENT: At any time after the Rule 5 hearing is held on CCTV and the defendant wishes to contest bail, such matter shall be heard at the next regular arraignment session.

OPTION II:

STAGES OF MISDEMEANOR
PROSECUTIONS

IN-CUSTODY DEFENDANT
APPEARANCE BY CCTV

Yes No

Rule 5 First Appearance

X

Includes entry of plea, (when defendant is represented by counsel)
setting of bail and appointment
of counsel. If guilty plea is
entered, plea could be accepted
and sentencing could occur by CCTV.

Pretrial Conference

A. If no contested Rule 7
or Rule 12 issues.

X

B. If any contested Rule 7
or Rule 12 issues.

X

C. Rule 20

X

Trial

X

Sentencing

A. Guilty plea
(when represented by counsel)

X

B. After trial

X

Probation Violation Hearings

A. Contested

X

B. Uncontested

X

COMMENT:

No guilty plea should be taken at the arraignment unless counsel for
the defendant and the defendant agree to proceed via CCTV.

PROPOSED CRITERIA FOR EVALUATING PROPOSED CCTV PROJECTS

1. What benefit is the proposal intended to achieve?
2. What options for achieving the same benefit have been considered and why have they been rejected?
3. Was the proposal designed in consultation with all other "stakeholders" and were their concerns taken into account?
4. What effects will the project have on due process and on the dignity of the court proceedings?
5. What safeguards have been designed into the proposal to limit the adverse effects?
6. What are the capital costs of the project? Have ongoing maintenance costs been considered? What "cost shifting" is likely to occur?
7. Is there an adequate research/evaluation component designed into the proposal?
8. How will the project be funded?

WAIVER
(Seventh Grade Level)

Our court is conducting a test project involving the use of television for some hearings. The Minnesota Supreme Court has given us permission to carry out this project. The project calls for some court hearings to be held by television instead of face-to-face. These televised hearings will not be shown to the general public. Instead, they will be shown only on closed-circuit television.

You can choose whether to make use of the television hearings or not. You may choose either:

- A) To appear in person in the courtroom for your hearing, or
- B) To have your hearing held by closed circuit television.

Once you make your choice, you may change your mind at any time. For example, if you decide today that you wish to have a closed-circuit television hearing, you may change your mind at any time during the hearing. The decision is yours alone.

If you decide to appear in person in the courtroom for your hearing, a sheriff's deputy will escort you to the courtroom as soon as your hearing can be scheduled. If you have a lawyer, you have the right to request that your lawyer appear with you at the courtroom hearing.

If you decide to have your hearing held by closed circuit television, you will go to a special hearing room at the jail. In that room, you will be able to watch the hearing on television. A judge will be able to see and hear you on television also. If you have a lawyer, that lawyer will be present in the room with you. The television equipment is located in the special hearing room and also in the judge's room. Your hearing will only be seen by the judge and other people directly involved in your hearing. Your hearing will not be televised to the general public.

No matter what choice you make, your rights will be the same, and the judge will follow the same rules of procedure.

This choice is yours to make. Make your choice now by marking one of the boxes below. Then sign your name below.

I want to appear in person at the courthouse for my hearing.

I want to appear for my hearing by closed-circuit television.

Your name

In-Court Supplemental Advisory by Judge

This hearing is being held by closed-circuit television. This use of television is part of a test project our court is carrying out. We have the permission of the Minnesota Supreme Court for this test project. This hearing will not be televised to the general public. It will only be seen by you and by the people in this courtroom.

Before this hearing started, you signed a piece of paper that said you wanted this televised hearing. Right now, I am going to ask you a few questions to be sure you understand your rights.

- 1) Did you read the form titled "Court Appearance Selection and Advisory"? If not, did someone read it to you?
- 2) Did you understand what it says?
- 3) Do you understand that you have the right to appear in person in the courtroom instead of on television?
- 4) Do you want to have this hearing by closed-circuit television?
- 5) Has anyone told you that you must appear on closed-circuit television? Do you understand that you can appear in person in a courtroom?
- 6) Do you understand that you have a right to a lawyer? If you wish, you may talk to your lawyer about your decision to appear on closed-circuit television. Do you want to talk to a lawyer about this now?
- 7) Do you have any questions about this televised hearing before we begin?

