



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**July 10, 2012**

**Motion 13691**

**Proposed No. 2012-0197.1**

**Sponsors Lambert**

1           A MOTION acknowledging receipt of a report and work  
2           plans regarding to the use of video technology in the  
3           criminal justice system in compliance with the 2012 Budget  
4           Ordinance, Ordinance 17232, Section 20, Proviso P1.

5           WHEREAS, the 2012 Budget Ordinance, Ordinance 17232, Section 20, Proviso  
6           P1, requires the executive to transmit a motion, work plan and report by May 17, 2012,  
7           and

8           WHEREAS, the report identifies how remote video is currently being used by  
9           county law and justice agencies; and

10          WHEREAS, the report describes options for the expansion of the use of video for  
11          court hearings and other purposes; and

12          WHEREAS, the report includes work plans for two projects: video visiting and  
13          the King County courtroom 21; and

14          WHEREAS, the office of performance, strategy and budget convened a work  
15          group of representatives from the superior and district courts, the department of judicial  
16          administration, the prosecuting attorney's office, the office of public defense, the  
17          department of adult and juvenile detention, jail health services, Harborview Medical  
18          Center, the facilities management division, King County information technology,  
19          Western State Hospital and the public defense contract firms;

20           NOW, THEREFORE, BE IT MOVED by the Council of King County:

21           The report, including work plans, relating to the use of video technology in the

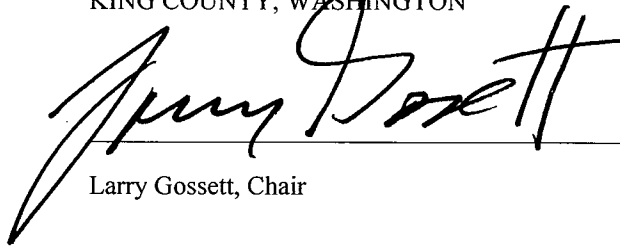
22 criminal justice system in compliance with the 2012 Budget Ordinance, Ordinance

23 17232, Section 20, Proviso P1, which is Attachment A to this motion, is hereby  
24 acknowledged.  
25

Motion 13691 was introduced on 6/11/2012 and passed by the Metropolitan King  
County Council on 7/9/2012, by the following vote:

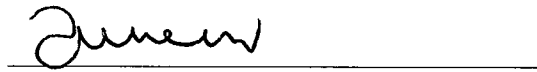
Yes: 7 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Patterson,  
Ms. Lambert, Mr. Ferguson and Mr. Dunn  
No: 0  
Excused: 2 - Ms. Hague and Mr. McDermott

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON



Larry Gossett, Chair

ATTEST:



Anne Noris, Clerk of the Council

**Attachments:** A. Use of Video Technology in the Criminal Justice System Proviso Response Dated  
May 17, 2012

# **Use of Video Technology in the Criminal Justice System Proviso Response**

**May 17, 2012**

**Office of Performance, Strategy and Budget**

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## **Executive Summary**

The 2012 Adopted Budget, Ordinance 17232, included a proviso instructing the Office of Performance, Strategy and Budget (PSB) to work with criminal justice agencies, as well as the Facilities Management Division (FMD), King County Information Technology (KCIT), and Harborview Medical Center to explore how the County can increase the use of remote video technology to reduce costs and improve service in the criminal justice system. In response to this proviso, PSB convened a work group, which brainstormed project ideas, selected ten for further evaluation, and developed two work plans that will carry projects forward into implementation in 2013.

Currently, video technology is used regularly for first appearance calendars for District Court contract cities that book into non-County jails and for non-substantive matters in the Involuntary Treatment Act (Mental Illness) Court. Video technology is also used on a daily basis by District and Superior Court staff for meetings that involve staff at multiple locations. Both courts use video technology on an ad hoc basis when the need arises. The Prosecuting Attorney's Office (PAO) has five carts with basic video equipment that it will bring to Court when needed by a prosecuting attorney, typically in a criminal case.

The two projects for which work plans were developed are 1) Courtroom 21, which will pilot an effort to build the infrastructure necessary to display evidence electronically and allow for video testimony when all parties agree at the King County Courthouse (KCCH) and the Maleng Regional Justice Center (MRJC); and 2) Video visiting at King County jails, which will allow members of the public, and potentially professionals such as probation officers, to visit with inmates in the adult jails via video conferencing.

There was a high level of interest in, but no agreement on two other projects—expansion of the use of video at the Involuntary Treatment Act (ITA) Court and video hearings. Work plans were not developed for these because the evaluation teams agreed additional work external to the projects needed to be accomplished before further consideration of video. In the case of ITA Court, Superior Court has engaged a consultant from the National Center for State Courts to evaluate all court processes and identify efficiencies where possible. Expanding the use of video to contested hearings seemed premature without the outcome of the consultant study. For video hearings, it was agreed that concrete experience with both video visiting and Courtroom 21 would be beneficial in helping all system players better understand the capabilities and potential uses of video technology. In addition, video visiting will bring technology into the jails and Courtroom 21 will install technology infrastructure into courtrooms, both necessary precursors to implementing video hearings on a large scale. Instead of work plans, the evaluation teams developed a list of issues to be resolved for each project to help jumpstart the conversation at a later date.

Throughout the process, work group members agreed that the use of video technology should be considered in the planning for any new County courthouse or major remodel to an existing courthouse. However, the group also recognized that the nature of the population served in the courthouse (e.g. juvenile or adult) and the types of cases considered (e.g. criminal, civil, family law, or juvenile) should be

factored into any consideration of how video technology might be best used in a new or remodeled facility. Technology that might be appropriate in one context may not be appropriate in another.

Two goals from the King County Strategic Plan should guide future use of video technology: Financial Stewardship Objective 1: “Keep the county’s costs of doing business down, including keeping growth in costs below the rate of inflation;” and Justice and Safety Objective 2: “Ensure fair and accessible justice systems.” While the use of technology can often lead to savings and efficiencies, in a complex and interconnected system, such as criminal justice, care must be taken to ensure that savings in one area do not increase costs commensurately or excessively in another area. King County has a high-quality justice system and the use of video may be a means to make it more efficient; however, there can be tradeoffs when operations change and these must be evaluated to determine whether the County is advancing its commitment to fair and accessible justice or moving away from it. As a result, a cost benefit analysis will need to be completed all projects, including video visiting and Courtroom 21 as part of the planning process.

Using video technology in lieu of in person communications can change the nature of the interaction between the judge, attorneys, and defendants. Given the County’s commitment to fair and accessible justice, evaluating the impact of using video on outcomes will be essential. Some research in this area has already been conducted in other jurisdictions and this research should inform King County’s planning. Further, care should be taken that the use of video technology does not magnify the disproportionality already inherent in the criminal justice system.

Overall, to ensure that it achieves the goals of increasing efficiency, reducing costs, and improving service, video technology will need to be deployed thoughtfully and with engagement by all justice system stakeholders.

## **Proviso Text**

The full text of the proviso in Ordinance 17232, Section 20, P1 reads:

*Of this appropriation, \$50,000 shall not be expended or encumbered until the executive transmits a work plan, a report and a motion that acknowledges receipt of the work plan and the report and references the proviso's ordinance, section and number and the motion is adopted by the council.*

*The work plan and report shall describe how the county can increase the use of remote video technology to reduce criminal justice agency costs and improve the provision of services. The office of performance, strategy and budget shall convene a work group of representatives of the superior and district courts, the department of judicial administration, the prosecuting attorney's office, the office of public defense, the department of adult and juvenile detention, jail health services, Harborview Medical Center, the facilities management division and King County information technology regarding the county's current use of remote video technology, including how some county agencies use video technology to serve contract agencies and how the use of this technology can be expanded for court hearings and other uses. The report and work plan should, at a minimum, identify how remote video is currently being used by county law and justice agencies, describe options for the expansion of the use of video for court hearings and other purposes and develop a work plan for the identification, evaluation and implementation of video for use by law and justice agencies.*

*The executive must file the motion, report and work plan required by this proviso by May 17, 2012, in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and to lead staff for the law, justice, health and human services committee and the budget and fiscal management committee or their successors.*



## **Current Uses of Video Technology in the Criminal Justice System**

Currently, video technology is used regularly in two court proceedings: first appearance for District Court contract cities booking into non-King County jails and non-contested hearings for Involuntary Treatment Act (Mental Illness) Court. In both cases, video enables the courts to overcome the logistical problem of conducting brief, largely routine hearings for inmates and patients housed in facilities that are geographically distant from the court.

Video is used by District Court for Probation Initial Screenings and by both courts to allow staff at various locations to meet without having to drive to one location. The courts also engage in the ad hoc use of video technology to meet emergent needs, such as defendants who are too disruptive to be in the courtroom or to create an overflow courtroom when the public will not fit into the assigned courtroom. The Prosecuting Attorney's Office (PAO) has five carts with basic video equipment that it will wheel into Court when needed by a prosecuting attorney, typically in a criminal case.

### **District Court**

District Court contracts with 12 cities<sup>1</sup> to provide municipal court services and operates in six outlying courthouses (Bellevue, Burien, Redmond, Renton, Shoreline, and Vashon), as well as in the King County Courthouse (KCCH) in Seattle and the Maleng Regional Justice Center (MRJC) in Kent. The Court holds first appearance hearings for all defendants charged with felonies and for defendants from unincorporated King County charged with misdemeanors, as well as for misdemeanor defendants from contract cities. In addition, the Court holds first appearance hearings for felony defendants who are booked into the City of Kent and the South County Correctional Entity (SCORE) jails if they are not able to be transported to the MRJC within 24 hours of booking.

Starting in 2011, several District Court contract cities began booking into non-County facilities, particularly the Snohomish County Jail and the South Correction Entity (SCORE) Jail. Because defendants are booked into non-King County jails, they must be transported to a County courthouse for hearings and trials. This transport involves both time and expense. To minimize the impact to its contract cities and to help ensure compliance with state law requiring first appearance hearings within 24 hours of booking, the Court began conducting first appearance hearings by video for defendants booked into non-King County jails. All subsequent hearings and trials are held in person in the courthouses and require the cities to transport defendants to attend court. In the first quarter of 2012, District Court held approximately 2400 video hearings, which constituted just under 20 percent of the total first appearance hearings conducted by the Court.

District Court has installed cameras and software on all of the computers on the judges' benches. Courtrooms are also equipped with an extra computer screen that can be turned to face the courtroom,

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<sup>1</sup> District Court contract cities include: Beaux Arts Village, Bellevue, Burien, Carnation, Covington, Duvall, Kenmore, Redmond, Sammamish, Shoreline, Skykomish and Woodinville.

allowing anyone in the courtroom to see the defendant. The Court has set up its system to be a generic portal. This generic approach means that the jails that participate in video hearings can employ any software and are not required to use a specific system.

The video calendars are coordinated with the jail holding the defendant and occur at set times of the day and week. When the judge is ready to begin the calendar, he or she opens the video connection with the jail and the corrections officers in the jail escort the inmate into the video suite for the hearing. The defense attorney is present at the jail with his or her client. Interpreters are with the defendant and the prosecutor, if there is one, will be in court with the judge. The judge reviews the paperwork associated with the case on the bench, asks questions of the defendant or defense attorney via the video connection, and then issues his or her ruling regarding release or bail. Any paperwork associated with the hearing is transmitted via high-speed fax between the court clerk and the jail corrections officers.

The use of video technology for first appearance has resulted in efficiencies for the Court because the hearings move more quickly and are not delayed if an inmate is not transported to the courthouse in time for the calendar. The system saves the cities the cost of transporting inmates from jails to the courthouse for relatively short and routine hearings. The cities pay for transporting inmates for subsequent hearings and trials.

The initial launch of video technology for District Court required a good deal of testing and working with stakeholders to overcome technical and logistical challenges. Today, however, the system functions smoothly. The only challenge associated with the video hearings is the set time of the calendars, which is necessary to coordinate with the detention facilities and ensure that inmates are escorted to the video suite in a timely fashion. The hard start of the calendar can be problematic because it limits the flexibility of the judge should another calendar run long or another issue arise at the time of the calendar. This challenge is relatively small and the judges and clerks in District Court have embraced video technology and value the efficiency of the system.

In 2012, District Court began using video for Probation Initial Screenings. Similar to first appearance, the interest in using video for Probation Initial Screenings arose because contract cities began booking defendants into non-County jails. By using video, probation officers are able to avoid the travel time to the Snohomish and SCORE facilities. While there are no direct dollar savings to the County, the use of video helps mitigate the impact of operational changes by contract cities and saves the city the cost of transporting its inmates. The savings to the cities is not inconsiderable. For example, the cost to the City of Shoreline for conducting Probation Initial Screenings by video is \$75, whereas transporting the inmate to the Shoreline Courthouse to meet with a probation officer is estimated as costing \$800 and \$900.

### **Involuntary Treatment Act (Mental Illness) Court**

Superior Court operates the Involuntary Treatment Act (ITA) court in the Ninth and Jefferson Building (NJB) at the Harborview Medical Center. In ITA Court, persons with alleged mental illness or alcohol

issues may be civilly committed to hospital or treatment settings, if a Superior Court judicial officer finds that they pose a threat to themselves or others. Persons involuntarily detained are typically housed in one of five Evaluation and Treatment (E&Ts) facilities around the county: Fairfax Hospital in Kirkland, Harborview Medical Center in Seattle, Navos Mental Health Solutions in West Seattle, Northwest Hospital and Medical Center in north Seattle, and Seattle Children's Hospital in Sand Point. When beds are not available at one of the E&Ts at the time someone is detained, he or she will be held in a boarding hospital until a bed opens up at an E&T. As the population in ITA Court has increased in recent years, so too has the demand for E&T beds, resulting in an increasing percentage of respondents being held for a period of time in a boarding hospital until a bed is available at an E&T. For example, in 2011, an average of 17 percent of respondents in ITA Court were boarded in non-E&T facilities. In the first quarter of 2012, 38 percent were boarded. To appear in court for their hearings, respondents, who are often in mentally fragile states, are transported by van or ambulance to the court. Roughly 20 percent of the people transported to ITA Court are restrained on gurneys.

In March 2011, ITA Court began conducting administrative hearings—agreed orders, continuances, trial setting, and other non-substantive matters—via video. Any hearings in which contested matters are addressed are held in person and the respondent is transported to the Court. In the first quarter of 2012, 225 video hearings were held, which constituted almost half of the total hearings conducted in ITA Court.

Six calendars per week are regularly conducted via video, with additional calendars scheduled as needed. The judge sits on the bench to conduct the hearing. The prosecuting attorney is at his or her desk computer, which has a video camera installed. The defense attorney is at the hospital with the respondents. Rather than sending multiple attorneys to the hospital when there are multiple cases on the calendar, the defense firm will send one attorney to handle all of the matters. Individual defense attorneys meet with their clients the day before the hearing to ensure the video hearing runs smoothly.

The ITA courtroom was upgraded to accommodate video hearings. A flat screen monitor was mounted on the wall facing the bench, as was a camera that can capture the entire courtroom. The advent of video hearings required the five participating hospitals to set up dedicated space for video hearings.

Video hearings are an efficiency for the Court in that they minimize the number of times Court is delayed due to problems with transport, such as being caught in traffic. Video hearings reduce the disruption to patient treatment at hospitals and help to maintain their dignity. The avoided transports result in savings for the State and the County, which pay for the ambulances and vans.

In adopting the use of video technology for non-substantive hearings, the judge engaged with all the stakeholders in ITA Court, including the E&Ts, and undertook a series of tests to ensure that all participants were comfortable with the technology when it went live. The rollout of the change was necessarily slow, but now the system functions smoothly. While movement of respondents is minimized with video hearings, they do require defense attorneys to travel to hospitals to conduct the hearings. This creates an inefficiency from the defense perspective.

In addition to video hearings, monitors have been installed at the defense and prosecuting attorneys tables to enable the review of electronic documents. For example, the medical charts for patients in E&T facilities can run hundreds of pages. Rather than printing out multiple copies of each report, they can be viewed electronically in the courtroom. The logistics associated with using the technology have not been entirely resolved and the technology is not in full use in the courtroom.

### **Remote Video Meetings**

Both courts utilize video conferencing to facilitate meetings among staff and judges at various locations. The system consists of a flat screen monitor, microphones, and speaker. The equipment is installed in each of the outlying District Court courthouses, with the exception of Vashon, in multiple rooms in the KCCF, MRJC, and at the Youth Services Center. The system has the ability to display a document to be reviewed and edited simultaneously by attendees at different locations. The quality of the audio and video on both sides is high and the courts utilize the technology on a daily basis.

### **Ad hoc**

On occasion, both District and Superior Court staff will use video technology to meet a critical need. For instance, when a judge determines a defendant is too disruptive to be in the courtroom for his or her hearings or trial, Superior Court will work with DAJD to identify and outfit a room in KCCH where the defendant can watch proceedings via video. This happens roughly once a year. When there are high-profile trials or inquests and the public will not fit into the assigned courtroom, both courts will work to establish overflow areas where people can view proceedings via video. In 2011, for the John T. Williams Inquest, District Court was able to stream proceedings on the internet. While these practices are rare, they are disruptive and time consuming to the staff involved, who must find alternative sites, set up the technology, and monitor the technology during court proceedings. Each instance has been different from the one before, magnifying the impact on staff.

In terms of presenting electronic evidence in the courtroom, the Prosecuting Attorney's Office (PAO) has five carts at KCCH that are wheeled into courtrooms when needed by the prosecuting attorney, primarily on criminal cases. When a cart is in the courtroom, the defense can use the equipment as well. However, because there are only five carts, the carts do not routinely remain in courtrooms throughout an entire trial and the PAO cannot always accommodate a defense attorney if he or she asks to use the cart and it is not available. The cart includes:

- 1) A computer tower,
- 2) A keyboard and mouse,
- 3) A large flat screen monitor,
- 4) Cable to connect the computer to the external monitor or television,
- 5) A power strip,
- 6) An electronic overhead projector,
- 7) An extension cord, and
- 8) small speakers

In civil cases, private attorneys will bring their own equipment and will often have a technical support person present in the courtroom in case the equipment fails to function.

