



POLICY STATEMENT
Commonwealth of Pennsylvania • Department of Corrections

Policy Subject: Videoconference		Policy Number: 1.1.10
Date of Issue: March 15, 2010	Authority: Signature on File Jeffrey A. Beard, Ph.D.	Effective Date: March 19, 2010

I. AUTHORITY

The Authority of the Secretary of Corrections to direct the operation of the Department of Corrections is established by Sections 201, 206, 506, and 901-B of the Administrative Code of 1929, 71 P.S. §§61, 66, 186, and 310-1, Act of April 9, 1929, P.L. 177, No. 175, as amended.

II. APPLICABILITY

This policy is applicable to all facilities operated under the jurisdiction of, or conducting business with the Department of Corrections.

III. POLICY

It is the policy of the Department to use videoconference (VC) technology consistent with state and federal law¹ and any specific written agreements entered into between the Department and a court, or administrative agency. The VC technology shall be used in order to enhance inmate, staff, and public security and minimize financial costs. The Department shall control the uses, authorized participants, and equipment for VC technology within Department facilities. The Department shall work cooperatively with each party seeking to use VC technology in order to:

¹ 42 U.S.C. §1997(e) now requires that, "to the extent practicable in any prisoner action brought with respect to prison conditions in federal court, pretrial proceedings in which the prisoner's participation is required or permitted shall be conducted by telephone, VC, or other telecommunications technology without removing the prisoner from the facility.

- A. enhance communication capabilities between the courts, administrative agencies, and inmates, and the administrators of the Department; and
- B. reduce costs and security risks associated with transferring and/or transporting an inmate to a court or administrative agency.

IV. PROCEDURES

All applicable procedures are contained in the procedures manual that accompanies this policy document.

V. SUSPENSION DURING AN EMERGENCY

In an emergency or extended disruption of normal facility operation, the Secretary/designee may suspend any provision or section of this policy for a specific period.

VI. RIGHTS UNDER THIS POLICY

This policy does not create rights in any person nor should it be interpreted or applied in such a manner as to abridge the rights of any individual. This policy should be interpreted to have sufficient flexibility to be consistent with law and to permit the accomplishment of the purpose(s) of the policies of the Department of Corrections.

VII. RELEASE OF INFORMATION AND DISSEMINATION OF POLICY

A. Release of Information

1. Policy

This policy document is public information and may be released upon request.

2. Confidential Procedures (if applicable)

Confidential procedures for this document, if any, are not public information and may not be released in its entirety or in part, without the approval of the Secretary of Corrections/designee. Confidential procedures may be released to any Department of Corrections employee on an as needed basis.

B. Distribution of Policy

1. General Distribution

The Department of Corrections' policy and procedures shall be distributed to the members of the Central Office Executive Staff, all Facility Managers, and Community Corrections Regional Directors on a routine basis. Distribution of confidential procedures to other individuals and/or agencies is subject to the approval of the Secretary of Corrections/designee.

2. Distribution to Staff

It is the responsibility of those individuals receiving policies and procedures, as indicated in the "General Distribution" section above, to ensure that each employee expected or required to perform the necessary procedures/duties is issued a copy of the policy and procedures either in hard copy or via email, whichever is most appropriate.

VIII. SUPERSEDED POLICY AND CROSS REFERENCE

A. Superseded Policy

1. Department Policy

1.1.10, Videoconferences, issued February 23, 2007, by former Secretary Martin F. Horn

2. Facility Policy and Procedures

This document supersedes all facility policy and procedures on this subject.

B. Cross Reference(s)

1. Administrative Manuals

- a. DC-ADM 201, Use of Force
- b. DC-ADM 812, Inmate Visiting Privileges
- c. 6.3.1, Facility Security

2. ACA Standards

- a. Administration of Correctional Agencies: None
- b. Adult Correctional Institutions: None
- c. Adult Community Residential Services: None
- d. Correctional Training Academies: None



PROCEDURES MANUAL
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Release of Information:

Policy Document: This policy document is public information and may be released upon request.