WAIVER
(Sixth Grade Level)

Our court is running a test study involving the use of television for some hearings. The Minnesota Supreme Court has given us permission to carry out this project. The project calls for some court hearings to be held by television instead of face-to-face. These televised hearings will not be shown to the public. Instead, they will be shown only on closed-circuit television.

You can choose whether to make use of the television hearings or not. You may choose either:

- A) To appear in person in the courtroom for your hearing, or
- B) To have your hearing held by closed circuit television.

Once you make your choice, you may change your mind at any time. For example, if you decide today that you wish to have a closed-circuit television hearing, you may change your mind at any time during the hearing. The decision is yours alone.

You may decide to appear in person in the courtroom for your hearing. In that case, a sheriff's deputy will escort you to the courtroom when your hearing is scheduled. If you have a lawyer, you have the right to request that your lawyer appear with you at the courtroom hearing.

Or, you may decide to have your hearing held by closed-circuit television. In that case, you will go to a special hearing room at the jail. In that room, you will watch the hearing on television. If you have a lawyer, that lawyer will be in the room with you. A judge will be able to see and hear you on television also. The television equipment is located in the special hearing room and also in the judge's room. Your hearing will only be seen by the judge and other people directly involved. Your hearing will not be televised to the public.

No matter what choice you make, your rights will be the same. And the judge will follow the same rules of procedure in either case.

This choice is yours to make. Make your choice now by marking one of the boxes below. Then sign your name.

I want to appear in person at the courthouse for my hearing.

I want to appear for my hearing by closed-circuit television.

Your name

In-Court Supplemental Advisory by Judge

This hearing is being held by closed-circuit television. This use of television is part of a test project our court is running. We have the permission of the Minnesota Supreme Court for this test project. This hearing will not be televised to the public. It will only be seen by you and by the people in this courtroom.

Before this hearing started, you signed a piece of paper saying you wanted this televised hearing. Right now, I am going to ask you some questions to be sure you understand your rights.

- 1) Did you read the form titled "Court Appearance Selection and Advisory"? If not, did someone read it to you?
- 2) Did you understand what it says?
- 3) Do you understand that you have the right to appear in person in the courtroom instead of on television?
- 4) Do you want to have this hearing by closed-circuit television?
- 5) Has anyone told you that you must appear on closed-circuit television? do you understand that you can appear in person in a courtroom?
- 6) Do you understand that you have a right to a lawyer? If you wish, you may talk to your lawyer about your decision to appear on closed-circuit television. Do you want to talk to a lawyer about this now?
- 7) Do you have any questions about this televised hearing before we begin?

APPENDIX

**TASK FORCE ON CLOSED-CIRCUIT TELEVISION
MINUTES
WEDNESDAY, AUGUST 7, 1991**

Members present: Justice Sandra Gardebring, Judge Michael Davis, Judy Johnston, Judge R.A. "Jim" Randall, Candace Rasmussen, Warden Frank Wood, Sheriff Gary Waller, Captain Ed Hjermstad, Paul Tanis, and Judge Donald Venne.

Also present: John Stuart, Fred Grittner, Ellen Trout, and Lori Phillips.

Justice Gardebring opened the meeting and outlined a plan for accomplishing the Task Force's charge. The task force is charged with reviewing how closed-circuit television (CCTV) hearings work in other areas of the country, reviewing three district proposals for pilot use of CCTV in Minnesota, and making a recommendation to the Minnesota Supreme Court as to which, if any, of the district proposals should be approved. Justice Gardebring suggested that four committees be set up, one for each district proposal, and one to consider and draft standards for the implementation of a CCTV pilot project, if approved. She asked that each Task Force member introduce themselves and talk briefly about their opinions about CCTV hearings in light of their experience and the introductory readings they had reviewed prior to the meeting.

After the introductions and discussion, Justice Gardebring assigned each member to one or more committees, and suggested that each committee meet and plan to report their initial work at the next Task Force meeting on August 21.

TASK FORCE ON CLOSED-CIRCUIT TELEVISION
MINUTES
WEDNESDAY, AUGUST 21, 1991

Members present: Justice Sandra Gardebring, Judy Johnston, Candace Rasmussen, Charles Kjos, Sheriff Gary Waller, Warden Frank Wood, Judge Donovan Frank, Judge Michael Davis, Judge Donald Venne, and Judge R. A. "Jim" Randall.