When materials are presented electronically in the courtroom, a paper version or physical evidence is provided to the clerk as the trial exhibit. The actual exhibits are marked and become the official record. In preparation for jury deliberations the clerk makes all admitted exhibits available to the jury for review during the deliberation process.

## **Proviso Process**

In response to Ordinance 17232, Section 20, P1, the Office of Performance, Strategy and Budget (PSB) convened a work group of all Criminal Justice agencies, King County Information Technology (KCIT), Facilities Management Division (FMD), and County Council central staff to prepare a report identifying how remote video is currently being used, as well as options for expanding its use in the Criminal Justice system.<sup>2</sup>

PSB hosted a kickoff meeting for the proviso process in January, at which participants brainstormed ideas for how video technology might be used in the criminal justice system. Items were also added to the list throughout the proviso process. Representatives from all the criminal justice agencies and other stakeholders participated in the kick off and subsequent evaluation teams.

Below is an annotated list of possible uses of video technology in the criminal justice system identified through the proviso process. They are categorized based on whether or not the work group evaluated them as part of the proviso process.

### **Projects Evaluated**

1. Expanded Use of Video at Involuntary Treatment Court: Hearings involving non-substantive matters are currently heard via video at ITA Court. A next step would be to expand the use of video for contested hearings where the respondent agrees to participate in the hearing via video rather than being transported to the Court in the Ninth and Jefferson Building in Seattle.
2. Video Hearings in Mental Health / Veterans Court: Video could be used to replace telephonic testimony by Western State doctors, to facilitate long-distance hearings with patients at Western State, and potentially to hold hearings involving inmates in the King County Corrections Facility who are not sufficiently stable to leave their cells.

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<sup>2</sup> A representative of the Harborview Medical Center (HMC) was contacted regarding participating in the proviso process. Because the Involuntary Treatment Act courtroom at HMC had already been upgraded for video technology and the County, as the leaseholder, is free to operate in the space as it sees fit, it was determined that HCM did not have a direct role in the proviso process.

3. Internet Streaming of Inquests: In high-profile inquests, hundreds of people may decide to attend court hearings, which places a significant strain on the courthouses and courthouse security. By streaming high-profile inquests via the internet, the public would be able to watch the proceedings without having to travel to the courthouse.
4. King County Courtroom 21: Upgrading the technology in the County's courtrooms to use 21<sup>st</sup> century technology, such as flat screen monitors, video conferencing, cameras, and electronic display of evidence, is known as the Courtroom 21 project.
5. Remote Site for Disruptive Defendants: A handful of times a year a defendant is deemed too disruptive to be in the courtroom during his or her hearing or trial and is removed from the Court by the judge. In these instances, Superior Court, the Department of Adult and Juvenile Detention (DAJD), FMD and KCIT work together to identify a space where the defendant can be safely held while he or she watches the court via video link. Finding a permanent site for these defendants to watch proceedings would alleviate the burden of finding ad hoc solutions with each case.
6. Testimony by Western State Doctors: For a limited number of matters where parties are in agreement, doctors at Western State Hospital will testify by the telephone. Using video instead of the telephone would be an improvement over the current system in the context of these agreed hearings.
7. Video Visiting in the Jails: Jails across the county are switching to video visiting as a means to increase access to inmates and to curtail the number of people moving around the facility. In King County, video visiting could facilitate friends and family visiting inmates, which has a positive impact on recidivism, and reduce the demands on correctional technicians during visiting hours.
8. Family Law Hearings in KCCH: Because Family Law hearings are held on the second floor of KCCH where there is a public entrance, transporting inmates to them poses a security concern for DAJD.
9. Dependency Hearings in KCCH: Because Dependency hearings are held on the second floor of KCCH where there is a public entrance, transporting inmates to them poses a security concern for DAJD. Note: Dependency matters were moved back to the Youth Services Center during the time this report was prepared.
10. Video Hearings: Inmates are transported for multiple hearings over the life of their cases. Some of the hearings are largely administrative and may not require the defendants physical presence in court. Video may be a way to alleviate transport requirements for non-substantive administrative hearings.

## Projects Identified in Brainstorming, But Not Evaluated

11. Telemedicine in the Jails: Rather than transporting inmates to outside hospitals for minor consultations, telemedicine would enable Jail Health Services to connect with a hospital for basic evaluations and consultations, saving the cost of guarding and transporting the inmate.
12. Video Deposition for Regular Experts: DOC case managers and Washington State Crime Lab technicians regularly testify in King County courts. Traveling to King County can be burdensome for experts as it will take a full day when travel is included, which leads to delays for the courts while they wait for experts' schedules to allow for their participation in the hearing.
13. Meetings and Trainings for County Staff: The use of video could be expanded to include more agencies and personnel than currently using video conferencing. For agencies with multiple locations, savings in travel time could be achieved.
14. Meetings and Trainings for the Public: Particularly when a large number of the public need to receive the same instructions, such as jury orientation or family law orientation, video could be used to ensure consistency among sites and reduce demands on court staff.
15. Interpretation via Video: Currently, interpreters travel around the county to whatever courtroom needs their services. The use of video could enable interpreters to stay in one location, reduce travel time, and potentially handle more hearings in a day.
16. Online Mitigation Hearings in District Court: People seeking to mitigate a traffic ticket could attend court via a video link. This would facilitate the public's participation in court, reduce demand on facilities, and potentially increase efficiency at the Court. District Court is undertaking the technology conceptual review process to assess the cost and benefit of online mitigation hearings.
17. Video Observation of Inmates: Inmates with behavioral issues, such as suicidal tendencies, receive intensive monitoring while held in the jail. Monitoring often takes the form of corrections officers performing 15 minute checks or in one-on-one guarding. Using video could augment this monitoring. This topic is being explored in a 2012 proviso by DAJD.
18. Post-Resolution Matters: Prisoners held in state prisons are transported to King County for hearings after the resolution of their cases. The transport is highly disruptive for the prisoners and costly for the Department of Corrections (DOC). The prisoner could be out of the DOC prisons for days or weeks for a 20 minute hearing. If the prisoner is receiving medical treatment

or has a prescription, it can also be challenging and costly for Jail Health Services to ensure they receive the appropriate medication.

The work group employed an agreed upon set of criteria to evaluate each of the ten projects included in the proviso process. (See Appendix A for the evaluation criteria template.) The evaluation criteria ensured that each project was evaluated on the same terms and provided structure for the review process. Evaluation teams were formed for each project. (See Appendix D for a list of team participants.) The evaluation criteria included four areas of potential benefit and four areas of potential cost. Cost and benefit criteria were financial, as well as policy and operational in nature:

1. Meets a business need
2. Supports Implementation of the King County Strategic Plan
3. Will result in an overall, on-going operating cost savings
4. Likely to be implemented in one year or less
5. Requires up-front capital (facility/IT) investment
6. Will result in an overall, on-going operating cost
7. Risks or challenges associated with implementation
8. Likelihood of negative Equity and Social Justice impacts

Projects were scored low, medium, high on each criteria. The low, medium, high scores were translated into numeric scores and combined to generate a score for benefit and for cost. (See Appendix B for evaluations of all the projects.) The final scores were then mapped on a 2X2 matrix, which facilitated selecting projects for work plan development. Those projects that scored low benefit were not moved forward to the work plan stage. Only those scored with high benefit and relatively low cost received work plans. (See Appendix C for the final 2X2 matrix showing all eight projects where the work teams reached consensus on scoring.)

Project scoring was based on consensus and when it was not possible to reach consensus, a list of issues to be resolved was developed. The work group anticipates that as the Courtroom 21 and video visiting projects are planned and implemented, decisions will continue to be made based on the agreement of stakeholders. Areas where consensus cannot be reached will have to be resolved through alternative means.

Through the evaluation process, four projects were deemed to not have a sufficient business need or to be redundant to other projects and were not moved forward. Three projects were merged into one given the overlap among them and a work plan was developed for the merged project (Courtroom 21). For two projects, the teams were not able to reach consensus in the evaluation process and instead of a work plan, a list of issues to be resolved was developed (ITA Court and video hearings). One project was evaluated positively and a work plan developed (video visiting). Table 1 provides a summary of the ten projects that were evaluated. Projects with work plans are bolded.



Table 1  
Summary of Video Technology Proviso Projects

|    | Project   | Status  | Notes   |
|----|---|---|---|
| 1  | ITA Court   | List of Issues Developed  | Superior Court has hired a consultant to review ITA court processes and further discussion of expanding the use of video is on hold pending the outcome of the study. The group developed a list of issues that would need to be resolved if the project is picked up again.                  |
| 2  | Video in Mental Health Court/Veterans Court                               | Duplicative of Other Efforts  | All of the uses of video in MHC were addressed in other groups -- testimony by Western State Doctors -- or were handled by the Court currently -- hearings for people to incapacitated to leave their cells are routinely delayed.  |
| 3  | Streaming High-Profile Inquests Via the Internet                          | Insufficient Business Need  | The number of high-profile inquests is small and the Court is able to stream via the internet on an ad hoc basis, as it demonstrated with the John Williams inquest in 2011.  |
| 4  | King County Courtroom 21  | Merged with Remote Site for Disruptive Defendants and Western State Doctor Testimony and selected for work plan | Work Plan includes Courtroom 21, Remote Site for Disruptive Defendants, Western State Doctor Testimony via Video. Permanent Overflow Courtroom was added to the scope.  |
| 5  | Remote Site for Disruptive Defendants                                     | Merged with Courtroom 21 and Western State Doctor Testimony and selected for work plan                          | Work Plan includes Courtroom 21, Remote Site for Disruptive Defendants, Western State Doctor Testimony via Video. Permanent Overflow Courtroom was added to the scope.  |
| 6  | Western State Doctor Testimony via Video                                  | Merged with Courtroom 21 and Remote Site for Disruptive Defendants and selected for work plan                   | Work Plan includes Courtroom 21, Remote Site for Disruptive Defendants, Western State Doctor Testimony via Video. Permanent Overflow Courtroom was added to the scope.  |
| 7  | Video Visiting  | Selected for work plan  | Would facilitate visiting inmates in the County's adult jails.  |
| 8  | Inmate participation in Family Law hearings in the King County Courthouse | Insufficient Business Need  | With roughly 50 transports per year, it was determined that the costs outweighed the benefits for the project.  |
| 9  | Inmate participation in Dependency hearings in the King County Courthouse | Insufficient Business Need  | With roughly 50 transports per year, it was determined that the costs outweighed the benefits for the project.  |
| 10 | Video Hearings  | List of Issues Developed  | The logistical challenges for conducting hearings via video at the two main County courthouses are significant. The topic was tabled pending the implementation of video visiting and Courtroom 21 to allow the County to better understand the costs and benefits of using video technology. |

## **Work Plan for King County Courtroom 21 Pilot**

None of King County's courthouses was built with the use of video technology in mind. Nonetheless, the prevalence of electronic data and media increases each year, as does the need to present evidence or information in the courtroom using electronic devices. Attorneys may want to present their opening or closing arguments using a PowerPoint presentation. Some evidence, such as recordings from police cars or security cameras, exists only in electronic form. And, attorneys may want to present evidence in an electronic format or using an electronic device to magnify for clarity. Building the infrastructure to support the presentation of electronic evidence or video testimony will meet existing needs, but also ensure that the County is best able to benefit from the upgrade to the Prosecuting Attorney's case management system, PROMIS, scheduled for the end of 2013 and the implementation of the Document Exchange program thereafter.

The concept behind Courtroom of the 21<sup>st</sup> Century or Courtroom 21 is to bring King County's courtrooms into the 21<sup>st</sup> century in terms of technology. In the case of King County, this means upgrading existing facilities with computers, video screens, video conferencing, and related equipment and software, as well as including technology considerations when planning new courthouses or undertaking major remodels of existing courthouses. There are multiple ways in which the technology could be used and this project is a pilot to help clarify and evaluate the most beneficial uses of video.

Currently, one courtroom has been upgraded to include the components of Courtroom 21: The ITA courtroom at Harborview Medical Center where monitors are installed on the bench and a camera and monitor are mounted to the wall. Monitors are also mounted on the defense and prosecution tables to facilitate the review of electronic evidence, especially patient medical records, which can be hundreds of pages long. In all other courtrooms in County courthouses, if an attorney wants to present materials electronically in the courtroom, he or she must bring his or her own equipment.

The King County Courtroom 21 project is envisioned as a pilot that can be scaled as funding becomes available. The pilot will include outfitting a single courtroom with modern video technology and expanding upon the current cart system to provide video technology to multiple courtrooms.

The evaluation team scored the project highly because it meets a defined business need and because it can be implemented in one year or less. The project aligns well with King County Strategic Plan (KCSP) Justice and Safety Strategy 2.a. "Eliminate barriers to court access" and Service Excellence Strategy 2.b. "Adopt new technologies and processes that allow county agencies to work more effectively and efficiently." The costs of the project are modest, particularly since it is defined as a pilot. The risks of the project are moderate and related primarily to the age of the KCCH, while the Equity and Social Justice impacts are virtually non-existent.

The evaluation team thought that the project was valuable because it is an essential first step toward assessing the utility of using video technology in the criminal justice system. The work plan developed

includes an evaluation phase that will determine how well the technology functions, as well as begin to determine how the technology might best be used. The consideration of how the technology will be used will involve all criminal justice stakeholders and will include a cost benefit analysis, an assessment of the impact of the technology on the goal of fair and accessible justice, and any potential implications for equity and social justice.

Below is the work plan developed through the proviso process. Superior Court volunteered to sponsor the project, as well as oversee project management. Department of Justice Byrne Justice Assistance Grant funding has been identified for the project. This funding will be come in two increments and the timing of the work plan reflects when the money will be available to spend. If the pilot works well and has a positive evaluation, the County will determine how best to proceed in expanding the use of video technology in its courtrooms. A significant obstacle to expanded use of video technology will be identifying funding. Determining the cost and benefit of the pilot will be helpful to inform funding decisions.

**Project Title**      **Courtroom 21**  
**Short Description**    **Pilot: Integrate technology into courtrooms to allow for the display of electronic evidence and video conferencing**  
**Project Sponsor**      **Superior Court**

| Task   | Description  | Deliverable   | Start     | End        |
|--|--|---|-----------|------------|
| 1 Identify Project Manager                           | The project manager will be responsible for organizing meetings, developing schedules and work plans, coordinating with other County personnel, documenting decisions, preparing written materials, and ensuring the project meets its defined scope, schedule, and budget.  | Project Manager assigned  | 4/5/2012  | 5/1/2012   |
| 2 Form Project Team                                  | To include representatives from entities involved in court operations, including Superior Court, District Court, PAO, OPD, DJA, FMD, KCIT and defense agencies. Members of the project team will consult with their leadership as needed.  | Working Committee member list   | 4/5/2012  | 5/1/2012   |
| 3 Set Schedule for Team Meetings                     | Schedule should go through 2012  | Meeting schedule  | 5/1/2012  | 5/4/2012   |
| 4 Develop Project Scope                              | The basic scope of the project is to install video and related technology equipment in one courtroom KCCH and expand and upgrade the existing PAO cart system to allow for the display of electronic evidence and video conferencing as a pilot. There are several outstanding issues to be resolved as part of defining the scope: Which courtroom to outfit? What specific technology to use? How to include the sub-projects, such as a remote site for disruptive defendants, a standard overflow courtroom, and video testimony by Western State doctors, and how will they be coordinated? | Written statement of scope agreed upon by Project Team members  | 5/1/2012  | 6/1/2012   |
| 5 Contact Project Review Board                       | Determine how the project can be integrated into the PRB process given the short timeline.   | Agreement from PRB on project   | 5/15/2012 | 6/15/2012  |
| 6 Develop Implementation Plan and Schedule           | The plan and schedule should be coordinated with KCIT and FMD for installation   | Written Implementation Plan and Schedule  | 6/1/2012  | 7/1/2012   |
| 7 Develop Evaluation or Testing Plan                 | Develop criteria by which the pilot will be tested or evaluated to help determine how the County should move forward in terms of using video technology in the courtroom.  | Written testing/evaluation plan   | 7/1/2012  | 8/1/2012   |
| 8 Communications Plan                                | Develop a written outreach and communication plan that details how, when, and about what project information will be shared with stakeholders. Stakeholders include KC Council, attorneys and court staff, and others with interest in the project.  | Written Communications Plan   | 7/1/2012  | 8/1/2012   |
| 9 Purchase Equipment                                 | Timing of purchase dependant on funding release  |   |           |            |
| 10 Consider need to Participate in Conceptual Review | Evaluate whether the project has sufficient clarity to begin the process of making a budget request for 2014.  | Decision on whether or not to begin preparing 2014 budget request   | 2/7/2013  | 2/15/2013  |
| 11 Implementation                                    | Install the equipment and develop protocols and policies related to its use. Lag between purchase and installation due to restrictions on funding and when it can be spent.  | Courtrooms or carts ready for use   | 4/1/2012  | 6/1/2013   |
| 12 Testing/Evaluation                                | Test and evaluate how the equipment is working and whether or not it meets the needs of the court and court participants. Identify any improvements for the next phase.  | Written documentation of how well the pilot is meeting the goal of the project and the needs of court participants. | 6/1/2013  | 12/31/2013 |
| 13 Develop Maintenance Plan                          | Identify a cycle of equipment maintenance and replacement.   | Written maintenance plan  | 10/1/2013 | 12/31/2013 |

## Work Plan for Video Visiting

Each year, thousands of people enter the King County Corrections Facility (KCCF) in Seattle and the MRJC detention facility in Kent to visit inmates. These include family members and friends of inmates, as well as professionals such as social workers, chaplains, probation officers, and defense attorneys. Currently, at KCCF, members of the public meet with inmates in one of seven visiting booths that are located on each housing floor. Inmates are escorted by corrections officers to the visiting booths. At the MRJC, members of the public are escorted into the facility to visiting booths that inmates access directly from the housing unit. At Juvenile Detention, families are processed through the main entrance to the Youth Services Center by the Sheriff's Office Courthouse Protection Unit. Once they are in the detention lobby they are screened by DAJD staff, and then allow to visit in the visiting room. Youth are escorted from their units, and brought to the visiting room. On occasion, corrections officers will have to intercede in a visit if it runs long or otherwise needs to be ended. Defense attorneys and other professional staff can visit inmates at any time of day, but members of the public are restricted to specified visiting hours.