Procedures Manual: The procedures manual for this policy may be released in its entirety or in part, with the prior approval of the Secretary/designee. Unless prior approval of the Secretary/designee has been obtained, this manual or parts thereof may be released to any Department employee on an as needed basis only.

**1.1.10, Videoconferences Procedures Manual
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Attachments (By Section)

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Section 2 – System Use and Operation

Facilities/Sites with Videoconference, VV, and/or Telemedicine Equipment	Attachment 2-A
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Section 4 – Inmate Preparation and Participation

Videoconference Information	Attachment 4-A
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Section 1 – Responsibilities

A. Statewide Videoconference Coordinator (SVCC)

The Department's use of Videoconference (VC) technology will be coordinated through the Office of the Secretary/designee. This office shall:

1. serve as the Department's liaison for all VC initiatives, reporting, and coordination with outside agencies **as needed**;
2. identify and develop procedures for equipment uses, such as court proceedings, misconduct hearings, etc.;
3. establish use priorities (i.e., court proceedings or misconduct hearings, telemedicine or regional meetings, etc.); and
4. coordinate and clearly define the roles and responsibilities of the Facility Videoconference Coordinator (FVCC); and
5. **develop, maintain and distribute a Department wide VC directory with numbers and contact information to schedule and operate the VC system.**

B. Facility Videoconference Coordinator (FVCC)

1. The Facility Manager/designee at each participating facility shall designate a FVCC who shall:
 - a. maintain a list of all telephone and fax machine numbers needed to operate the VC system;
 - b. ensure that written procedures are developed for the operation of the VC system to ensure that others can operate it in his/her absence;
 - c. test the equipment one-half hour before the start of the VC to make sure that the equipment is in proper working order;
 - d. **input the ongoing schedule on the master E-Calendar in outlook at CR, DOC VC Coordinators for the scheduling of requested VCs;**
 - e. maintain a master log of all VCs conducted on the **Videoconference Equipment Use Reports (Attachment 1-A)**;
 - f. verify VC availability prior to a court or administrative agency scheduling a VC;
 - g. notify the SVCC and the VCC for the court or administrative agency as soon as possible when the Facility Manager/designee has cancelled, seeks to cancel, or desires to reschedule a previously scheduled VC;

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Section 1 – Responsibilities

- h. notify the appropriate facility staff of any VC that is scheduled or of any changes to the schedule (i.e., cancellation, rescheduling, etc.);
- i. complete and update the **Videoconference Equipment Use Report, Telemedicine Equipment Use Form (Attachment 1-B)**, and the **Equipment Information Form (Attachment 1-C)** for submittal to the SVCC as indicated; and
- j. when applicable, complete the **Videoconference Information for Criminal Court Proceedings Form (Attachment 1-D)** and forward to the facility records office for filing in the **DC-15, Legal Section**.

Section 2 – System Use and Operation

A. Types of Uses

1. The Department shall permit the use of videoconference (VC) technology for pretrial federal court civil proceedings in accordance with any written court agreement. The facilities with VC capabilities for federal court use are contained in the **Department Facilities/Sites with Videoconferences, Virtual Visitation, and/or Telemedicine Equipment (Attachment 2-A)**.
2. Uses for a VC include, but are not limited to, the following:
 - a. Pennsylvania Board of Probation and Parole (PBPP) hearings; (priority over other categories);
 - b. administrative hearings;
 - c. discovery disputes;
 - d. resolution of pretrial matters;
 - e. family court matters **regarding all child custody issues as requested by a master/judge based upon each facility's schedule**;
 - f. inmate misconduct hearings;
 - g. training;
 - h. meetings;
 - i. telemedicine;
 - j. **federal court** civil cases where the Department provides transportation; and/or
 - k. inmate marriages.
3. The Facility Manager/designee, with the approval of the Regional Deputy Secretary, may authorize other uses for VC technology within the facility.
4. Prohibited uses of VC technology include **state or county court civil cases in which the Department is not a party**.