Also present: John Stuart, Fred Grittner, Ellen Trout, and Lori Phillips.

Chair's Report

Justice Gardebring opened the meeting with a brief report on her trip to visit the Ninth Judicial District. She and Judge Randall spent Thursday and Friday August 15 and 16 touring that far away and far flung District. They visited facilities and met with representatives of all parties interested in and/or concerned with the possibility of a closed-circuit television (CCTV) pilot project.

Committee Reports

Second Judicial District

Judge Venne, the chair of the Task Force's Second District Committee, reported. The committee met with Dan Lundstrom from the Second District to hear about their CCTV proposal. Judge Venne noted that the driving force behind the Second District's proposal was not geography or security, but institutional inefficiencies created by the District's three courtroom locations -- St. Paul, Maplewood and New Brighton. The District has not been able to work out a cooperative arrangement to allow a St. Paul appearance when a defendant charged in a suburban jurisdiction is housed in the Ramsey County Jail. These defendants are transported out to the suburban courtrooms, and arraignments are not scheduled for each suburb every day. Due to the infrequent scheduling, defendants can wait, in jail, from 3-8 days before being able to make a plea. The District may have funds to BUY the CCTV equipment, but not to lease it. The committee will clarify that issue, and will ask for more information on how many people are currently being transported in this situation each year.

Seventh Judicial District

Candace Rasmussen, chair of the committee charged with reviewing the pilot proposal from the Seventh Judicial District, reported on her committee's work, including a meeting with representatives from that District. She reported that the group that initiated the Seventh District's proposal is very enthusiastic about the idea and

very willing to be flexible about implementation of a pilot project if their District is chosen. Their primary concern is security (fearing assault and possible escape when defendants, particularly those making first appearances, are transported from the jail to the Clay County Courthouse). Although their geographic case is not compelling, with the jail just across a parking lot from the Courthouse, their security concerns are genuine. The Public Defenders in the District are opposed to the idea of closed-circuit television hearings. They do not feel it will solve the security problem, since defendants will always have the right to a live hearing, and are afraid it will be dehumanizing and make for harsher justice without face-to-face contact between the judge and the defendant. They are also concerned that it will not really save money, it will only shift costs to the Public Defender's office, since they would need attorneys both at the jail and in the courtroom. The committee concluded that they will need to gather more information, and will ask the District's representatives whether they would consider alternatives to CCTV.

Ninth Judicial District

Judge Randall, chair of the committee reviewing the Ninth District's proposal, reported that geographically, the Ninth District made a very honest case for the use of the CCTV technology. The distances between the jails and Courthouses is very great, and the small population in the area means that law enforcement, judicial and attorney resources are stretched very thin. Each of the four groups concerned with the idea (law enforcement officers, judges, prosecutors, and the defendants and their criminal attorneys) would like to reduce their travel time. The public defenders in the District are particularly concerned with ensuring that the defendant's waiver is truly voluntary and that the defendant really has a choice. There is also the problem of what to do if a public defender has clients who make different decisions on where to be for their hearings. The group promoting the proposal is very enthusiastic and willing to work with the Task Force and respond to its concerns about the CCTV process.

Standards/Criteria

Judge Davis, chair of the committee responsible for developing and proposing the standards and criteria the Task Force will use to evaluate each of the three proposals, reported. The committee approached the problem by deciding to proceed as if a CCTV pilot program were going to happen, and not debate the merits of whether or not there should be a pilot program at all. In discussing the important issues raised by the use of CCTV, the committee identified several areas deserving close attention. These areas are: 1) When will CCTV be allowed, who decides in a District, and does it have to be unanimous?; 2) Would there be a distance requirement--between the jail and courthouse--before CCTV is allowed?; 3) What type of hearings are appropriate for CCTV (the

committee did not want any contested hearings on CCTV); 4) Waiver-
-what does it mean, will insistence on a live hearing mean a
delay?; 5) Where will all the parties, including interpreters, be
located? (the committee decided the interpreters must be with the
defendants); and 6) What type of equipment should be used, at what
quality level does the picture and sound need to be?.

At Justice Gardebring's suggestion, the Standards/Criteria
Committee will review the areas they identified and develop some
suggested standards or "yardsticks" for use in evaluating the CCTV
proposals. The Committee will send their proposed standards and
criteria to the Task Force members prior to the next meeting. The
Task Force as a whole will discuss the proposed standards at the
next meeting on Wednesday, September 18.