With video visiting, people who want to visit with inmates will do so using a video connection, which can be accessed by coming to the facility, but not entering the secure perimeter, or, potentially, over the internet. Video visiting is becoming increasingly common in detention facilities because it eases the impact on staff of managing people for face-to-face visits; it enables families and children to visit without going into the holding areas of the jail; and it allows for safer, more efficient monitoring of visits because they can be terminated without having to confront the inmate or the visitor. In developing a video visiting system, the County will consider whether to enable visiting to take place over the internet, rather than requiring people to go to one of the jails to access the equipment. It may also be possible to partner with community organizations to establish places where people who do not have internet access could visit without leaving their neighborhoods. The end result could be easier and potentially more frequent visits from friends and families, which would have a positive impact on recidivism.

The evaluation team scored video visiting high because it would impact thousands of people and it would alleviate pressure on the facility related to managing the concentrated influx of visitors. It aligns strongly with the Service Excellence Objective 1 "Improve our customers' satisfaction with King County," if jail visitors are considered customers, and Justice and Safety Strategy 3.b. "Operate secure and humane detention facilities that comply with legal and regulatory requirement." The risks of implementation are low as the technology has been implemented elsewhere and there appears to be broad support for the concept throughout the criminal justice system. The financial cost of the project is likely to be high, but there should be sufficient funds in the Inmate Welfare Fund to support the project. The project has the potential to have a positive Equity and Social Justice impact if internet access issues are addressed up front.

Below is the work plan developed through the proviso process. The work plan calls for the creation of a steering committee to guide the project and a working committee of operational staff to work through the details of the project, including determining where to locate visiting units in the facility and developing protocols. The work plan does not include a clear end date as the length of implementation will be determined by the nature of the solution selected and the procurement process that results. The

project will be funded out of the Inmate Welfare Fund.

**Project Title** Video Visiting  
**Short Description** Build the infrastructure needed to implement video visiting at the two adult jail facilities.  
**Project Sponsor** Claudia Balducci, DAJD Director

|  | Task   | Description   | Deliverable  | Start      | End        |
|--|--|---|--|------------|------------|
| 1  | Identify Project Manager   | The project manager will be responsible for organizing meetings, developing schedules and work plans, staffing the steering committee, coordinating with other County personnel, documenting decisions, preparing written materials, and ensuring the project is completed within scope, schedule, and budget.  |  | 3/27/2012  | 5/15/2012  |
| 2  | Form Steering Committee  | To include DAJD, FMD, KCIT and PSB Directors or Designees   | Steering Committee List  | 3/27/2012  | 5/1/2012   |
| 3  | Form Working Committee   | To include representatives from: DAJD, FMD, KCIT, District Court, OPD and other stakeholders, such as defender agencies. The members of the working committee will have on the ground operational experience needed to guide the project.   | Working Committee member list  | 3/27/2012  | 5/1/2012   |
| 4  | Set Schedule for Working Committee and Steering Committee Meetings | Layout and schedule meetings for both groups through the end of 2012.   | Meeting schedule   | 5/15/2012  | 5/18/2012  |
| 5  | Develop project scope options                                      | The basic scope of the project is to build the infrastructure to support video visitation at both adult facilities. However, there are multiple key decision that need to be made to clarify the scope: include professional visiting? Set up a system where the public has to come to the facility to use video visiting, set up specific satellite site for visiting, or allow visiting over the internet? Do the project in phases starting with one or the other facility? Find space in the facilities or lease space near by? | Written document outlining scope options with a recommended path forward.  | 5/21/2012  | 6/21/2012  |
| 6  | Steering Committee approves scope                                  | The Steering Committee will meet to decide on the final scope and resolve issues identified by the Working Committee.   | Final scope decision in written form   | 5/17/2012  | 5/24/2012  |
| 7  | Develop project charter  | To include project description, roles and responsibilities, decision making process, and high-level timeline. Drafted by project manager and Working Committee. Approved by Steering Committee.   | Project charter document   | 6/11/2012  | 7/9/2012   |
| 8  | Steering Committee approves charter                                | Steering Committee will approve charter, acknowledging project scope and schedule and agency roles and responsibilities.  | Approved project charter   | 7/9/2012   | 7/13/2012  |
| 9  | Communications Plan  | Develop a written outreach and communication plan that details how, when, and what project information will be shared with stakeholders. Stakeholders are County Council, DAJD staff, community groups, case managers, defense attorneys (contract firms and assigned counsel), and other individuals who have a vested interest in this work.  | Communication Plan   | 6/11/2012  | 7/9/2012   |
| 10   | Request for Information  | The project manager and Working Committee will develop an RFI to solicit a consultant who will identify the various technology options and provide examples from other jurisdictions. Information gathered in this process will inform implementation planning.   | RFI  | 5/24/2012  | 9/7/2012   |
| 11   | Define Video Visiting policies                                     | Policies governing video visiting will need to be developed. Policies will address topics such as hours of visiting, number of hours per week per inmate, how face-to-face visits will be allocated and managed, and others.  | Written video visiting policies  | 5/27/2012  | 7/30/2012  |
| 12   | Implementation Plan  | Based on information learned through the RFI and analysis of work flows, available space, and policy considerations, the PM, in conjunction with the Working Group, will develop an implementation plan.  | A written implementation plan that clearly articulates key milestones, scope, schedule and budget for the project. | 8/2/2012   | 9/7/2012   |
| 13   | Conceptual cost estimate   | Working with FMD and KCIT, the PM will develop a conceptual cost estimate.  | Conceptual cost estimate   | 9/7/2012   | 9/17/2012  |
| 14   | Preparing Funding Request  | Prepare transmittal package: transmittal letter, ordinance, fiscal note, legislation tracking form for DAJD Director approval.  | Transmittal package  | 9/17/2012  | 9/24/2012  |
| 15   | Funding request to EO  | Project prepares funding request based on cost estimate for standalone supplemental.  | Supplemental request to Executive's Office   | 9/24/2012  | 10/11/2012 |
| 16   | Funding request to Council   | PSB and Executive's Office review supplemental request and send to Council. The funding request may be for planning appropriation only, depending on the approach and vendor identified PM and Working Committee.   | Supplemental request transmitted to Council  | 9/4/2012   | 10/11/2012 |
| 17   | Council approval of funding  | Council review and approval of funding request  | Funding approval   | 10/11/2012 | 12/15/2012 |
| *****  |  |   |  |            |            |
| The timing of implementing the project depends on the solution and the cost of the consultant for the work. If less than \$100,000, the consultant can be chosen from an existing list. If more than \$100,000, a competitive RFP process will be needed. It is anticipated that project management will shift from DAJD to KCIT or FMD at this point. DAJD will continue to be the sponsor of the project and heavily involved, but day-to-day management of the project and vendors will reside with KCIT or FMD. The Steering Committee will determine the appropriate project manager for the second phase of the project. |  |   |  |            |            |
| 19   | Preliminary Design   |   | RFP and consultant scope of work   |            |            |
| 20   | Final Design   |   | Consultant final report  |            |            |
| 21   | Funding request for full project                                   |   | Funding Request  |            |            |
| 22   | Substantial Completion   |   | Operational system   |            |            |

## Issues to be Resolved for ITA Court

ITA Court uses video to conduct administrative hearings—agreed orders, continuances, trial setting, and other non-substantive matters—for respondents housed at Fairfax Hospital, Harborview Medical Center, Northwest Hospital and Medical Center, Navos Mental Health Solutions, and Seattle Children’s Hospital. Any hearings with contested matters are held in person and the respondent is transported to the Court in an ambulance or transport van.

Six calendars per week are scheduled to be conducted via video with additional ad hoc calendars as needed. The judge sits on the bench to conduct the hearing. The prosecuting attorney is at his or her desk computer, which has a video camera installed. The defense attorney is at the hospital with the respondent. Rather than sending multiple attorneys to the hospital when there are multiple cases on the calendar, the defense firms will send one attorney to handle all administrative matters. Individual attorneys are able to meet with their clients the day before the hearing to ensure the video administrative matters runs smoothly. When respondents sign presence waivers, defense attorneys will return them to the court when they are able.

In addition to video hearings, monitors have been installed at the defense and prosecuting attorneys tables to enable viewing of electronic documents.

Given that the technology on both ends is in place, one next step would be to expand the use of video technology to more hearings, specifically contested hearings where the respondent agreed to participate via video rather than be transported to the Ninth and Jefferson Building (NJB) where the court is housed. The evaluation team, however, was not able to reach consensus on the costs and benefits of expanding the use of video this way. In addition, Superior Court has engaged the National Center for State Courts (NCSC) to review the entire ITA Court process. The evaluation team agreed that it was reasonable to wait for the outcome of the NCSC study before moving forward on the use of video. In the meantime, it was beneficial to develop a list of issues to be resolved. This list is meant to be a starting point should the conversation be picked up after the NCSC study:

1. What affect would expanding video hearings at ITA Court have on the justice system’s ability to meet and advance the KCSP Justice and Safety Objective 2: “Ensure fair and accessible justice systems”?
2. Based on research of available literature, does the use of video in mental illness hearings affect the outcome of hearings?
3. Currently, many matters are resolved when defense, prosecution, witnesses and respondents come together at NJB while awaiting the court hearing. The project assumes the defense, witnesses and respondents will be at the evaluation and treatment (E&T) facilities. Will the prosecutor be at his or her desk at NJB or at the E&Ts?
  - a. If the prosecutor is at his or her desk at NBJ, how will the ability to negotiate and resolve issues outside the court be maintained if all the parties are not together physically?



- b. How will the prosecutors staff hearings if they have to travel to the E&Ts? Prosecutors are not assigned to cases based on geography. Factors impeding geographic assignment include:
      - i. If a respondent is in a boarding hospital at the inception of the case, the final E&T location is not known at the time of assignment.
      - ii. Sometimes clients will switch hospitals through the life of the case if they move between in-patient and out-patient commitment.
4. Once assigned, defense attorneys represent the client through the resolution of the case, unless there are outside factors, such as an attorney being transferred to a new case area. Defense attorneys are not assigned only based on geography. Factors impeding geographic assignment include:
  - a. If a client is in a boarding hospital at the inception of the case, the final E&T location is not known at the time of assignment.
  - b. Sometimes clients will switch hospitals through the life of the case if they move between in-patient and out-patient commitment.
  - c. The number of cases at a given hospital does not usually equal a full caseload for an attorney, requiring that he or she have cases at multiple locations.
5. In May 2011, Superior Court adopted a policy that states that “all non-substantive hearings shall be conducted via electronic videoconferencing, as will contested hearings where the patient agrees to his/her hearing being heard in this manner.” As a result of this policy, even if a defense attorney had cases at only one hospital, some clients could opt for video conferencing and stay in the hospital, while others could opt to appear in court in person and be transported to NJB, requiring the attorney to be in two places for one calendar. If it is decided prosecutors should travel to the E&Ts, they will face the same challenge.
6. The logistics of staffing court at multiple sites may result in the need for more attorneys, both defense and prosecution. What, if any, is the increased attorney need and cost?
7. If a client is boarding when first detained and the final E&T is unknown, how will witnesses know where to go when subpoenaed? Will the hearing be at an E&T or NJB? If at an E&T, which one?
8. Will the video courtrooms at the E&Ts have sufficient space if the number of people involved in the hearing increase with the addition of witnesses and families?
9. Defense attorneys will need dedicated, private space to meet with their clients, as well as access to computers, printers and fax machines at E&Ts.

10. What is the impact of video proceedings on mentally ill people's perception of the judicial process? Does having the judge speak to them via the television rather than in person affect how respondents understand the hearing and its outcome?
11. Court proceedings require sharing evidence, as well as official paperwork, among participants. How will evidence be shared and paperwork managed if the judge, the prosecution, the defense, and the respondent are in different places?
  - a. Will E-Orders work for all ITA court documents?
  - b. If all court paperwork and evidence is handled electronically, the appropriate equipment will be needed at the hospitals.
  - c. How will paper records, such as medical charts, that are used in hearings or for negotiations be managed when the attorneys are not in the same location?
  - d. Exhibits are rare in ITA Court, but when they occur how will they be handled, assuming that other court documents are handled via E-Orders?
12. What is the financial impact of the project should the issues have been resolved?
13. The work group envisioned any expanded use of video would be piloted at one E&T to evaluate its utility and work out logistical issues on a manageable scale. Hospital pilot selection criteria, (assuming issues identified above are resolved):
  - Readiness to manage paperwork (evidence, court forms) electronically.
  - Willingness of the hospital.
  - Characteristics of the clients in each E&T.
  - Test the core challenges of the project for proof of concept.
  - Implementation cost.
  - Fallback strategy if the technology fails.

## **Issues to be Resolved for Video Hearings**

Over the years, there have been repeated rounds of discussion about the value of holding hearings by video. If video could be used as a means to reduce the time, expense, and safety risks associated with moving inmates from their housing units to the courts for relatively brief hearings, it could be beneficial. However, in King County, unlike many other jurisdictions that utilize video hearings, there is a secure and dedicated walkway between the courts and the jails, which minimizes the costs and risks associated with transporting inmates. The MRJC, in particular, was designed to facilitate the efficient and secure transport of inmates to court.

As with ITA Court, the evaluation team was not able to reach consensus on how to score video hearings; however, participants kept an open mind and acknowledged that the topic deserved further exploration. Given King County's lack of experience with video technology, the evaluation team decided it made sense to wait for the implementation of the Courtroom 21 and video visiting projects before engaging in an all out effort. These projects will give criminal justice system members the opportunity

to become familiar and comfortable with the use of video technology and perhaps indicate ways the video hearings could be beneficial.

In the meantime, the evaluation team identified issues to be resolved if the idea of video hearings is taken up again in the future. The group excluded trials from its discussion and focused on the case setting calendar because it often has non-substantive matters. Other calendars routinely handle more substantive matters that require the defendant to be in court. The underlying assumption was that the use of video hearings would rely on agreement of all court participants: judges, attorneys, defendants, and clerks. The following issues were identified that would need to be resolved before video hearings could be implemented:

1. What affect would video hearings have on the criminal justice system's ability to meet and advance the KCSP Justice and Safety Objective 2: "Ensure fair and accessible justice systems"?
2. Based on research of available literature, does the use of video impact the outcome of hearings?<sup>3</sup>
3. Defendants often need to sign or receive court forms during hearings, most often the notice of his or her next hearing date. Depending on the hearing and the matters discussed, the Judge and attorneys may also need to sign forms. How will paperwork be handled if everyone is not in the same room?
4. On-the-ground negotiations often take place once the defendant, the defense attorney and the prosecuting attorney are all together in the same space. These are matters that involve the defendants and cannot be concluded without his or her input. As a result of these negotiations, attorneys often bring motions upon which they already agree to the judge, which smooth the court process while the judge makes his or her determination. What will be the substitute for on-the-ground negotiations if the defendant, defense attorney and prosecuting attorney are not all in the same place?
5. While defense attorneys do their best to visit with their clients in advance of hearings, it is not always be possible. In these instances, transporting an inmate for a hearing is an opportunity for a defense attorney to meet with his or her client. If the defense attorney is not able to meet with his or her client before the hearings, will court proceedings be slowed?
6. How will defense attorneys have private conversations during the hearing with their clients?
7. Where will defense attorneys be? Choosing between being with a client or in the court with the judge is problematic:

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<sup>3</sup> See for example, [http://www.law.northwestern.edu/jclc/backissues/v100/n3/1003\\_869.Diamond.pdf](http://www.law.northwestern.edu/jclc/backissues/v100/n3/1003_869.Diamond.pdf)

- a. If the defense attorney is with his or her client in jail, then it impedes his or her ability to present the case before the judge.
  - b. If the defense attorney is in the courtroom, it undermines his or her relationship with the defendant and may result in the defendant feeling as if he or she is not being represented adequately.
  - c. If the defense attorney is with the defendant and part of a calendar is conducted via video for non-contested matters, how will an attorney travel between being in the jail with one client in a video hearing to the courthouse with another client in the courtroom?
8. The working premise for video hearings is that they will be most useful for non-contested matters. However, it is not always known whether a particular case will be contested or not until after the defendant, his or her attorney and the prosecution have engaged in on-the-ground negotiations.
9. Calendars run most efficiently when defendants can be accessed by the court quickly. Currently, this is achieved by moving defendants out of their living units and gathering them in holding areas where they can be moved to court when the judge is ready. The volume of King County calendars will make it challenging to stage defendants efficiently. How will defendants be staged with video hearings given that there are 30 to 50 cases on a given case setting calendar?
10. Are there enough hearings suitable for video to justify the investment?
11. What potential facility or technology upgrades would be needed in the jails for video hearings and what are their estimated costs?
12. What potential facility or technology upgrades would be needed in the courthouses for video hearings and what are their estimated costs?
13. What are the potential ongoing operating costs associated with video hearing throughout the criminal justice system?
14. What is the potential financial benefit for video hearings and does it outweigh any up-front capital costs?
15. Hearings are often an opportunity for family and friends to see inmates and know that they are alright. How will the public respond when they are only able to see the defendant on video, rather than in person in the courtroom?

## Conclusion

The participants in the video technology proviso process were curious about video technology and interested in working through the details for how it might lead to savings and system efficiencies. They brought a great deal of real-world experience and a diverse set of perspectives to the table. There was agreement that finding ways to use video technology to improve current practices would be beneficial and should be explored. The two projects with work plans will enable the County to gain greater experience with the capabilities of current video technology and better understand how it can be used. As such, they lay the groundwork for future exploration of how video might be employed in the criminal justice system. For these reasons, there was general enthusiasm for video visiting and the King County Courtroom 21 pilot.