B. System Operation

1. Days and Times
 - a. **VCs will be conducted during times that are mutually agreeable.**

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Section 2 – System Use and Operation

- b. VCs will generally be permitted to occur between the hours of 8:30 a.m. (0830 hours) and 4:00 p.m. (1600 hours) Monday through Friday, excluding federal and state holidays.
- c. Unless the Facility Manager/designee approves an exception, VCs are not to be scheduled for, or initiated later, than 3:00 p.m. (1500 hours).

2. Scheduling

- a. VCs for PBPP hearings and interviews shall be given priority over other VC requests; however, efforts should be made to accommodate all requests. Unless other arrangements are made with facility PBPP staff, parole staff will check with the Videoconference Coordinator (VCC) who shall schedule the VC, turn on the equipment, and be available for any technical assistance should there be an equipment malfunction.
- b. The scheduling of VCs must take into account that courts and administrative agencies will use VCs for other Commonwealth purposes. Therefore, every attempt shall be made to schedule VCs to minimize delays, costs and/or disruptions to the operation of the participating facilities and the other agency. Requests by administrative agencies (the Sexual Offenders Assessment Board) for VCs with an inmate shall be made to and initiated from the facility VC location closest to the requestor's home or agency.
- c. The Facility Videoconference Coordinator (FVCC) shall inform the designated VCC for the court or administrative agency that he/she must:
 - (1) verify VC availability with the appropriate FVCC before it schedules a VC;
 - (2) provide the appropriate FVCC with a request for a VC at least 48 hours prior to the requested time and date of the proposed VC. Failure to notify a facility twice at least 48 hours prior to the requested day and time within a year, may result in denial of the VC at the Facility Manager's discretion;
 - (3) provide any other information the FVCC needs to facilitate timely and proper VCs;
 - (4) initiate the VC by calling the video number provided by the FVCC. The requirement that the requestor initiate the VC may be waived, and the FVCC may place the call, if permitted by the Facility Manager/designee. Waivers shall be limited to circumstances in which the facility's equipment is causing the failure to connect or there is some reason why it is in the best interest of the Department to allow the VC to proceed. The date, time and reason for the waiver shall be reported to the Statewide Videoconference Coordinator (SVCC) on the same day that it occurs;
 - (5) promptly notify the FVCC of any cancelled, rescheduled or terminated VCs; and

- (6) continue to provide any VC related documents directly to the inmate as would be normal procedure (e.g., court orders through the US mail). The FVCC is only contacted for VC scheduling purposes.

C. Attorney-Client Communications

1. ***Requests for an attorney-client VC in conjunction with a hearing may occur as schedules permit and does not include state or county court civil cases in which the Department is not a party. Should there be an irreconcilable scheduling difference between a scheduled attorney-client VC and a court VC request, the court request shall take precedence. Should the attorney-client VC be required prior to a hearing, the facility will provide privacy for such attorney-client VCs during the hearing, if possible. If not possible, a telephone will be used for this purpose. All other attorney-client communications shall be conducted according to the Department's inmate visiting, inmate mail and/or inmate telephone policies.***
2. ***Requests for an inmate's attorney to be with the inmate at the facility during a VC will be denied for security reasons unless the VC equipment is located in the attorney-client visiting room.***

D. Inmate Transfers

The VCC will consult the Inmate Transportation System in DOCInfo to determine if there is a conflict between a VC, ATA or other transfers, and the facility Records Office to determine if an inmate will be picked up for a court appearance from that facility. The VCC will be guided accordingly as noted below.