**TASK FORCE ON CLOSED-CIRCUIT TELEVISION
MINUTES
WEDNESDAY, SEPTEMBER 18, 1991**

Members present: Justice Sandra Gardebring, Judy Johnston, Captain Ed Hjermstad, Judge Michael Davis, Judge R. A. "Jim" Randall, Paul Tanis, Candace Rasmussen, Judge Donald Venne, Warden Frank Wood, and Barbara Isaacman.

Also present: Fred Grittner, Ellen Trout and Lori Phillips.

Chair's Report

Justice Gardebring suggested that in addition to the agenda for the meeting, the Task Force as a whole might want to discuss some criteria on how to evaluate the competing proposals from the Second, Seventh, and Ninth Judicial Districts. The Task Force needs to design a way to weigh or balance the costs and benefits or risks and benefits before it can make a final decision on which, if any, of the proposals to accept. The Task Force will need to present a (probably just one) proposal to the Supreme Court if the Task Force does decide it wants to recommend a pilot project.

Second District--Judge Venne, reporting

Judge Venne talked to two of the judges in the Second District and found them generally supportive about the use of closed-circuit television (CCTV). The judges saw a CCTV arraignment as solving the problem, long waits for arraignments for defendants charged in the suburban courts but being held in the Ramsey County Jail, due to the institutional inefficiencies in that district. Dan Lundstrom of the Second District informed the committee that of the 208-230 people affected by the current procedures last year, no more than twenty-five percent of them would remain in jail after their arraignment. Judy Johnston, task force committee member, noted that the committee is not sure that the Second District could have a valid waiver for defendants, since there would be a guaranteed wait for defendants who did not choose to appear via CCTV. The Task Force as a whole expressed its concern with the current wait some defendants are subject to (4-7 days) and asked the committee to find out exactly why there is such a delay, if that wait will be shortened with a CCTV system, what the schedule is in the Maplewood courtroom (the courtroom affected by the District's proposal), and what is the District's justification for these delays?

Seventh District--Candace Rasmussen, reporting

In response to an inquiry from the committee, the Court Administrator from the Seventh District provided information on the numbers of people released each year after their first court appearance in the Seventh District. The information provided to the Court Administrator by the Jail Administrator estimated that out of 2440 people making first appearances, only 380 people were released after that first appearance. In his letter, the Court Administrator also stated that substantial sums of money had already been spent by Clay County toward a video system. The Task Force as a whole expressed its concern about these numbers of bookings and releases (a ratio which seem very different than that in other Districts). The Task Force was also concerned about the alleged "substantial expenditures," of which no one was aware. Finally, the Task Force also expressed its concern that even with CCTV, the District will still have security issues, since defendants must have the right to appear in the courtroom if they wish. A concern was also expressed that since the physical layout between the jail and the courthouse in Clay County is very similar to most of the other counties in the state, with the jail a short walk from the courthouse, allowing CCTV use here might mean that the door is opened for every courthouse to use CCTV. The Committee will report back with answers to these concerns.

Ninth District--Judge Randall, reporting

The Ninth District has a real definable time and space need for a CCTV system, given the long distances between the courthouses and jails, the small law enforcement staffs, and the big budget problems. The Prosecutors and law enforcement officials are in favor of a pilot project where the defendant at all times has the choice of whether or not to physically be present in the courtroom. The task force asked for clarification on exactly how a CCTV system would help, if many of the hearings are currently heard in Crookston, which is where the jail is.

Standards & Criteria Committee--Judge Davis, reporting

[The Task Force discussed the proposed standards and criteria developed by Judge Davis and the Standards & Criteria Committee. The standards discussed are attached, the minutes will reflect the discussion, additions, clarifications and decisions made by the whole Task Force while reviewing those proposals.]

When would CCTV be allowed

The committee recommendations should recognize that all interested groups should be consulted by the judiciary before a decision is made. No single group should have veto power over the judges' decision.

What types of appearances would be allowed in CCTV

The misdemeanor cases recommended would probably be the bulk of the cases heard using CCTV. To take advantage of the time saving possibilities of CCTV, if a guilty plea is entered at a Rule 5 hearing (first appearance), it will be accepted and sentencing may take place. Any guilty pleas entered after the Rule 5 hearing must be heard in formal court.