The process of evaluating projects and working through the business needs and risks and challenges for the ten projects considered in proviso response day lighted the complexity of the issues surrounding the use of technology. Video technology is powerful, flexible, and can be put to multiple uses. However, determining the best uses of technology will entail more involved analysis. Each agency involved in the proviso raised substantive issues and concerns that would need to be resolved if the County decides to expand the use of video technology beyond video visiting and the Courtroom 21 pilot. Further the issues varied depending on the type of litigants involved and the types of cases being discussed. There is no one-size-fits-all approach to how the County might use video technology.

Two goals from the King County Strategic Plan should guide future work on video technology: Financial Stewardship Objective 1: "Keep the county's costs of doing business down, including keeping growth in costs below the rate of inflation;" and Justice and Safety Objective 2: "Ensure fair and accessible justice systems." While the use of technology can often lead to savings and efficiencies, in a complex and interconnected system, such as criminal justice, care must be taken to ensure that savings in one area do not increase costs commensurately or excessively in another area. King County has a high-quality justice system and the use of video may be a means to make it more efficient; however, there can be tradeoffs when operations change and these must be evaluated to determine whether the County is advancing its commitment to fair and accessible justice or moving away from it. Overall, to ensure that it achieves the goals of increasing efficiency, reducing costs, and improving service, video technology will need to be deployed thoughtfully and with engagement by all justice system stakeholders.

## **APPENDIX A: Evaluation Criteria Template**

## Video Technology Project Evaluation Criteria

Project Name

### Brief Description of the Project

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|   |   |   |
|---|---|---|
| L | M | H |
|---|---|---|

**1. Meets a business need**

Benefit

|  |  |  |
|--|--|--|
|  |  |  |
|--|--|--|

*Define the business need and describe how the technology project would meet it. Identify whose need is being met – County agency, public... Score the project based on the significance of the business need and the extent to which the project would meet the described need – solve a problem entirely, mitigate a problem...*

**2. Supports implementation of the King County Strategic Plan**

Benefit

|  |  |  |
|--|--|--|
|  |  |  |
|--|--|--|

*Identify what strategy, if any, the project supports. Score the project based on how significantly the project advances the identified strategy.*

**3. Will result in an overall, on-going operating cost savings**

Benefit

|  |  |  |
|--|--|--|
|  |  |  |
|--|--|--|

Estimated Savings Range:

*Explain why the project would result in ongoing savings, the nature of the savings (salaries vs supplies) and provide an estimated range of the savings. L = <\$20k, M = <\$100k, H = >\$100k*

**4. Likely to be implemented in one year or less**

Benefit

|  |  |  |
|--|--|--|
|  |  |  |
|--|--|--|

*Explain why the project could or could not be implemented in one year or less. Grade based on the likelihood of implementation in one year or less. H = high likelihood...*

**5. Requires up-front capital (facility/IT) investment**

Cost

|  |  |  |
|--|--|--|
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Estimated Cost Range:

Identify any software, equipment, or facility upgrade that would be needed and provide a cost estimate. If the project can be implemented with technology and/or facilities the County owns identify each. Score based on one-time costs to start project.

L = <\$50k, M = <\$200k, H = >\$200k

**6. Will result in an overall, on-going operating cost**

Cost 

|  |  |  |
|--|--|--|
|  |  |  |
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Estimated Cost Range:

Explain why the project would result in ongoing costs, the nature of the costs (salaries vs supplies) and provide an estimated range of the costs. L = <\$20k, M = <\$100k, H = >\$100k

**7. Risks or challenges associated with implementation**

Cost 

|  |  |  |
|--|--|--|
|  |  |  |
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Describe any challenges or risks that could slow or prevent the project from succeeding. If possible, identify ways that the challenges or risks could be overcome. Score based on how likely the risk or challenge is to occur and slow or stop the project.

**8. Likelihood of negative Equity and Social Justice impacts**

Cost 

|  |  |  |
|--|--|--|
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What is the probability that the project could have negative ESJ impacts? For instance, would the project only or primarily benefit people who already have a disproportionate advantage in terms of access to the justice system? Or, would it exclude disadvantaged populations? If the impacts could be mitigated, please describe. H = high likelihood of negative impacts, M= medium likelihood of negative impacts or impacts could be mitigated, L = low or no likelihood of negative impacts or potential for positive impacts.



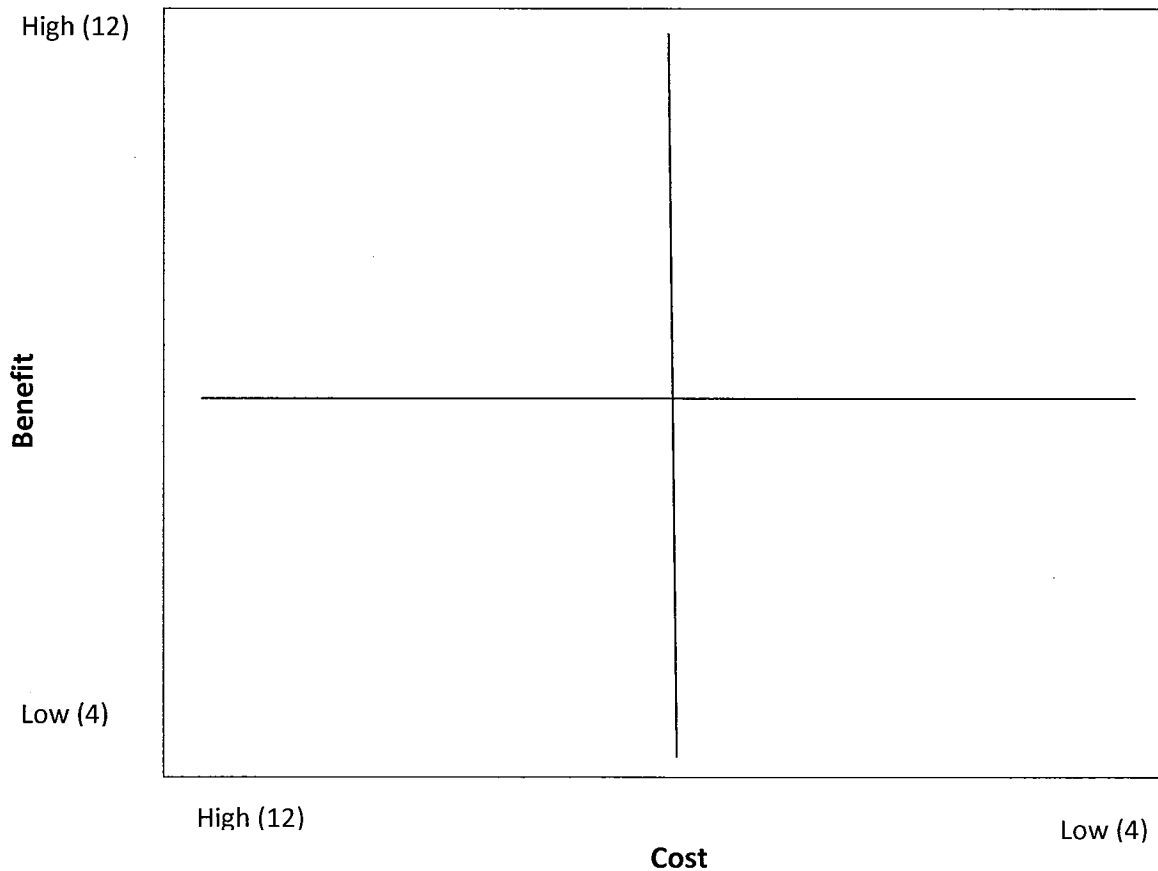
To fill out the 2X2 matrix, score each of the numbered items above as follows:

L = 1 point

M = 2 points

H = 3 points

Total the points for the cost and benefit items separately and map the intersection of the two scores on the matrix.



## **APPENDIX B: Project Evaluations**

## ITA Court Expansion of the Use of Video

March 5, 2012

**Evaluation Participants:** Krista Camenzind (PSB), Mike De Felice (TDA), Erin Ehlert (PAO), Lea Ennis (Superior Court), Leesa Manion (PAO), Floris Mikkelsen (TDA), Barb Miner (DJA), Anne Mizuta (PAO), Linda Ridge (Superior Court), Palmer Robinson (Superior Court), Julie Spector (Superior Court), Jo Ellen Watson (MHCADS)

### **Brief Description of the Project**

#### Current:

ITA Court uses video to conduct administrative hearings—agreed orders, continuances, trial setting, and other non-substantive matters—for respondents housed at Fairfax Hospital, Harborview Medical Center, Northwest Hospital and Medical Center, Navos Mental Health Solutions, and Seattle Children’s Hospital. Any hearings with contested matters are held in person and the respondent is transported to the Court in an ambulance or transport van.

Ten calendars per week are scheduled to be conducted via video and each hospital is scheduled to participate in two of the calendars. The calendars are flexible based upon need. The judge sits on the bench to conduct the hearing. The prosecuting attorney is at his or her desk computer, which has a video camera installed. The defense attorney is at the hospital with the respondent. Rather than sending multiple attorneys to the hospital when there are multiple cases on the calendar, the defense firms will send one attorney to handle all administrative matters. Individual attorneys are able to meet with their clients the day before the hearing to ensure the video administrative matters runs smoothly. When respondents sign presence waivers, defense attorneys will return them to the court when they are able.

In addition to video hearings, monitors have been installed at the defense and prosecuting attorneys tables to enable viewing of electronic documents.

#### Scope:

The project would expand the use of video to contested hearings, when the respondent agrees to the use of video. The first step would be a pilot with Harborview and ultimately include five Evaluation and Treatment (E&T) hospitals with video connections. Respondents, witnesses, and defense attorneys would be at the hospitals. The judge would be on the bench and the prosecutor at his or her desk for the hearings.

|   |   |   |
|---|---|---|
| L | M | H |
|---|---|---|

**1. Meets a business need**

Benefit

|  |  |  |
|--|--|--|
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|--|--|--|

An average of 110 respondents were transported by American Medical Response (AMR) in ambulances every month in 2011. These numbers include the five E&T Centers and boarding hospitals, but do not include respondents transported by Harborview in wheelchairs or by Navos and Fairfax in vans. In 2011, an average of 17 percent of all AMR transports came from boarding hospitals. In January 2012, 30 percent came from boarding hospitals; in February, 50 percent came from boarding hospitals. See Table 1 for details.

When respondents are transported to the courts, their treatment modality is interrupted. The trip can take hours, depending on the starting point and the traffic. The respondents who are strapped to gurneys, and likely find the transport process most disruptive, are typically the most medically compromised and vulnerable respondents. The transportation process undermines the dignity of the respondents.

Delays in transport cause inefficiencies in Court operations and may cause some overtime costs for DJA clerks and Sheriff's Office Marshals and security screeners. There are also costs associated with the ambulance and attendants, which are borne by the State and Crisis and Commitment Services.

There are safety issues when a respondent is transferred from the gurney used by the ambulance to the gurney used in the Court.

The space at Harborview Hall for the Court is not sufficient on many days given the caseload of the Court, particularly when the second courtroom is operating. Witnesses and family members are crowded into the waiting area and may not have a place to sit. Decentralizing the hearings would mean the witnesses go to the hospitals rather than the Court, which would alleviate pressure on the facility. Parking at the hospitals is often more abundant than at Harborview. Whereas witnesses and family members have to pay to park in and around Harborview, parking is often free at the hospitals.

The five E&Ts have invested in the video technology and are interested in expanding its use. Major boarding facilities such as Overlake and Swedish hospitals, have expressed interest in installing and using video technology with the Court.

AMR transports respondents to the court and is reimbursed by the state. However, the state reimbursement rates are well below the actual costs of transport to AMR. There is the possibility that AMR could choose to stop providing service to the Court.

**Table 1<sup>1</sup>**

| <b>2011</b>                  |                            |                       |                                 |                                  |  |                                 |                          |
|------------------------------|----------------------------|-----------------------|---------------------------------|----------------------------------|--|---------------------------------|--------------------------|
|                              | # on Calendar <sup>2</sup> | # Trials <sup>3</sup> | # Video Conference <sup>4</sup> | # on Gurney via AMR <sup>5</sup> | # via vans, <i>estimate</i> <sup>6</sup> | Total Transport <i>estimate</i> | % Boarding via ambulance |
| January                      | 760                        | 53                    | 14                              | 92                               | 368                                      | 460                             | 22%                      |
| February                     | 753                        | 55                    | 15                              | 82                               | 328                                      | 410                             | 15%                      |
| March                        | 960                        | 59                    | 11                              | 113                              | 452                                      | 565                             | 14%                      |
| April                        | 807                        | 59                    | 26                              | 123                              | 492                                      | 615                             | 10%                      |
| May                          | 858                        | 51                    | 13                              | 104                              | 416                                      | 520                             | 8%                       |
| June                         | 945                        | 70                    | 13                              | 108                              | 432                                      | 540                             | 16%                      |
| July                         | 778                        | 42                    | 20                              | 93                               | 372                                      | 465                             | 16%                      |
| August                       | 960                        | 57                    | 85                              | 95                               | 380                                      | 475                             | 15%                      |
| September                    | 919                        | 74                    | 56                              | 119                              | 476                                      | 595                             | 18%                      |
| October                      | 818                        | 67                    | 68                              | 88                               | 352                                      | 440                             | 19%                      |
| November                     | 805                        | 72                    | 68                              | 108                              | 432                                      | 540                             | N/A                      |
| December                     | 801                        | 64                    | 61                              | 98                               | 392                                      | 490                             | N/A                      |
| Annual Total                 | 10164                      | 776                   | 466                             | 1325                             | 5301                                     | 6626                            |                          |
| Daily Average                | 40.5                       | 2.9                   | 1.8                             | 4.9                              | 21.1                                     | 26.4                            |                          |
| Monthly Average              | 847                        | 65                    | 39                              | 110                              | 442                                      | 552                             | 15%                      |
| <b>2012</b>                  |                            |                       |                                 |                                  |  |                                 |                          |
| January                      | 864                        | 75                    | 67                              | 95                               | 380                                      | 475                             | 30%                      |
| February                     | 840                        | 74                    | 72                              | 88                               | 352                                      | 440                             | 50%                      |
| Daily Average                | 44.8                       | 3.9                   | 3.7                             | 4.8                              | 19.3                                     | 24.1                            |                          |
| Monthly Average <sup>5</sup> | 852                        | 74                    | 70                              | 92                               | 366                                      | 458                             | 40%                      |

1. Data tracked by PAO paralegal in ITA Court.
2. Cases on the calendar include trial sets, continuances, agreed orders, dismissals, matters involving guardian ad litem, as well as trials.
3. This column includes only adjudication and is, therefore, a subset of the number of cases on the calendar.
4. Video conferencing was not fully implemented until August of 2011. The daily average number of video conferences for the last five months of 2011 was 3.2, a similar rate to the first two months of 2012.
5. The decline in the monthly average AMR transports may be due to the increased use of video and to changes in practice by the hospitals, namely increased use of vans over ambulances.
6. Data on the number of respondents transported via van are not available. Court staff estimate that the number coming via vans is four times the number transported via ambulance. The values in the column are generated by multiplying the number of respondents transported by ambulance by four.

**2. Supports implementation of the King County Strategic Plan** Benefit

If the hospitals and witnesses are considered to be customers, then the project supports Service Excellence Objective 1 "Improve our customers' satisfaction with King County."

If the transport process is considered a barrier, then the project supports Justice and Safety Strategy 2.a. "Eliminate barriers to court access."

**3. Will result in an overall, on-going operating cost savings** Benefit

CCS has an annual budget of \$170,000 for transport to and having attendants at ITA Court. The hourly rate is \$95. It is unclear, at this time, what the impact of video hearings would have on these costs. For the period January through September, the State paid \$45,745 for transport to ITA Court.

Still need to determine clerk and security overtime and what percentage is associated with delays due to transport.

Will need to **net** out increases to defense costs.

The hospitals could experience either savings or efficiencies from not transporting as many patients.

**4. Likely to be implemented in one year or less** Benefit

There are no technology issues associated with the pilot project. Paper work issues could likely be resolved with the implementation of E-Orders in one year. Legal and logistical issues may take more than a year to resolve.

**5. Requires up-front capital (facility/IT) investment** Cost

If more and more substantive issues are addressed at the hospitals, defense attorneys will need dedicated, private space for confidential conversations with their clients, as well as access to a printer and fax machine.

**6. Will result in an overall, on-going operating cost** Cost

Cost increases may be associated with the travel for the defense and for an increased number of attorneys.

Will need to **net** out savings in transport costs and clerk and security overtime, when the impact of video hearings is determined.

**7. Risks or challenges associated with implementation** Cost

The five E&Ts are geographically dispersed across the county and it would be very challenging for TDA to staff calendars at various hospitals. Attorney assignments are not based on the client's hospital and if the client is boarding at the time of assignment, the final E&T is not known, which makes it impossible to assign based on geography. Individual attorneys may have clients at two or more hospitals. If he or she has multiple hearings at different locations, it would be impossible for him or her to be with all clients.

Having attorneys, the respondent and family members in court at the same time facilitates conversations related to the resolution of the case. It is not clear that these conversations could occur or be as effective if the hearings were held by video.

Having the defense attorneys, witnesses and respondents at the hospital rather than in Court would be a paradigm shift for all parties. Attorneys would not often appear in the Harborview courtroom.

It is not clear whether video hearings would be acceptable should it be challenged in court.

It is unclear how many respondents would agree to video hearings.