1. ***General transfers will occur between facilities though a court VC is scheduled. The transferring facility will contact the receiving facility to notify them of the VC in order for it to be conducted on the designated date/time. Should there be a conflict, the transferring facility will contact the court to establish a mutually agreeable time for the VC to occur prior to transfer or between the receiving facility and the court.***
2. ***A court scheduled VC will take precedence over an ATA. A request for an ATA will be denied and scheduled for a different date when a court related VC has already been scheduled.***

Section 3 – Videoconference Room Design Standards

A. Lighting

1. *The goal is to use an evenly lit space with minimal shadowing. Diffused fluorescent fixtures should be used where possible. Direct lighting, such as indoor spotlights, which cause heavy shadowing, should be avoided or positioned such that shadows are not cast upon videoconference (VC) participants. There should be no direct lighting aimed in the direction of the camera lens. Windows should be equipped with opaque coverings to block both direct light and reflected light that would either shine in the direction of the camera lens or create shadowing.*
2. *The final measure in determining near-end lighting effectiveness is to conduct VC test calls and obtain feedback from far-end participants. Test calls should be conducted with both light-skinned and dark-skinned participants to confirm the lighting provides the ability for far-end participants to observe facial expressions on near-end participants. Lighting should be adjusted as needed to maximize facial expression detail.*

B. Room Décor

1. *The goal is to think of the VC room as an extension of the environment hosting the far-end participants. For example, in cases where the VC equipment will be used to conduct judicial hearings, the near-end room décor should be consistent with that found in a court room. Since it is not practical to predict all possible future use, it is recommended that all VC rooms be equipped for any potential future use.*
2. *It is recommended that walls be painted in a flat or semi-flat finish. Neutral shades such as beige, tan, pale gray or a pale slate blue work best. Avoid stark whites, vibrant colors, and darker palettes which do not provide optimum background and/or create problems with reflected light. Muted pale tones are best. Window coverings should conform to the same color standards as the walls and should also avoid use of distracting patterns.*
3. *Furniture and decorating accessories should be kept to a minimum. Wall hangings, furniture, and other furnishings within the camera's field of view should not have reflective surfaces.*

C. Audio Considerations

1. *VC effectiveness is directly related to the quality of the audio signal received by the far-end participants. Rooms should be equipped with carpeting, sound proof ceiling tiles, and/or other sound-deadening fixtures to eliminate as much echo as possible. Speakers for local public address systems should be removed from the VC room or disabled during the VC. VC rooms should not be exposed to extraneous noise (abnormally loud HVAC systems, other mechanical/electrical systems, conversations from others not involved in the VC, radios, sounds from room furnishings such as clock chimes, etc.). Excessive TV volume and/or poor*

positioning of the VC microphone may result in feedback that can be eliminated by reducing the TV volume and/or moving the microphone farther away from the TV speakers.

- 2. As mentioned in Subsection B.1. above, the VC room must be considered an extension of the environment hosting the far-end participants. The audio conditions at the near-end should be consistent with that found at the far-end.***
- 3. The final measure in determining the VC room audio effectiveness is to conduct VC test calls and obtain feedback from far-end participants. Test calls should be conducted under a variety of near-end conditions to confirm that the conditions do not impede VC audio quality as perceived by the far-end participants. For example, VC test calls should be conducted during a near-end public address announcement, during a time when the HVAC fan is blowing, during a time when conversations among others are occurring in an adjacent room, etc. Adjustments should be made at the near-end as needed to mitigate audio problems perceived by the far-end.***

Section 4 – Inmate Preparation and Participation

A. Inmate Preparation and Supervision

1. Inmate Preparation

- a. The Facility Videoconference (VC) Coordinator (FVCC) shall ensure that the inmate is given an opportunity to review the **Videoconference Information (Attachment 4-A)** prior to the VC.
- b. The FVCC shall familiarize the inmate with the use of instructional materials prepared by the court or administrative agency.
- c. The FVCC, or an appropriate staff member, may read, explain or translate the instructional materials to the inmate, if necessary.