The Task Force recognized that in some jurisdictions there may be hearings that are also used for different purposes such as an opportunity to get together and try to work out a settlement. Each jurisdiction should be free to select from among the allowed hearings the ones they actually want to convert to a CCTV hearing, a jurisdiction does not have to hold all the allowed hearings on CCTV. The jurisdiction may not hold hearings other than those on the allowed list, on CCTV.

Equipment

The equipment configuration assumes that the defendant and defense counsel will be in the jail. It may be altered if that is not the case. The Committee recommended adding an optional VCR to the systems in the courtroom and the jail to record the hearing.

Making of the Record

The Task Force wanted to clarify that whatever is currently allowed in reporting is allowable with the use of CCTV.

Waiver of in-court hearing

The committee provided a sample waiver form and oral advisory to be read by the judge. Paul Tanis will take comments from the Task Force on this form and advisory. The Committee did not expect that a defendant would have the assistance of counsel before signing the waiver form. If the defendant does already have a lawyer, then the waiver form must go to that lawyer, who will then consult with the client.

Translators

The Task Force decided that the translator should be with the defendant. The Committee will draft a standard reflecting this decision.

Who should be present in courtroom

The Task Force identified the options available on the location of all parties during a CCTV hearing, first focusing on where defense counsel should be. There were several suggested options: 1) one defense counsel/public defender at jail, one in the courtroom, with the one in the courtroom, if a public defender, not necessarily assigned to the defendant; 2) one defense counsel/public defender at jail, one in the courtroom, with the one in the courtroom, if a public defender, also assigned to the client; 3) one defense counsel/public defender at jail with the client; 4) one defense counsel/public defender in the courtroom, client at jail.

There was also some discussion of where the prosecutor should be. One idea was that the prosecutor should also be at the jail with the defendant and defense counsel. Another idea was that the defendant should have the option of deciding who is where, if defendant and counsel want the prosecutor on camera too, they can elect that option. The prosecutor might also be in his or her office, on camera.

The Task Force recommended that the standard provide a variety of options, and the choice of the options may depend on the circumstances involved. The Task Force recognized that if there is a pilot project, there will be a lot of pressure on all parties to go along with it, and in choosing options the responsible authorities should be sensitive to these pressures.

Other Standards

The Committee will draft a standard on the required size and decoration of any jail cite CCTV facility.

Justice Gardebring concluded the meeting by asking the committees to gather the information the Task Force still needs on each of the proposals, and asking the Standards & Criteria to put the proposed standards in a final form. Justice Gardebring will draft some general concepts and criteria to use in evaluating the proposals. She proposed that at the next meeting, Thursday October 3, the Task Force finalize both the general criteria she will propose and the specific standards and criteria discussed at this meeting. At the final Task Force meeting on Wednesday, October 23, each committee should make a specific recommendation on whether the Task Force should approve a pilot project in that district.

**TASK FORCE ON CLOSED-CIRCUIT TELEVISION
MINUTES
THURSDAY, OCTOBER 3, 1991**

Members present: Justice Sandra Gardebring, Judy Johnston, Judge Michael Davis, Judge R. A. "Jim" Randall, Paul Tanis, Candace Rasmussen, Judge Donald Venne, Warden Frank Wood, Barbara Isaacman, Sherrif Gary Waller, and Judge Donovan Frank.

Also present: Fred Grittner, Ellen Trout and Lori Phillips.

Chair's Report

Justice Gardebring reported that while at a conference in the Washington, D.C. area she visited a district court in Rockville, Maryland which was utilizing CCTV for bail hearings. She noted that the procedure was very fast, the picture and sound were very clear, and with the exception of a case where a translator was needed (and the translator was in the courtroom, not with the defendant) the process went smoothly. During the hearing the defendant was alone at the jail, and both the prosecutor and the defense attorney were in the courtroom.

Ninth District--Judge Randall, reporting

Judge Randall explained, in response to the Task Force's questions about how CCTV would help the Ninth District, that while many of the hearings were heard in Crookston, the public defenders and defendants were not always in Crookston, but many miles away. Judge Randall believes the district has a genuine need, and the proponents of the proposal are enthusiastic about trying a pilot project, and have a good fix on what they want to accomplish in a pilot project.