**8. Likelihood of negative Equity and Social Justice impacts**

Cost

|  |  |  |
|--|--|--|
|  |  |  |
|--|--|--|

None

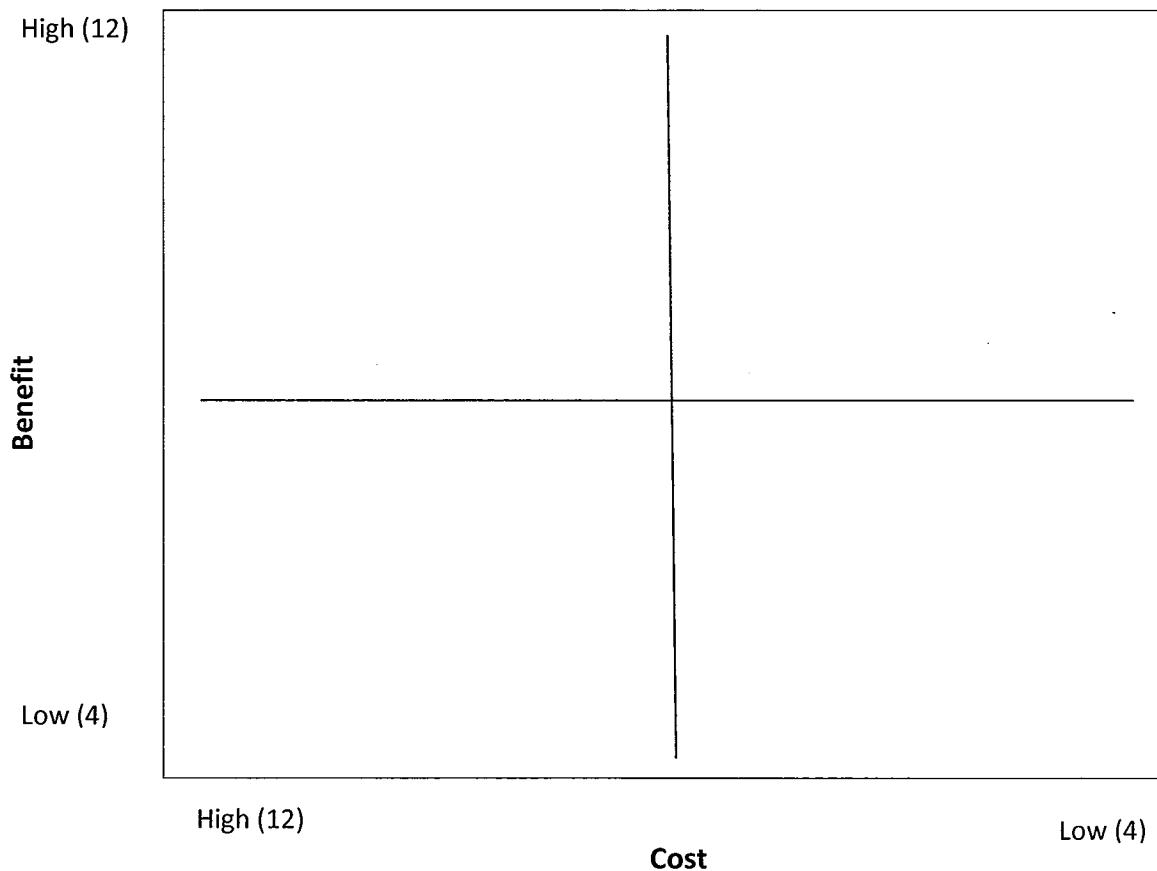
To fill out the 2X2 matrix, score each of the numbered items above as follows:

L = 1 point

M = 2 points

H = 3 points

Total the points for the cost and benefit items separately and map the intersection of the two scores on the matrix.





# Mental Health/Veterans Court

February 13, 2012

## Brief Description of the Project

### Current state:

If a defendant is in jail, he or she is transported to the Court for hearings. When a defendant is in in-patient treatment, his/her case is held over for the treatment period. During this time, the probation officer is in contact with the treatment facility and reports to the Court on the progress of the defendant in administrative hearings. In unusual circumstances, the probation officer will report back to the Court via telephone, but the reports are primarily given in person. The defendant does not participate in these administrative hearings. Typically, the longest treatment period is six months.

Doctors at Western State will rarely appear in Court, but more often will testify via telephone in matters such as contested competency or restoration.

|   |   |   |
|---|---|---|
| L | M | H |
|---|---|---|

### 1. Meets a business need

Benefit

|   |  |  |
|---|--|--|
| X |  |  |
|---|--|--|

There are a limited number of instances when video technology could be useful to the court:

- a. When a defendant is in-custody, but not sufficiently coherent to attend court. In these instances, the case is continued on the advice of the defense attorney and case manager.
- b. As a substitute for Western State doctors testifying by telephone. Being addressed in another proviso group.
- c. Depending on the timing, there may not be enough time to move a defendant from the MRJC to Seattle for a hearing and the matter is held over the for the next calendar at the MRJC. This is very rare and District Court and DAJD are working on better video connections between the facilities.
- d. Patients at Western State. This is better resolved in the context of ITA Court.

*The project was tabled because the business needs were either limited or being addressed in other groups.*

# Streaming Court for Inquests

Updated – March 13, 2012

**Evaluation Participants:** Judge Marcine Anderson (District Court), Teresa Bailey (DJA), Tricia Crozier (District Court), Lea Ennis (Superior Court), Michael Heikka (District Court), Byron Ramerman (District Court), Judge Palmer Robinson (Superior Court), and Nick Smith (KCIT).

## Brief Description of the Project

### Current:

King County does not have an established way to stream court proceedings via the internet. For the John Williams inquest in 2011, District Court developed an ad hoc means of streaming proceedings on the internet, but it was onerous to staff. In all other instances, anyone wishing to view court must come into a courthouse.

### Scope:

This project would enable the County to stream high-profile inquests on the internet in real time for public and media access. The technology could also be used to stream cases to overflow courtrooms; however the overflow need could also be met by other technology. Because KCIT does not have the capability to manage the production aspects of streaming court proceedings, a partnership with another entity, possibly KCTV, would be needed. The group envisioned the production value to be simple, involving only a single camera and involve only courtrooms in KCCH.

|   |   |   |
|---|---|---|
| L | M | H |
|---|---|---|

### 1. Meets a business need

Benefit

|   |  |  |
|---|--|--|
| X |  |  |
|---|--|--|

High-profile inquests draw large numbers of people to the courthouses, causing a strain on courthouse security and driving security overtime costs. Having a large number of people in the courthouse to view proceedings triggers the need for an overflow space, which currently requires County staff time to locate, spool up, and manage. Being able to broadcast court proceedings over the internet could be beneficial for educational purposes, including civics education in local schools and moot court or legal education.

However, the number of high-profile inquests is limited to between zero and two a year, which constitutes a low business need.

**2. Supports implementation of the King County Strategic Plan** — Benefit 

|   |  |  |
|---|--|--|
| X |  |  |
|---|--|--|

The project supports Justice and Safety Strategy 2.a. “Eliminate barriers to court access” and Service Excellence Strategy 2.b. “Adopt new technologies and processes that allow county agencies to work more effectively and efficiently.” However, limited business needs points to a low level of support to implementing the Strategic Plan.

**3. Will result in an overall, on-going operating cost savings** Benefit 

|   |  |  |
|---|--|--|
| X |  |  |
|---|--|--|

Any savings would be efficiencies for existing staff.

**4. Likely to be implemented in one year or less** Benefit 

|  |  |   |
|--|--|---|
|  |  | X |
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Yes, could be implemented in less than a year from funding approval in a limited number of courtrooms.

**5. Requires up-front capital (facility/IT) investment** Cost 

|  |   |  |
|--|---|--|
|  | X |  |
|--|---|--|

Would require technology purchase and up-front planning regarding which courtrooms to prepare and how to produce proceedings.

**6. Will result in an overall, on-going operating cost**

|  |   |  |
|--|---|--|
|  | X |  |
|--|---|--|

There would be maintenance and replacement of the equipment, as well as a likely ongoing cost for the entity producing events.

**7. Risks or challenges associated with implementation** Cost 

|  |   |  |
|--|---|--|
|  | X |  |
|--|---|--|

There are technical issues that would need to be resolved in advance of implementation, such as what website would serve as host – kingcounty.gov or another site? how much extra bandwidth would need to be secured? How would signal quality be monitored? Who would be responsible for production? How would audio be set up to ensure good quality? If the system were wireless, what is the needed level of security? What will be the interface with the media?

Policy issues include how to decide which inquests are streamed.

**8. Likelihood of negative Equity and Social Justice impacts** Cost 

|   |  |  |
|---|--|--|
| X |  |  |
|---|--|--|

To the extent that the project increases access to the court, it has a positive ESJ impact. However, the project will have to develop strategies to provide access to those who do not have the internet in their homes. Partnering with libraries and community centers may be fruitful.

Benefit

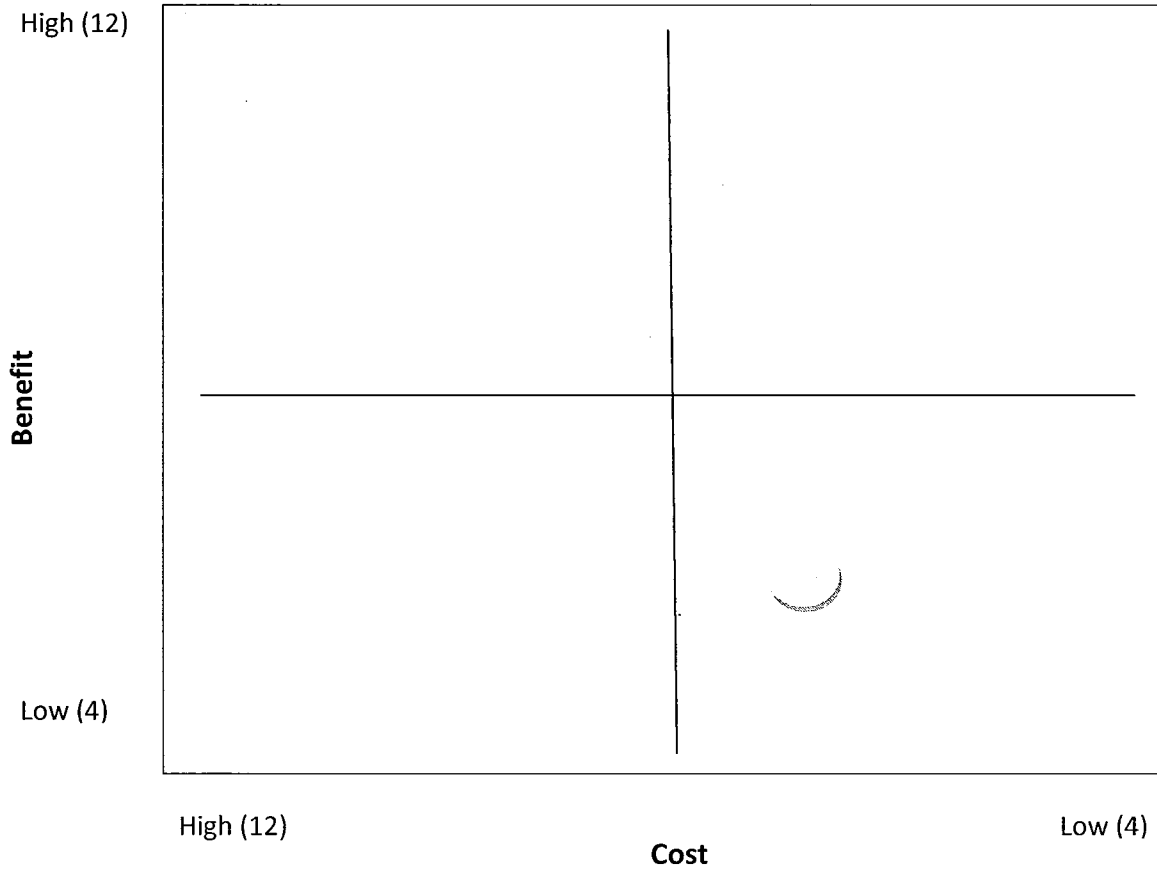
- 1. Meets a business need L – 1 point
- 2. Supports the King County Strategic Plan L – 1 point
- 3. Will result in ongoing operating savings L – 1 point
- 4. Likely to be implemented in one year H – 3 points

Total Benefit 6 points

Cost

- 5. Requires up-front capital costs M – 2 points
- 6. Will result in ongoing operating costs M – 2 points
- 7. Risks or challenges M – 2 points
- 8. Negative ESJ Impacts L – 1 point

Total Cost 7 points



**Courtroom 21**  
February 8, 2012

Evaluation Team: Teresa Bailey (DJA), Cheryl Boudreau (KCIT), Krista Camenzind (PSB), Clif Curry (Council Staff), Kevin Daggett (Superior Court), Erin Ehlert (PAO), Glenn Evans (FMD), Michael Heikka (District Court), Jim Robinson (ACA), Judge Palmer Robinson (Superior Court), Kathryn Schipper (Superior Court)

**Brief Description of the Project**

Current:

The main courtroom at the Involuntary Treatment Act (ITA) court has monitors installed on the bench and on the prosecuting and defense tables, as well as mounted to the wall to facilitate the review of electronic evidence, especially patient medical records, which can be hundreds of pages long. In all other courtrooms in County courthouses, if an attorney wants to present materials electronically in the courtroom, she must bring her own equipment. The Prosecuting Attorney's Office (PAO) has five carts with flat screen monitors and other equipment attached that they use for this purpose. When a cart is in the courtroom, the defense can use the equipment as well. In civil cases, attorneys will bring their own equipment and will often have a technical support person present in the courtroom in case the equipment fails to function. When materials are presented electronically in the courtroom, they are also printed out for the Clerk and the paper copy is the official record. If a jury wants to review materials that were presented electronically, they are either given the paper copy or given controlled opportunities to view evidence, such as a video, again.

Scope:

The concept behind Courtroom of the 21<sup>st</sup> Century or Courtroom 21 is to bring the courtroom into the 21<sup>st</sup> century of technology. In the case of King County, this means upgrading existing facilities with computers, video screens, video conferencing, and related equipment and software, as well as including technology considerations when planning new courthouses or undertaking major remodeling of existing courthouses.

|   |   |   |
|---|---|---|
| L | M | H |
|---|---|---|

**1. Meets a business need**

Benefit

|  |   |  |
|--|---|--|
|  | X |  |
|--|---|--|

Attorneys sometimes need or prefer to present evidence and exhibits in electronic form. Some types of evidence, such as videos from car cameras, exist only in electronic form and the prevalence of electronic evidence and exhibits is expected to increase, particularly with the Document Exchange program. Further, attorneys would benefit if they could access materials or databases (such as PROMIS) that are not on a flash drive, but are stored on a server. Everyone in

the courtroom, jurors, the judge, the public, and clerks and bailiffs – need to be able to easily view any electronic presentation. Having courtrooms that are hardwired for technology, or have technology installed, would lessen the cost and labor needed to present evidence electronically and when it is necessary to broadcast court proceedings into another room, such as when the capacity of the courtroom is exceeded.

2. **Supports implementation of the King County Strategic Plan** Benefit 

|  |   |  |
|--|---|--|
|  | X |  |
|--|---|--|

This project would support Justice and Safety Strategy 2.a. “Eliminate barriers to court access” and Service Excellence Strategy 2.b.”Adopt new technologies and processes that allow county agencies to work more effectively and efficiently.”

3. **Will result in an overall, on-going operating cost savings** Benefit 

|   |  |  |
|---|--|--|
| X |  |  |
|---|--|--|

Estimated Savings Range: <\$20k annually

Any savings related to this project would come from the cost of broadcasting large trials or inquests into overflow areas. Currently, staff from the courts, KCIT, and FMD have to create overflow spaces on an ad hoc basis, which is labor intensive.

4. **Likely to be implemented in one year or less** Benefit 

|  |  |   |
|--|--|---|
|  |  | X |
|--|--|---|

It is likely that a pilot of a handful of plug & play courtrooms could be implemented in one year or less from the time funding is available.

5. **Requires up-front capital (facility/IT) investment** Cost 

|  |   |  |
|--|---|--|
|  | X |  |
|--|---|--|

Using the cost of installing equipment to view electronic records and to enable video conferencing at ITA Court as a guide, it will cost approximately \$50,000 to upgrade each courtroom. Costs will vary depending on the courtroom and on the nature of the equipment installed.

6. **Will result in an overall, on-going operating cost**

|   |  |  |
|---|--|--|
| X |  |  |
|---|--|--|

Estimated Cost Range: <\$20k annually

It is anticipated that there will be some ongoing cost in the nature of operating, maintaining, and replacing the equipment, but it is likely to be low.

7. **Risks or challenges associated with implementation** Cost 

|  |   |  |
|--|---|--|
|  | X |  |
|--|---|--|

Challenges include keeping jurors engaged with the attorneys and judges and not focused exclusively on the computer screen; the age and historic nature of the King County Courthouse; and ensuring the reliability of any equipment once installed.

8. **Likelihood of negative Equity and Social Justice impacts** Cost 

|   |  |  |
|---|--|--|
| X |  |  |
|---|--|--|

There are no anticipated negative ESJ impacts associated with this project. To the extent that the project makes court proceedings more efficient and accessible, the project is likely to have positive EJS impacts.