2. Inmate Supervision

- a. If a facility staff member needs to be present with the inmate during a VC, the staff member shall identify himself/herself to the court or administrative agency and be in camera view during the VC. The Facility Manager/designee shall determine the supervision required based on the specifics of each case.
- b. If the supervising staff member believes that the VC cannot be conducted safely with a particular inmate, the staff member may cancel, suspend, or terminate the VC. The staff member shall complete a **DC-121A, Extraordinary Occurrence Report** in accordance with Department policy **6.3.1, “Facility Security,” Section 17, Extraordinary Occurrences**.
- c. A facsimile machine shall be located in close proximity to the VC equipment for easy retrieval of documents that may be needed during the VC. It may be located in the room with the VC equipment or within a reasonable walking distance from the VC equipment.

3. ***Temporary Hold-In: Upon completion of a VC where the inmate has received an additional sentence or other negative news, the Shift Commander shall be immediately notified to determine if a temporary hold-in order is warranted. Notification shall be made verbally to the Shift Commander by the staff member monitoring the VC.***

B. Inmate Participation

1. Participation in a VC is not voluntary, unless the court or the Pennsylvania Board of Probation and Parole (PBPP) indicates that it is optional.
2. If the inmate refuses to participate in the VC, the FVCC shall advise the Statewide Videoconference Coordinator (SVCC) and the Videoconference Coordinator (VCC) of the court, or administrative agency, that the inmate has refused to participate. The FVCC

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Section 4 – Inmate Preparation and Participation

shall provide the reasons, if known, why the inmate does not want to participate in the VC.

3. The FVCC or other staff shall provide the inmate with any materials supplied by the court or administrative agency that explains the consequences of failing to participate in a court-ordered VC.
4. During VCs, all Department policies remain in effect, including Department policy **DC-ADM 201, “Use of Force.”** If, during a VC, an employee is directed by a judge, magistrate, or judicial official to perform an action contrary to Department policy, **that request shall be declined and** all further discussions on the matter **will be directed** to the Facility Manager/designee, who will explain why the requested action cannot be taken.

C. Termination of a Videoconference

1. The facility may terminate or cancel any VC at the discretion of the Facility Manager/designee for security, staffing, or other justifiable reasons.
2. In the event that the Facility Manager/designee terminates, cancels, or seeks to reschedule a VC, the FVCC will notify the designated VCC for the court or administrative agency as soon as possible.
3. The FVCC will notify the inmate involved in the VC of any changes to the scheduled VC.
4. For a court related proceeding, staff responsible for the VC should keep in mind that a presiding judicial officer may refuse, limit or terminate the VC proceeding or portions thereof, or testimony of particular witnesses. The judicial officer may do so for any reason.

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Glossary of Terms

Administrative Agency – *A state or federal governmental unit with which the* Department has requested or agreed to conduct a videoconference, regarding Department or inmate related issues.

Department – The Pennsylvania Department of Corrections.

Facility Manager – The Superintendent of a State Correctional Facility, State Regional Correctional Facility, Commander of a Motivational Boot Camp, Regional Director of a Community Corrections Center, or the Director of the Training Academy.

Facility Videoconference Coordinator (FVCC) – The individual designated by the Facility Manager to coordinate the scheduling and operation of the videoconferencing equipment.

Statewide Videoconference Coordinator (SVCC) – The individual, designated by the Secretary/designee, who coordinates the scheduling and operation of the videoconferencing equipment on a ***Department wide basis***. This individual will also serve as the FVCC for Central Office.

Videoconference Coordinator (VCC) – The individual, designated by a court or administrative agency, who coordinates the scheduling and operation of the ***court or agency's*** videoconferencing equipment.

Videoconference (VC) – A meeting or event conducted through videoconference equipment in lieu of traveling to the site.

Virtual Visitation (VV) – Virtual visitation is an inmate/family visit through the use of videoconference equipment in accordance with Department policy **DC-ADM 812, "Inmate Visiting Privileges."**