Second District--Judge Venne, reporting

Judge Venne reported that he sent Judge Joanne Smith and the judges in the Second District a letter with questions addressing the Task Force's concerns about a CCTV project in the Second District, particularly the concern about the delays before arraignment faced by defendants held in the Ramsey County Jail but charged in the suburban courts. Judy Johnston sent a similar letter to the prosecutors in the Maplewood Court, the court targeted for a possible CCTV pilot project. The letters asked the judges and the prosecutors to respond by October 14th, so the Task Force could use the information requested when making its final review of the proposals on October 23rd.

Seventh District--Candace Rasmussen, reporting

Candace Rasmussen reported that while exact data is difficult to get on the numbers of bookings and numbers of releases after first appearances, further investigation revealed that there were an estimated 3-5 people booked each day, and about three of those people each day were released after the first hearing. This ratio seemed to be more in line with the common experience of the Task Force. The Seventh District is willing to provide lawyers to the defendants before they sign a waiver of their right to physically appear in court, and have a lawyer both in court and with the defendant during the hearing. The Seventh District is also very anxious to participate in a pilot project and would be very cooperative in helping design and implement the monitoring procedure needed to effectively evaluate a pilot project.

Standards & Criteria Committee--Judge Davis, reporting

[The Task Force again discussed the proposed standards and criteria developed by Judge Davis and the Standards & Criteria Committee. For the standards, please refer to the standards presented at the September 18th meeting and attached to the minutes of that meeting. The minutes for this meeting (October 3) will reflect the discussion, additions, clarifications and decisions made by the whole Task Force while reviewing those proposed standards.]

When would CCTV be allowed

The Task Force approved this standard, allowing a District's judges to have the final decision on whether to implement CCTV (if ever approved by the Minnesota Supreme Court).

What types of appearances would be allowed in CCTV

Originally, the committee recommended that to take advantage of the time saving possibilities of CCTV, if a guilty plea is entered at a Rule 5 hearing (first appearance), it will be accepted and sentencing may take place. Any guilty pleas entered after the Rule 5 hearing must be heard in formal court. Judge Davis drafted and presented an alternative standard (attached) prohibiting any guilty pleas over CCTV, citing his concerns about accepting such pleas with the defendant still physically in the jail which does not allow the protections afforded defendants by an open court. This new proposal inspired spirited debate and a recognition that the Task Force as a whole might not reach agreement on this issue. Judge Donovan also drafted a proposed standard (attached) clarifying the Task Force's desire to allow a District flexibility in choosing which hearings may be conducted using CCTV, within the guidelines set by the standards.

Equipment

The equipment configuration recommended is a minimum standard required to implement CCTV hearings.

Making of the Record

Whatever is currently allowed in reporting is allowable with the use of CCTV.

Waiver of in-court hearing

The committee provided a sample waiver form and oral advisory to be read by the judge. Paul Tanis will continue to take comments from the Task Force on this form and advisory. Barbara Isaacman will draft a standard outlining her concerns with a waiver and the waiver process for the Task Force's consideration at the next meeting.

Translators

The Task Force decided that the translator should be with the defendant. Justice Gardebring will draft a standard reflecting this decision.

Who should be present in courtroom

Candace Rasmussen drafted a proposal setting forth the options on where all the parties may be located during a CCTV hearing (attached). Additionally, it was suggested that for CCTV hearings between county seats, such as is anticipated in the Ninth District, the empty courtroom in the courthouse close to the jail where the

defendant is being held could be utilized as the location for the defendant.

Other Standards

Frank Wood drafted a standard on the minimum size and space requirements of any jail cite CCTV facility (attached).

The Task Force discussed and approved the Proposed Criteria for Evaluating Proposed CCTV Projects (attached) drafted by Justice Gardebring. The Task Force also recommended that each District should identify how it planned to funds a pilot project. Justice Gardebring asked each of the committees evaluating the proposals from the Districts to be prepared to answer these concerns when making their final recommendation on the proposals at the next meeting.

The next meeting of the Task Force will be on Wednesday, October 23, at 2:30 p.m. at the Minnesota Judicial Center.

Justice Gardebring concluded the meeting by asking the committees to gather the information the Task Force still needs on each of the proposals, and asking the Standards & Criteria to put the proposed standards in a final form. Justice Gardebring will draft some general concepts and criteria to use in evaluating the proposals. She proposed that at the next meeting, Thursday October 3, the Task Force finalize both the general criteria she will propose and the specific standards and criteria discussed at this meeting. At the final Task Force meeting on Wednesday, October 23, each committee should make a specific recommendation on whether the Task Force should approve a pilot project in that district.