Benefit

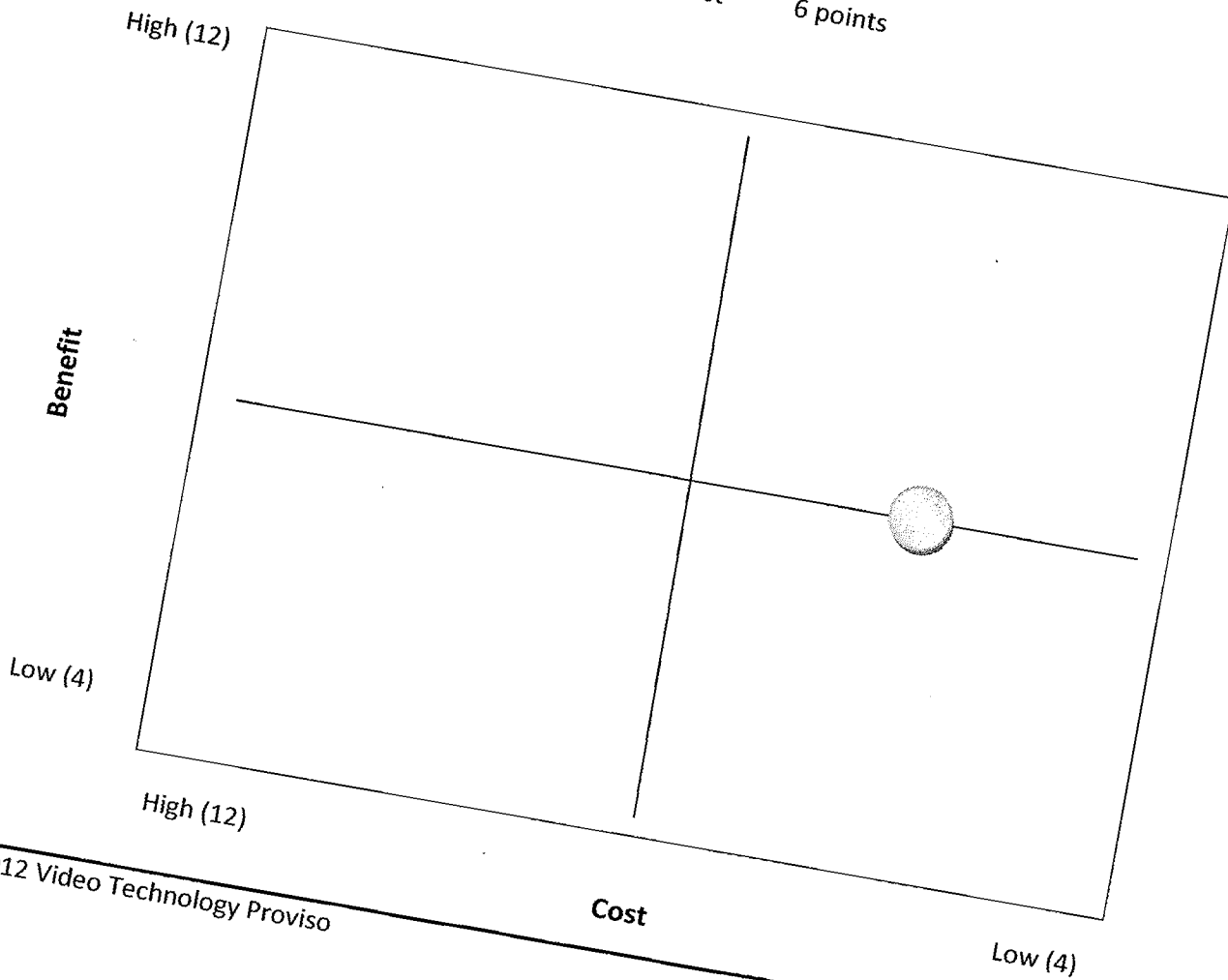
- 1. Meets a business need M – 2 points
- 2. Supports the King County Strategic Plan M – 2 points
- 3. Will result in ongoing operating savings L – 1 point
- 4. Likely to be implemented in one year H – 3 points

Total Benefit 8 points

Cost

- 5. Requires up-front capital costs M – 2 points
- 6. Will result in ongoing operating costs L – 1 point
- 7. Risks or challenges M – 2 points
- 8. Negative ESJ Impacts L – 1 point

Total Cost 6 points



## Remote Site for Disruptive Defendants

February 14, 2012

**Evaluation Participants:** Cheryl Boudreau (KCIT), Jim Burt (FMD), Lea Ennis (Superior Court), Glenn Evans (FMD), William Hayes (DAJD), Kamma Kure (FMD), Ken Lollie (DAJD), Palmer Robinson (Superior Court), and Kathryn Schipper (Superior Court)

### Brief Description of the Project

#### Current State:

When a defendant is deemed too disruptive to be in physically present in the courtroom and has been ordered removed by the judge, Court, DJA, FMD, and DAJD staffs work to identify and equip an alternative location where the defendant can view the proceedings via video. Currently, the Court uses its existing Tandberg equipment to outfit both the courtroom and the remote site for the period of the trial or hearing. This process is labor intensive and entails some cost.

#### Scope:

This project will explore the possibility and benefit of establishing a permanent site where disruptive defendants can view court proceedings. The remote site would have to be large enough to hold approximately six people and be ADA compliant.

|   |   |   |
|---|---|---|
| L | M | H |
|---|---|---|

#### 1. Meets a business need

Benefit

|  |   |  |
|--|---|--|
|  | X |  |
|--|---|--|

Setting up a site where defendants can watch their court proceedings is time consuming and disruptive to court operations. DAJD Court Detail records indicate that since 2006 five defendants have been deemed too disruptive to be in the courtroom for their trials. In one instance, the defendant had three back to back trials. In addition, these and similarly disruptive defendants are not able to be in court for their pre- and post-trial hearings. Sometimes, trials are continued after the space is set up and it is never used.

When the need arises, Court, FMD, DAJD, and DJA staff work to identify and equip an alternative location where the defendant can view the proceedings via video, which requires approximately 12 hours of Court IT time. The equipment requires testing prior to use and monitoring during use. Each installation has been different and has been adjusted during the course of the trial. Equipment is re-purposed from other uses when needed for a trial. Depending on the location of the remote site, the defendant can be disruptive to court operations around him, even though he is not involved in those proceedings.



**2. Supports implementation of the King County Strategic Plan** Benefit 

|   |  |  |
|---|--|--|
| X |  |  |
|---|--|--|

The project supports Service Excellence Strategy 2.b. "Adopt new technologies and processes that allow county agencies to work more effectively and efficiently."

**3. Will result in an overall, on-going operating cost savings** Benefit 

|   |  |  |
|---|--|--|
| X |  |  |
|---|--|--|

Any savings would be efficiencies for existing staff.

**4. Likely to be implemented in one year or less** Benefit 

|  |  |   |
|--|--|---|
|  |  | X |
|--|--|---|

Yes, the time consuming portion would be finding a suitable site.

**5. Requires up-front capital (facility/IT) investment** Cost 

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|---|--|--|
| X |  |  |
|---|--|--|

Assuming no or very limited facility improvements are needed, the up-front technology costs are small. Ideally, a space would be identified and equipped in such a fashion that it could be used for other uses when not needed for trials or hearings.

**6. Will result in an overall, on-going operating cost** Cost 

|   |  |  |
|---|--|--|
| X |  |  |
|---|--|--|

Minimal equipment replacement and maintenance.

**7. Risks or challenges associated with implementation** Cost 

|   |  |  |
|---|--|--|
| X |  |  |
|---|--|--|

Finding a space is the largest problem.

**8. Likelihood of negative Equity and Social Justice impacts** Cost 

|   |  |  |
|---|--|--|
| X |  |  |
|---|--|--|

The project should have no ESJ implications.

Benefit

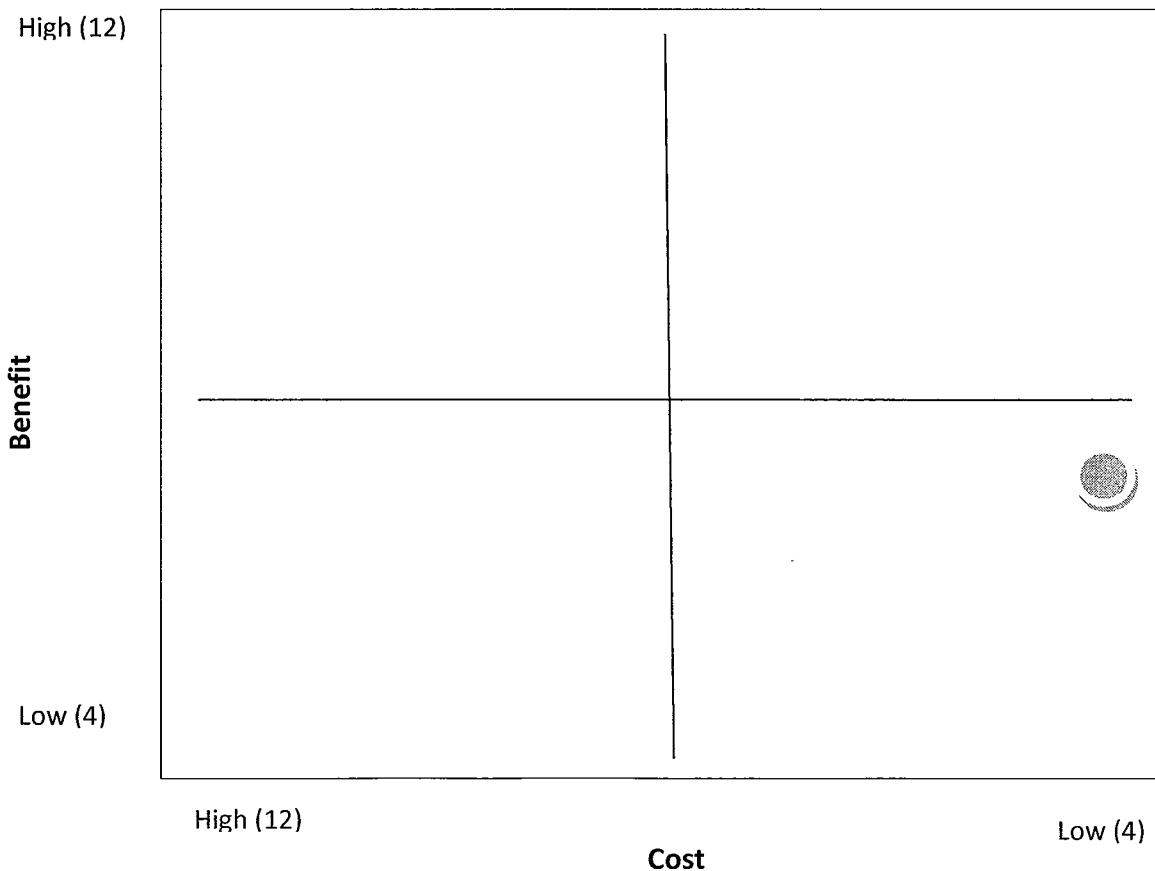
- 1. Meets a business need M – 2 points
- 2. Supports the King County Strategic Plan L – 1 point
- 3. Will result in ongoing operating savings L – 1 point
- 4. Likely to be implemented in one year H – 3 points

Total Benefit 7 points

Cost

- 5. Requires up-front capital costs L – 1 point
- 6. Will result in ongoing operating costs L – 1 point
- 7. Risks or challenges L – 1 point
- 8. Negative ESJ Impacts L – 1 point

Total Cost 4 points



# Western State Doctors via Video

February 22, 2012

**Evaluation participants:** Erin Ehlert (PAO), Dillon Johnson (NDA), Kevin Mahoney (Western State), Barb Miner (DJA), Byron Ramerman (District Court), Jim Robinson (ACA), John Salamony (Superior Court), Kathryn Schipper (Superior Court)

## Brief Description of the Project

### Current

Doctors at Western State will phone in to the courtroom to deliver their testimony for forced medication hearings and pre-trial hearings related to competency and restoration. Doctors will also travel from Lakewood to testify in person. At KCCH, there are eight to ten contested competency hearings per month – in about half the doctor testifies via phone. There are five forced medication hearings per month – in most the doctor testifies via phone. These hearings take place in the Assistant Chief Criminal Judge’s courtroom. In Mental Health Court, doctors testify in one to two competency hearings per month by phone. There are also one or two restoration competency or report updates per month where the doctor testifies by phone. Very few competency hearings occur at the MRJC and they do not usually involve a doctor testifying by phone.

### Scope

This project will explore the cost and benefit of having Western State doctors testify via video instead of by telephone. If the technology proves useful, it is possible that Western State doctors could testify via video in additional matters. It is assumed that video would be used only when all parties agree.

|   |   |   |
|---|---|---|
| L | M | H |
|---|---|---|

#### 1. Meets a business need

Benefit

|  |   |  |
|--|---|--|
|  | X |  |
|--|---|--|

Currently, Western State doctors testify in ten to 12 hearing per month in King County by phone. Switching to video for these hearings would enable all parties to see one another and improve communication. In addition, if the technology is useful and as people become more comfortable with it, the number and types of hearings using video could expand. This would alleviate pressure on doctors to travel and keep them on the wards at the hospital, which could have a positive impact of the backlog at Western State. If the court process becomes more efficient for doctors, the time for resolving competency issues could be lessened.

**2. Supports implementation of the King County Strategic Plan** Benefit 

|   |  |  |
|---|--|--|
| X |  |  |
|---|--|--|

This project supports Financial Stewardship Strategy 1.d. "Pursue technologies that improve service while reducing the cost of delivery."

**3. Will result in an overall, on-going operating cost savings** Benefit 

|   |  |  |
|---|--|--|
| X |  |  |
|---|--|--|

*L = <\$20k, M = <\$100k, H = >\$100k*

There is little savings anticipated for the County with this project. If it is successful and expands, there may be savings in the long run.

**4. Likely to be implemented in one year or less** Benefit 

|  |  |   |
|--|--|---|
|  |  | X |
|--|--|---|

Yes, particularly if it was decided to simply put a camera on the computer of the judge who handles most of these matters.

**5. Requires up-front capital (facility/IT) investment** Cost 

|   |  |  |
|---|--|--|
| X |  |  |
|---|--|--|

*L = <\$50k, M = <\$200k, H = >\$200k*

Given that only one courtroom is likely to be involved to start, the up-front costs should be low, particularly if limited to camera and software installation.

**6. Will result in an overall, on-going operating cost** Cost 

|   |  |  |
|---|--|--|
| X |  |  |
|---|--|--|

*L = <\$20k, M = <\$100k, H = >\$100k*

Unlikely to result in appreciable on-going costs.

**7. Risks or challenges associated with implementation** Cost 

|   |  |  |
|---|--|--|
| X |  |  |
|---|--|--|

There are only two potential risks: 1) that someone could object to switching from phone to video, but this is perceived to be low. 2) Western State may have to upgrade its system, but this project is already planned for other reasons.

**8. Likelihood of negative Equity and Social Justice impacts** Cost 

|   |  |  |
|---|--|--|
| X |  |  |
|---|--|--|

None.

Benefit

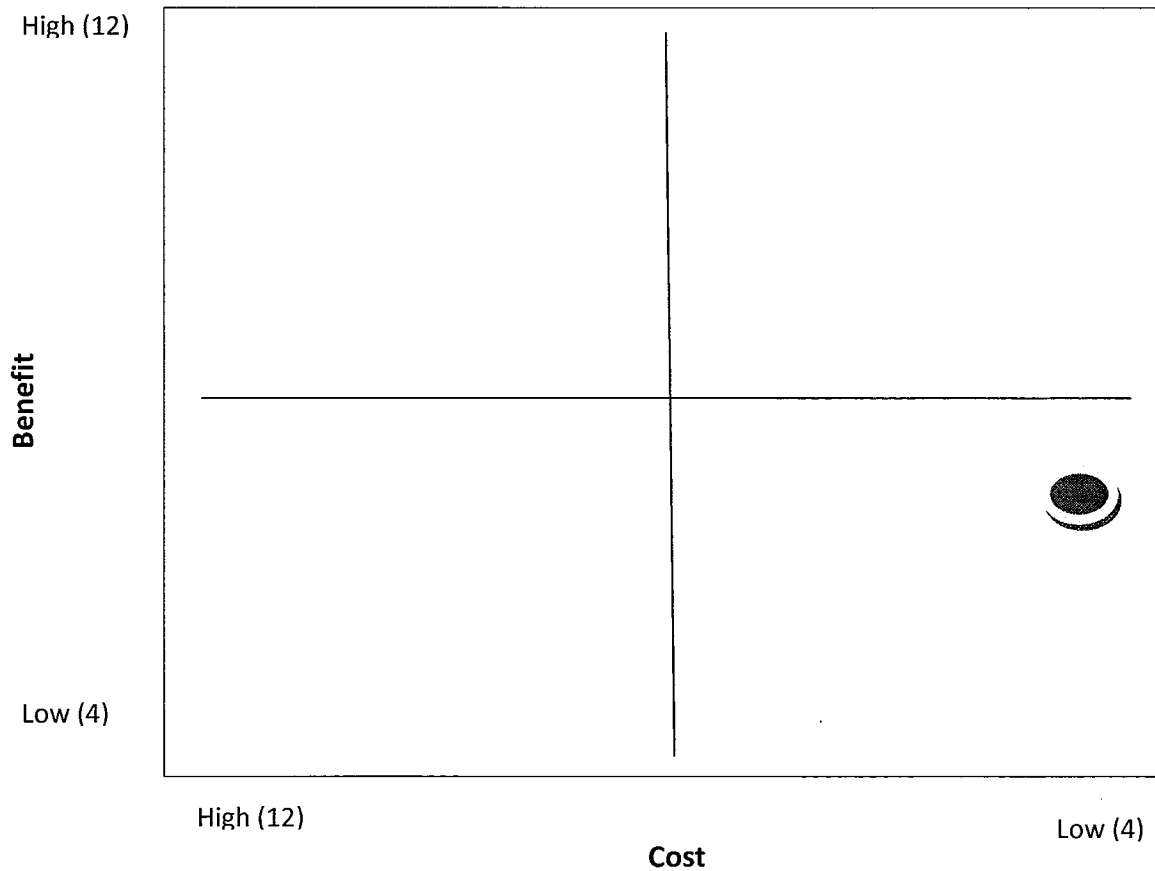
- 1. Meets a business need M – 2 points
- 2. Supports the King County Strategic Plan L – 1 point
- 3. Will result in ongoing operating savings L – 1 points
- 4. Likely to be implemented in one year H – 3 points

Total Benefit 7 points

Cost

- 5. Requires up-front capital costs L – 1 point
- 6. Will result in ongoing operating costs L – 1 point
- 7. Risks or challenges L – 1 point
- 8. Negative ESJ Impacts L – 1 point

Total Cost 4 points



## Video Visiting

February 9, 2012

**Evaluation Team:** Krista Camenzind (PSB), Clif Curry (Council Staff), Eileen Farley (NDA), William Hayes (DAJD), Michael Heikka (District Court), David Hocraffer (OPD) and Mike West (DAJD)

### Brief Description of the Project

#### Current State

At KCCF, members of the public are escorted into the facility to visiting booths that are located on the floors above housing units. There are seven booths on each floor. Inmates are escorted to the visiting booths. At the MRJC, members of the public are escorted into the facility to visiting booths that inmates access directly from the housing unit. At Juvenile Detention, families are processed through the front door via Court Security. Once they are in the detention lobby they are screened by DAJD staff, and then allow to visit in the visitation room. Youth are escorted from their units, and brought to the visitation room.

On occasion, corrections officers will have to intercede in a visit if it runs long or otherwise needs to be ended. Defense attorneys and other professional staff can visit inmates at any time of day, but members of the public are restricted to specified visiting hours.

#### Scope

This project would explore the possibility of video visitation at both adult detention facilities. Given the uncertainty around the replacement of the Youth Services Center and the fact that video visitation is not a best practice for juveniles, it is not included in the scope of this project. It is assumed that video visitation would include the ability for visitors to come to the facilities and visit via video, as is done at other SCORE, for example, as well as have the ability to visit via the internet without traveling to the jail. The option for fact-to-face visitation would be retained, but its use minimized.

|   |   |   |
|---|---|---|
| L | M | H |
|---|---|---|

#### 1. Meets a business need

Benefit 

|  |  |   |
|--|--|---|
|  |  | X |
|--|--|---|

The influx of public visitors during visiting hours places a strain on the corrections technicians who check them in. As a result, the corrections technicians are not able to perform other aspects of their jobs, such as answering the phone, during visiting hours. Family members have to travel to the facilities, which may be difficult if they are relying on public transportation. Children are exposed to jail when they come to visit inmates. Family members who are not local have no means of visiting inmates. Staying connected with families is a factor that helps to reduce recidivism. Currently, records of visits, which are

public records, are kept in paper form and can be hard to access. An online scheduling system and visitation system would improve the record keeping around visitors.

**2. Supports implementation of the King County Strategic Plan** Benefit 

|  |  |   |
|--|--|---|
|  |  | X |
|--|--|---|

Video visitation would support Service Excellence Objective 1 “Improve our customers’ satisfaction with King County” and Justice and Safety Strategy 3.b. “Operate secure and humane detention facilities that comply with legal and regulatory requirement.”

**3. Will result in an overall, on-going operating cost savings** Benefit 

|   |  |  |
|---|--|--|
| X |  |  |
|---|--|--|

  
Estimated Savings Range:

Unlikely to be cost savings, but DAJD staff will have time to perform their existing work more efficiently and with a higher level of service to the public.

**4. Likely to be implemented in one year or less** Benefit 

|  |   |  |
|--|---|--|
|  | X |  |
|--|---|--|

Other jurisdictions have implemented the technology.

**5. Requires up-front capital (facility/IT) investment** Cost 

|  |  |   |
|--|--|---|
|  |  | X |
|--|--|---|

  
Estimated Cost Range:

Inmate Welfare Fund a likely funding source.

**6. Will result in an overall, on-going operating cost** Cost 

|  |   |  |
|--|---|--|
|  | X |  |
|--|---|--|

  
Estimated Cost Range:

Some system maintenance and potentially lease for space for onsite video visitation at KCCF. The telephone revenue into the Inmate Welfare Fund will likely be reduced.

**7. Risks or challenges associated with implementation** Cost 

|   |  |  |
|---|--|--|
| X |  |  |
|---|--|--|

The County will need to ensure it sets up a secure system and that privacy concerns are addressed in a way that is comparable to how they are addressed today. There will need to be a policy discussion around recording video visits and ensuring compliance with no contract orders.

**8. Likelihood of negative Equity and Social Justice impacts** Cost 

|   |  |  |
|---|--|--|
| X |  |  |
|---|--|--|

The most likely negative equity impact is for low-income families that may not have access to the internet at home. This impact can be mitigated by working with community organizations, churches, and/or libraries to help expand access.

Benefit

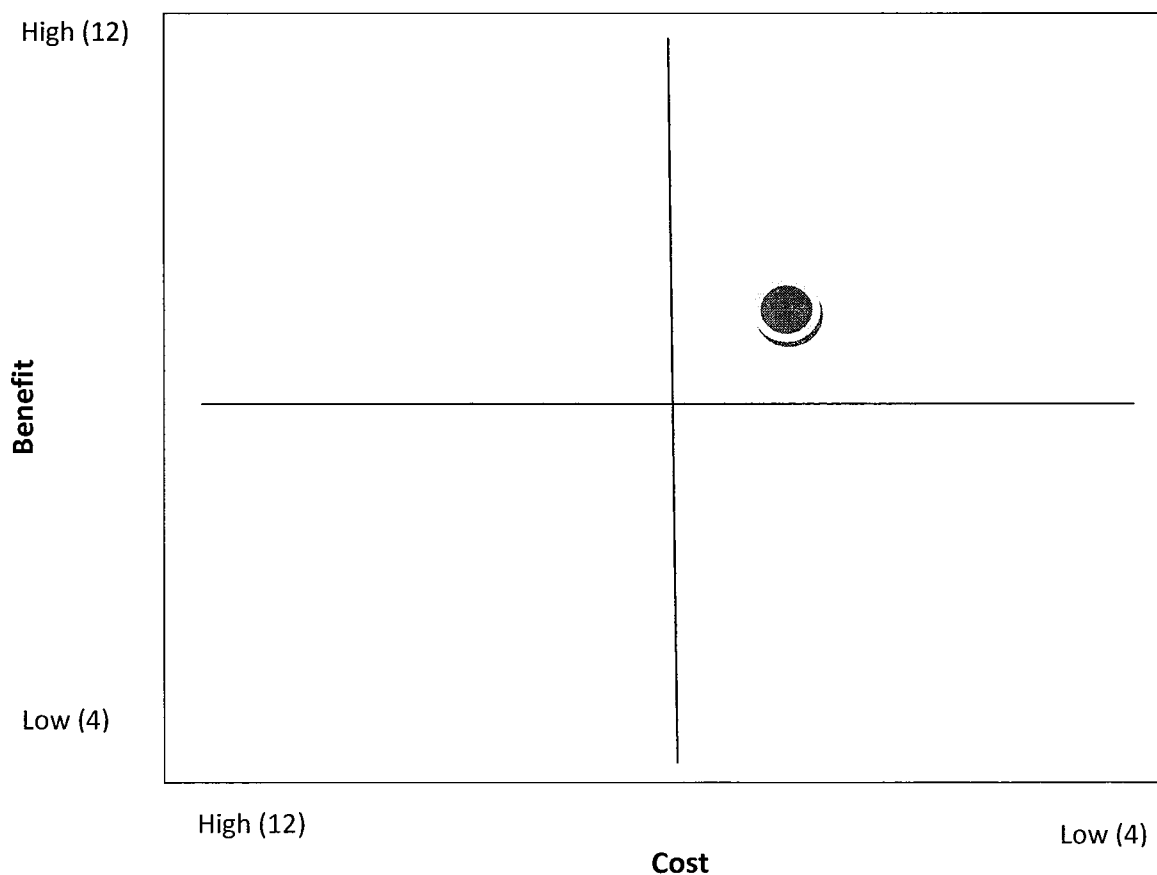
- 1. Meets a business need H – 3 points
- 2. Supports the King County Strategic Plan H – 3 points
- 3. Will result in ongoing operating savings L – 1 point
- 4. Likely to be implemented in one year M – 2 points

Total Benefit 9 points

Cost

- 5. Requires up-front capital costs H – 3 points
- 6. Will result in ongoing operating costs M – 2 points
- 7. Risks or challenges L – 1 point
- 8. Negative ESJ Impacts L – 1 point

Total Cost 7 points





## Family Law Transports in KCCH

February 21, 2012

**Evaluation Participants:** Krista Camenzind (PSB), Lea Ennis (Superior Court), Jorene Reiber (Superior Court), Kathryn Schipper (Superior Court), and Mike West (DAJD)

### Brief Description of the Project

#### Current

Inmates who are involved in Family Law matters are transported from their housing unit in the King County Corrections Facility to courtrooms on the second floor of the King County Courthouse for hearings.

#### Scope

This project will evaluate the need and benefit of using video for inmate participation in Family Law matters in the King County Courthouse.

|   |   |   |
|---|---|---|
| L | M | H |
|---|---|---|

#### 1. Meets a business need

Benefit

|   |  |  |
|---|--|--|
| X |  |  |
|---|--|--|

Family Law hearings take place on the second floor of the King County Courthouse. Because it is one of two main public entrances to the building, the second floor receives a high volume of public foot traffic and entrances to the street are readily available. For these reasons, transporting inmates on this floor is a security concern for DAJD. However, in 2011, there were approximately 50 transports for Family Law matters. The low volume of transports indicates the business need for video in this case area is low.

|   |  |  |
|---|--|--|
| X |  |  |
|---|--|--|

#### 2. Supports implementation of the King County Strategic Plan

Benefit

While the use of video would support, to a limited extent, Service Excellence Strategy 2.b. "Adopt new technologies and processes that allow county agencies to work more effectively and efficiently," the limited business need and the high cost of setting up a video suite in KCCF make the project contrary to Financial Stewardship Objective 1 "Keep the county's cost of doing business down..."

#### 3. Will result in an overall, on-going operating cost savings

Benefit

|   |  |  |
|---|--|--|
| X |  |  |
|---|--|--|

Given the low numbers of transports, there are likely no operating savings with the project.

4. Likely to be implemented in one year or less — Benefit 

|   |  |  |
|---|--|--|
| X |  |  |
|---|--|--|

It is highly unlikely that a video suite could be built in KCCF in less than a year.

5. Requires up-front capital (facility/IT) investment Cost 

|  |  |   |
|--|--|---|
|  |  | X |
|--|--|---|

The IT costs of the project would be low, but the facility upgrades needed in KCCF to create a video suite would have a high cost.

6. Will result in an overall, on-going operating cost Cost 

|   |  |  |
|---|--|--|
| X |  |  |
|---|--|--|

If implemented, there would be some ongoing maintenance costs associated with the project, but they would be low.

7. Risks or challenges associated with implementation Cost 

|  |   |  |
|--|---|--|
|  | X |  |
|--|---|--|

The primary challenge of the project is finding space and building a video suite in KCCF. It is also unclear how counsel would be accommodated in the jail, assuming that attorneys would prefer to be with their clients.

8. Likelihood of negative Equity and Social Justice impacts Cost 

|   |  |  |
|---|--|--|
| X |  |  |
|---|--|--|

There are no anticipated ESJ impacts with this project.

Benefit

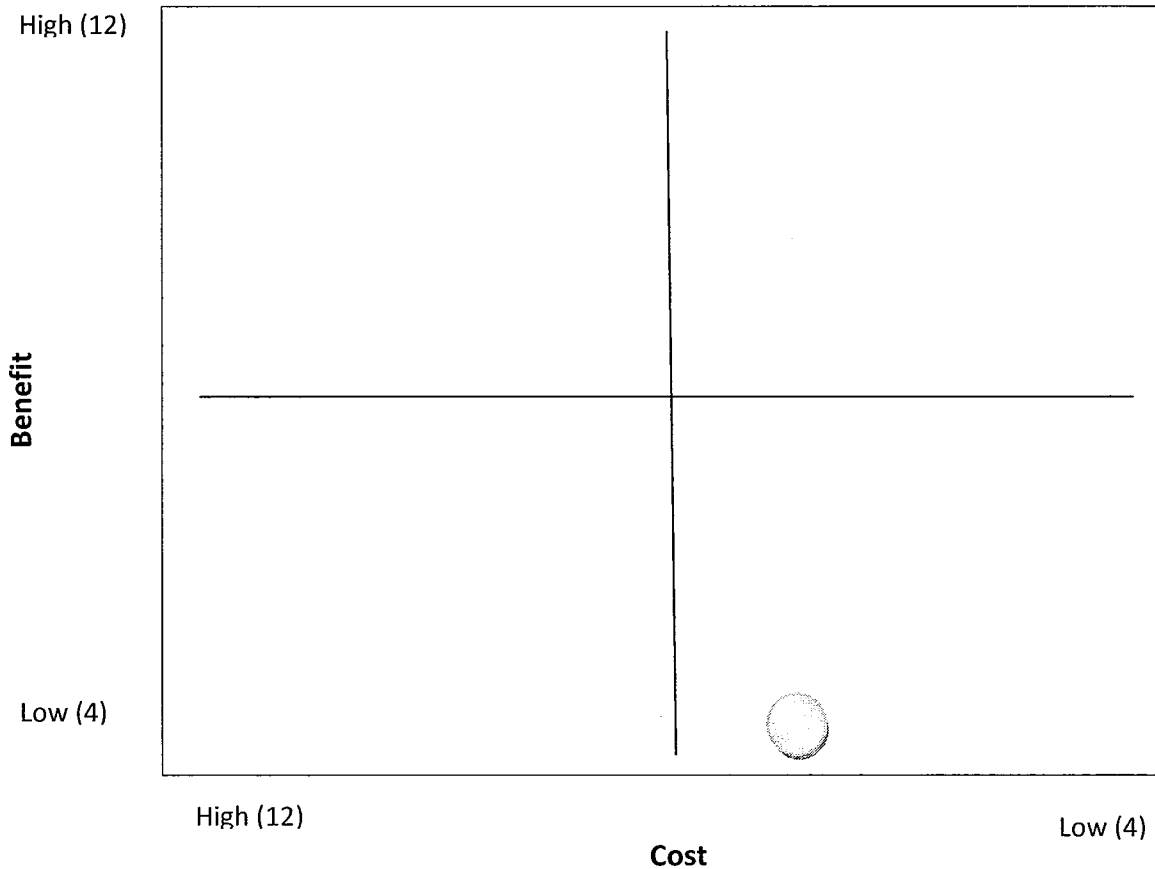
- 1. Meets a business need L – 1 point
- 2. Supports the King County Strategic Plan L – 1 point
- 3. Will result in ongoing operating savings L – 1 point
- 4. Likely to be implemented in one year L – 1 point

Total Benefit 4 points

Cost

- 5. Requires up-front capital costs H – 3 points
- 6. Will result in ongoing operating costs L – 1 point
- 7. Risks or challenges M – 2 points
- 8. Negative ESJ Impacts L – 1 point

Total Cost 7 points



# Dependency Transports in KCCH

February 24, 2012

**Evaluation Participants:** Krista Camenzind (PSB), Patricia Clark (Superior Court), Lea Ennis (Superior Court), Deborah Fleck (Superior Court), Dillon Johnson (NDA), Ken Lollie (DAJD), Barb Miner (DJA), Jorene Reiber (Superior Court), Jim Robinson (ACA), Palmer Robinson (Superior Court), Kathryn Schipper (Superior Court), Mike West (DAJD), and Rob Wyman (TDA)

## Brief Description of the Project

### Current

Inmates who are involved in Dependency matters are transported from their housing unit in King County Corrections Facility to courtrooms on the second floor of the King County Courthouse for hearings.

### Scope

This project will evaluate the need and benefit of using video for inmate participation in Dependency matters in the King County Courthouse.

|   |   |   |
|---|---|---|
| L | M | H |
|---|---|---|

#### 1. Meets a business need

Benefit

|   |  |  |
|---|--|--|
| X |  |  |
|---|--|--|

Dependency hearings take place on the second floor of the King County Courthouse. Because it is one of two main public entrances to the building, the second floor receives a high volume of public foot traffic and entrances to the street are readily available. For these reasons, transporting inmates on this floor is a security concern for DAJD. However, in 2011, there were approximately 50 transports for Dependency matters. The low volume of transports indicates the business need for video in this case area is low.

#### 2. Supports implementation of the King County Strategic Plan

Benefit

|   |  |  |
|---|--|--|
| X |  |  |
|---|--|--|

While the use of video would support, to a limited extent, Service Excellence Strategy 2b. "Adopt new technologies and processes that allow county agencies to work more effectively and efficiently," the limited business need and the high cost of setting up a video suite in KCCF make the project contrary to Financial Stewardship Objective 1 "Keep the county's cost of doing business down..."

#### 3. Will result in an overall, on-going operating cost savings

Benefit

|   |  |  |
|---|--|--|
| X |  |  |
|---|--|--|

Given the low numbers of transports, there are likely no operating savings with the project.

**4. Likely to be implemented in one year or less**

Benefit 

|   |  |  |
|---|--|--|
| X |  |  |
|---|--|--|

It is highly unlikely that a video suite could be built in KCCF in less than a year.

**5. Requires up-front capital (facility/IT) investment**

Cost 

|  |  |   |
|--|--|---|
|  |  | X |
|--|--|---|

The IT costs of the project would be low, but the facility upgrades needed in KCCF to create a video suite would have a high cost.

**6. Will result in an overall, on-going operating cost**

Cost 

|   |  |  |
|---|--|--|
| X |  |  |
|---|--|--|

If implemented, there would be some ongoing maintenance costs associated with the project, but they would be low.

**7. Risks or challenges associated with implementation**

Cost 

|  |   |  |
|--|---|--|
|  | X |  |
|--|---|--|

The primary challenge of the project is finding space and building a video suite in KCCF. It is also unclear how counsel would be accommodated in the jail, assuming that attorneys would prefer to be with their clients.

**8. Likelihood of negative Equity and Social Justice impacts**

Cost 

|   |  |  |
|---|--|--|
| X |  |  |
|---|--|--|

There are no anticipated ESJ impacts with this project.