**TASK FORCE ON CLOSED-CIRCUIT TELEVISION
MINUTES
WEDNESDAY, OCTOBER 23, 1991**

Members present: Justice Sandra Gardebring, Judy Johnston, Judge Michael Davis, Judge Jim Randall, Paul Tanis, Candace Rasmussen, Judge Donald Venne, Warden Frank Wood, Judge Donovan Frank, and Sheriff Gary Waller.

Also present: Fred Grittner, Ellen Trout, and Lori Phillips.

Justice Gardebring opened the meeting and asked the Task Force members to realize from the outset that not everyone will agree on what the Task Force recommendation should be. She volunteered to draft the report, with the help of Ellen Trout, and expected that it would reflect different points of view. The Task Force members voted on the general proposition, should there, under any circumstances, be a pilot CCTV project. The vote was five yes, and three no. Those in favor of trying a pilot project wanted to make it clear that they were just voting for a carefully monitored pilot project, not the widespread use of CCTV. It was suggested that there be both a majority and a minority report to the Supreme Court. After the vote, the committee chairs presented the committee evaluations and recommendations regarding the district proposals.

The Second District

The Second District Committee recommended that this proposal be accepted. The District hopes that the use of CCTV will save money, improve security, and shorten the delays currently experienced by suburban defendants held in custody. The District has agreed that the use of CCTV would potentially shorten the delay for suburban defendants between their arrest and suburban arraignment. The CCTV hearings will be held at the next scheduled arraignment date, regardless of jurisdiction, and those wishing to make personal appearances may appear at that hearing too. Suburban defendants will have an opportunity to consult with counsel before signing a waiver form to waive their right to make a personal appearance. The Committee had also received additional information on the percentage of defendants released after their arraignment. It is currently about eighty-five percent, which seems consistent with the numbers in other districts. The Committee also discovered that some of the institutional inefficiencies which have created these delays are mandated by statute, Minn. Stat. § 488.A18 (1990), which authorized the Ramsey County suburban courts.

The Seventh District

The Seventh District Committee also recommended that the proposal it reviewed be accepted. The Seventh District's chief concern is security. The District has considered alternatives such as remodeling the new courthouse or building a secure tunnel, but found them too expensive. The interested parties, with the exception of the public defenders, are very enthusiastic about having a pilot project and would cooperate with any standards and monitoring procedures required. A one year pilot project would be satisfactory (the District had originally indicated they wanted a longer period of time). The Committee noted that the distance between the courthouse and the jail in Clay County is very typical of other county courthouses and jails in the state.

The Ninth District

The Ninth District Committee also recommended approval for the proposal it reviewed. The Committee felt that the distances involved between the courthouses and the jails made this proposal the most compelling.

Standards and Criteria

The Task Force as a whole reviewed the revised standards and discussed concerns that some defendants charged with misdemeanors would never see the inside of a courtroom. One suggestion was that all sentencing must be done in the courtroom. The group wanted to be sure the Task Force's Final Report pointed out that the risks defendants face by going through the arraignment process without counsel are exacerbated by the use of CCTV. There was some concern that if we are going to use this high-tech process, maybe attorneys are needed with all defendants at the arraignment stage.

Conclusion

The Task Force agreed that the committee chairs would review a draft of the descriptions of the proposals in the final report, and that every task force member would receive a draft of the final report. Task Force members should call their committee chairs to suggest revisions or make comments on the draft.

TASK FORCE COMMITTEE MEMBERSHIPS

2nd District

Judge Donald J. Venne, Chair

Judy Johnston

Barbara Isaacman

Ed Hjermstad

Gary Waller

7th District

Candace Rasmussen, Chair

Judy Johnston

Ed Hjermstad

Gary Waller

Judge Donovan Frank

John Stuart, ex officio

9th District

Judge R.A. "Jim" Randall, Chair

Paul Tanis

Barbara Isaacman

Charles Kjos

Frank Wood

Standards/Criteria

Judge Michael Davis, Chair

Judge Donovan Frank

Frank Wood

Charles Kjos

Paul Tanis

Candace Rasmussen