Benefit

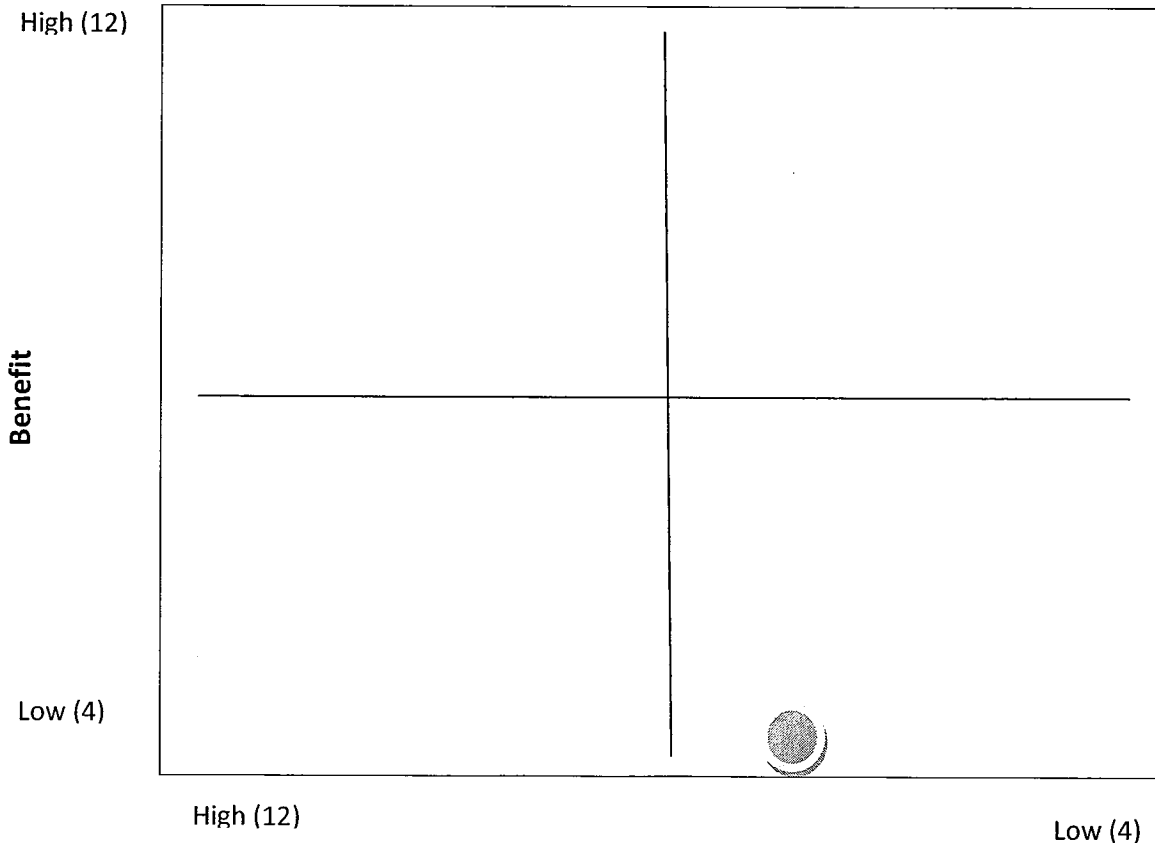
- 1. Meets a business need L – 1 point
- 2. Supports the King County Strategic Plan L – 1 point
- 3. Will result in ongoing operating savings L – 1 point
- 4. Likely to be implemented in one year L – 1 point

Total Benefit 4 points

Cost

- 5. Requires up-front capital costs H – 3 points
- 6. Will result in ongoing operating costs L – 1 point
- 7. Risks or challenges M – 2 points
- 8. Negative ESJ Impacts L – 1 point

Total Cost 7 points

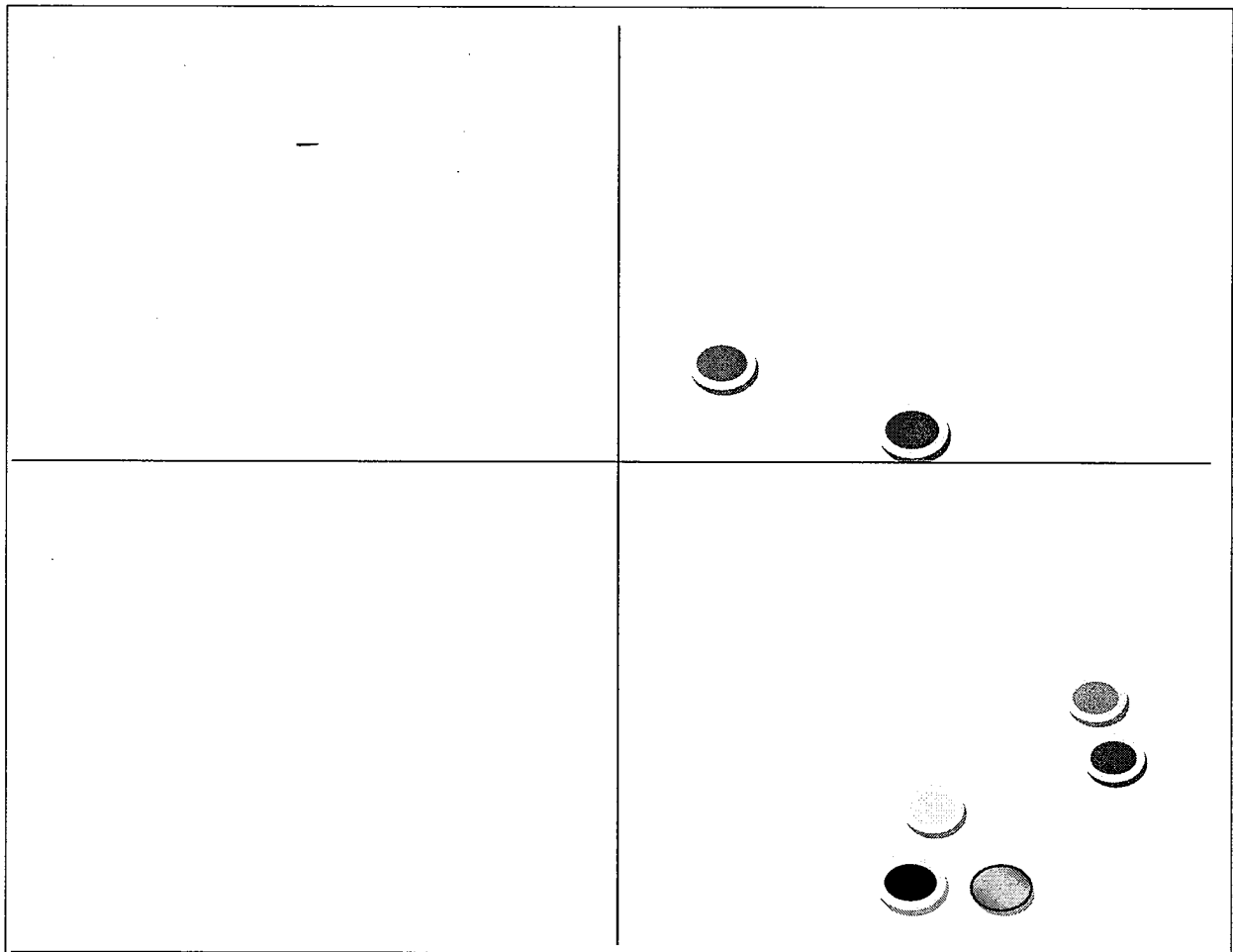


## **APPENDIX C: 2X2 Matrix Including All Projects**

High (12)

Benefit

Low (4)



High (12)

Cost

Low (4)



**Video Visiting**



**Video Testimony by Western State Doctors**



**Web Streaming District Court Inquests**



**Family Law Hearings**



**Courtroom 21**



**Dependency Hearings**



**Remote Site for Disruptive Defendants**



## **APPENDIX D: Project Evaluation Teams**

## Video Technology Project Teams

### 1. Video Hearings in ITA Court

This project will look at ways to potentially expand the use of video in ITA Court.

- Judge Palmer Robinson, Superior Court
- Lea Ennis, Superior Court
- Judge Julie Spector, Superior Court
- Erin Ehlert, PAO
- Anne Mizuta, PAO
- Leesa Manion, PAO
- JoEllen Watson, MHCADSD
- Barb Miner, DJA
- Floris Mikkelsen, TDA
- Mike De Felice, TDA
- Linda Ridge, Superior Court

### 2. Video Hearings in Mental Health Court and Veterans Court

This project will focus on defendants in MHC and Veterans Court, particularly those who are not able to attend Court because they are in treatment.

- Judge Michael Finkle, District Court
- Tricia Crozier, District Court
- Byron Ramerman, District Court
- Michael Heikka, District Court
- Natalie Walton-Anderson, PAO
- Mike West, DAJD
- Betsy Bosch, District Court

### 3. Web Streaming of Court Hearings

This project will evaluate the potential to stream District Court Inquests via the internet.

- Judge Marcine Anderson, District Court
- Tricia Crozier, District Court
- Byron Ramerman, District Court
- Michael Heikka, District Court
- Erin Ehlert, PAO
- Teresa Bailey, DJA
- Nick Smith, KCIT
- Judge Palmer Robinson, Superior Court
- Lea Ennis, Superior Court
- Kathryn Schipper, Superior Court
- David Hocraffer, OPD

### 4. Courtroom 21

This project will explore the feasibility and benefit of installing screens and other devices in courtrooms to facilitate the presentation of electronic information by both the prosecution and defense. Installation would occur in a limited number of courtrooms.

- Judge Palmer Robinson, Superior Court
- Lea Ennis, Superior Court
- Kathryn Schipper, Superior Court
- Kevin Daggett, Superior Court
- Erin Ehlert, PAO
- Rex Goulding, PAO
- Teresa Bailey, DJA
- Jim Robinson, ACA
- Michael Heikka, District Court
- Cheryl Boudreau, KCIT
- Glenn Evans, FMD
- Karen Heidergott, FMD

- Clif Curry, Council Staff

## 5. Standard Remote Site for Disruptive Defendants

The project will look at finding a dedicated space to use when inmates are deemed too disruptive to be in the courtroom during their trials.

- Judge Palmer Robinson, Superior Court
- Lea Ennis, Superior Court
- Kathryn Schipper, Superior Court
- Erin Ehlert, PAO
- Cheryl Boudreau, KCIT
- Willie Hayes, DAJD
- Ken Lollie, DAJD
- Jim Burt, FMD
- Glenn Evans, FMD
- Kamma Kure, FMD

## 6. Video Visiting in the Jail

This project will examine the possibility of offering video visitation to members of the public, including defense attorneys, in lieu of visiting inmates in person.

- Willie Hayes, DAJD
- Mike West, DAJD
- Clif Curry, Council Staff
- David Hocraffer, OPD
- Eileen Farley, NDA
- Dillon Johnson, NDA
- Michael Heikka, District Court

## 7. Video Testimony by Western State Doctors

This project will explore the potential for doctors from Western State Hospitals to testify via video, particularly in instances where they testify via phone currently.

- Erin Ehlert, PAO
- Jim Robinson, ACA
- Dillon Johnson, NDA
- Byron Ramerman, District Court
- Kathryn Schipper, Superior Court
- John Salamony, Superior Court
- Barb Miner, DJA
- Kevin Mahoney, Western State Hospital

## 8. Family Law Hearings

This project would look at the possibility of having in-custody participants in Family Law matters attend court via video to avoid transport from the KCCF.

- Mike West, DAJD
- Ken Lollie, DAJD
- Jorene Reiber, Superior Court
- Lea Ennis, Superior Court
- Judge Palmer Robinson, Superior Court
- Barb Miner, DJA

## 9. Dependency Hearings

This project would look at the possibility of having in-custody participants in Dependency matters attend court via video to avoid transport from the KCCF.

- Mike West, DAJD
- Ken Lollie, DAJD
- Jorene Reiber, Superior Court
- Lea Ennis, Superior Court
- Judge Patricia Clark, Superior Court
- Barb Miner, DJA
- Mary Yee, Attorney General's Office
- Jim Robinson, ACA
- Dillon Johnson, NDA
- Rob Wyman, TDA

- Judge Deborah Fleck, Superior Court

Krista Camenzind, PSB, participated on all the evaluation teams.

## **APPENDIX E: The Defender Association Comments on the Report**

—  
April 20, 2012

Krista Camenzind  
Budget Manager  
King County Office of Performance, Strategy, and Budget

**Comments Regarding Video Proviso Response**

The Defender Association (TDA) has serious concerns about many proposed uses of video technology in the criminal justice system, and whether such uses are compatible with fair and just outcomes for those in our community who are accused of crimes. This memo outlines our concerns, with specific requests for changes to the Proviso Response highlighted in italics below.

Some proposed uses of video are not controversial. For example, everyone can probably agree that we should equip courtrooms with technology, including video technology, that facilitates the presentation of exhibits and documentary evidence. Broadcasting court hearings to the public via a video feed may promote public involvement and awareness of criminal justice issues. Informal conferences may be facilitated via video.

Video technology, however, has the incredible potential to remove the human element from the courtroom, thereby altering current decision-making processes in a way that has a negative impact on justice and individual rights. Cook County's recent experience with video bail hearings dramatically illustrates this issue. In 1999, Cook County instituted a system of video bail hearings. In the years that followed, as defendants were patched into courtrooms via video feed, bails and detentions dramatically shot up. At great cost to the county. Ultimately, in 2008, the Cook County Sheriff chose to abandon these video hearings because incarceration costs had become too expensive. News articles regarding these events are available at:

<http://legaldefenders.blogspot.com/2008/12/video-bail-hearings-finished.html>

<http://suffredin.org/news/newsitem.asp?language=english&newsitemid=3495>

The underlying causes of the Cook County experience were extensively studied by law students from Northwestern University in 2010:

[http://www.law.northwestern.edu/jclc/symposium/v100/n3/1003\\_869.Diamond.pdf](http://www.law.northwestern.edu/jclc/symposium/v100/n3/1003_869.Diamond.pdf)

The researchers identified many variables that may have explained the massive increase in detentions. Their conclusions are highly relevant to the issues before us today. The researchers concluded:

If there is something about the presence of a live individual that cannot be replicated, even with modern technology, then video conferenced bail hearings cannot avoid a sacrifice of information that may threaten the quality of bail decisions, and a dehumanization that encourages a harsher response than would occur if the judge were faced with a live individual.

The researchers cautioned justice systems in other counties against the lure of technology as an easy fix to long-standing problems and costs:

When the legal system is pressured by heavy caseloads and limited resources, quick fixes promised by new technology threaten to damage rather than promote justice. That is what appears to have happened in Cook County. Technology offers great promise, but procedural justice is the currency of a fair and legitimate court system. The needed approach is to conduct pilot programs that include an evaluation of the operation and impact of proposed reforms, rather than simply to impose dramatic system-wide changes, as Cook County did with the videoconferencing bail “reform.” As Judge Joseph Goodwin wisely observed in describing the use of video proceedings in federal criminal trials, the justice system must “carefully segregate those inefficiencies that are mere products of time and place—which we would be foolish to retain—from those that are deliberately built into our system to spare a free people the convenience of the guillotine.” The warning signs from the Cook County experience counsel caution.

In short, video technology may have unforeseen costs that outweigh its expected benefits and may damage King County’s ability to deliver justice to its people. These concerns apply not only in the context of the courtroom and not just to bail hearings, but for other uses of video, including jail visitation. The same issues that apply in a courtroom may apply with equal force when considering the ability of justice system participants to meaningfully connect with one another outside the courtroom.

Another concern that should be mentioned here is whether the employment of video hearings would create or aggravate racial or gender disparities in our justice system. Some investigation should be made into these issues prior to implementation of any video projects.

*TDA requests that these global concerns, and specific reference to the Cook County experience and the Northwestern University study, be included in the Proviso Response. Specific reference to these concerns should be made in the Executive Summary, for all projects evaluated by the work group, and in the Conclusion section. TDA requests that the Proviso Response specifically emphasize the point that further research for all projects is needed to evaluate cost/benefit and justice impacts.*

## Additional Concerns by Specific Project Area

### Video Visiting

It appears from the Draft Proviso Response that the evaluation team felt this project would likely have positive justice impacts through the promotion of easier visiting by family and friends, and also social workers, chaplains, probation officers, and defense attorneys.

The Response identifies this project as one that is good for the families of inmates. TDA is concerned, however, that no members of the general community were included in the workgroup. The Response correctly identifies the concern that many indigent members of the community may have no access (or limited access) to the internet. The Response, however, does not address the fact that video visiting is simply not the same as an in-person visit in this context. The same issues identified in the Northwestern University, about the subtle (or not so subtle) ways in which video communication may dehumanize or depersonalize its participants, are also present here.

Additionally, video conferencing is likely to have a number of negative costs in the attorney visiting context. The defendant's faith in confidentiality is likely to be eroded because he or she will suspect (even if it is not true) that the conference is being monitored. Overworked attorneys may rely too heavily on video visitation when there is a real need for an in-person visit (such as the need to collaboratively review documents or the need to address volatile emotional issues). If video visitation is instituted, the Jail may put excessive limits on in-person visits that damage defense counsel's ability to communicate with and build trust with his or her clients. Dedicated confidential meeting spaces will need to be set up, a resource that is already very scarce at the county jail. The time involved in scheduling and coordinating these visits may be greater than the time it takes for an attorney to simply walk over to the jail. Other, currently unforeseen, issues may also arise.

*TDA strongly urges that the work plan not be implemented until the potential costs and justice impacts listed above have been more carefully analyzed. TDA requests that the evaluation team meet again and continue to assess this project in light of the above-listed concerns.*

### Courtroom 21

*In light of the concerns expressed above, further evaluation seems warranted prior to moving forward with equipping additional courtrooms with video technology. Currently, one courtroom in ITA court is already equipped with video technology. This existing technology already provides a framework to evaluate the many issues raised in the workgroups.*

### Issues to be Resolved for ITA Court

*Although no work plan has been implemented and a number of issues are identified in the Proviso Response, other issues should also be noted. The existing list of issues in this area is well-developed, but does not currently highlight our limited knowledge about how use of this technology may negatively affect justice and cost outcomes. Again, issues of subtle dehumanization (or depersonalization) should be included here.*

**Issues to be Resolved for Video Hearings**

*The current list of issues for this project does include reference to the KCSP Justice and Safety Objective 2: "Ensure fair and accessible justice systems." This issues, however, should be fleshed out in more detail, with specific reference to the issues experienced in Cook County and the Northwestern University Study.*

Thank you for the opportunity to comment on these important issues,

s/ Daron Morris  
Deputy Director  
The Defender Association