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| **Prisoner Video Conferencing / TeleCourt Procedures** | | | |
| **Section** | | 2. Prisoner Management | |
| **CR Number** | 2.3.4 | **Current Issue Date** | September 2020 |
| **Legislation & Policy** | | Corrections Act 1986  Charter of Human Rights and Responsibilities Act 2006 | |
| **Standard** | | Prisoner Administration Services | |
| **Attachments** | | Nil | |
| **Forms** | | TeleCourt Risk Assessment | |

1. **PURPOSE**

To set out the protocol for the booking and management of professional visit video conferencing for prisoners, to ensure consistency of practice.

1. **REQUIREMENT**

Prisons must adhere to defined processes when utilising video conferencing and TeleCourt facilities for legal and professional purposes.

1. **CONTEXT**
   1. Prisoners’ human rights are limited only to the extent that it is reasonably and demonstrably justifiable. All staff must act compatibly with human rights and properly consider human rights when making decisions.
   2. Video conferencing is used for a range of purposes for prisoners. This includes attendance at Court via video conference (TeleCourt), conferencing with legal representatives and communicating with Community Correctional Services for matters such as parole assessments and Community Correction Order assessments. In order to maintain the integrity of the legal and corrections systems, formal procedures must be followed.
   3. The centralised Video Conferencing Coordination Unit (VCCU), is responsible for the booking of all video conferencing for prisoners across the prison system.
   4. The Sentence Calculation and Warrant Administration Unit (SCWA) provides operational support for the recording of proposed TeleCourt matters and the Court orders that arise from these matters.
   5. Prison records staff are required to liaise with the VCCU and SCWA as required for the booking and management of video conferencing. Prison staff are not required to communicate directly with Courts with regard to video conference bookings, eliminating the need for faxed confirmations between Courts and prisons.
2. **INSTRUCTION**
   1. **Protocol**

The key stakeholders and their responsibility in the video conferencing process are as follows:

VCCU – responsible for scheduling all video conference bookings for prisoners.

SWCA – responsible for converting moves to TeleCourt and recording TeleCourt outcomes.

Prisons – responsible for ensuring prisoners attend video conferencing sessions as instructed by VCCU and SCWA.

Custody Coordination Registry (Magistrates’ Court) – responsible for scheduling TeleCourts for some Magistrates’ Courts, coordinating the identification of matters to be heard via TeleCourt and providing written instructions to SCWA regarding the Court’s direction.

* 1. **Video Conferencing booking process**
     1. All prisoner video conference bookings, including but not limited to, Magistrates’ Court, County Court, Supreme Court, Court of Appeal, Community Correctional Services, internal and external agencies and legal video conferences, are managed by the VCCU.
     2. VCCU must maintain a schedule for the availability of video conferencing facilities in all Victorian prisons. Stakeholders who need to book a video conference for a prisoner must contact VCCU to book in a time that is suitable. VCCU are to be contacted at vc.prisons@justice.vic.gov.au in the first instance, or on 9217 7664 or 9217 7680 for urgent booking amendments and queries. Bookings should be as far in advance as possible.
     3. Where possible, all booking requests require the following information: prisoner’s full name; CRN or date of birth; requested date and time for the booking; description of the proposed video conference; length of proposed video conference; name of person conducting/requesting the conference—including their organisation and contact details.
     4. Each weekday afternoon (Monday to Friday), the VCCU will email advice to applicable staff at each prison advising of the completion of the schedule for the next applicable day. The schedule is accessible to staff at public prisons, upon receipt of a completed Restricted Access Form by the VCCU, at V:\\VCPP. This document contains an individual spreadsheet for each prison location. Each spreadsheet contains the time and unit location for each videolink booked for that prison and will serve as the only notification a prison will receive about a TeleCourt matter. Private prisons will receive an email containing the schedule for the next business day at least twice daily.
     5. The VCCU will colour code the schedule to indicate court matters requiring an officer be present (blue) and court matters that require the TeleCourt Risk Assessment be completed (green).
     6. All risk assessments are to be retained on the prisoner’s Individual Management File (IMF).
     7. The VCCU will refer to the prisoner profile screen in the Prisoner Information Management system (PIMS) for every prisoner at the time of booking court appearances and advise each prison if a prisoner in their custody scheduled for a court hearing has an intellectual disability. Where possible, the VCCU will alert any prison that has a prisoner with an intellectual disability prior to the scheduled court appearances. Prisoners identified as having an intellectual disability require an officer be present to assist the prisoner for court appearances.
     8. It is the responsibility of the prison to ensure that prisoners are available for their video conference at the booked time and location.
  2. **Specific protocols for TeleCourts**
     1. The listing of Court hearings via TeleCourt is managed by the Coordinators of each Court. Some Magistrates’ Courts are supported in this function by the Custody Coordination Registry (CCR), which is a centralised scheduling team at the Magistrates’ Court. Typically matters are identified as being suitable for TeleCourt in one of the two following ways:

The Magistrate or Judge orders on the remand warrant that the next hearing is to be via TeleCourt.

If not stated on the warrant, the Court may order that an appearance is to be heard via TeleCourt and notify CV in writing.

* + 1. The Court is responsible for notifying the prosecution and, where necessary, the prisoner’s legal representative, that a TeleCourt from the prison has been scheduled.
    2. The Court should provide relevant details of the matter and the accused to SCWA in writing when requesting a TeleCourt hearing. Where not provided by the Court, SCWA will liaise with the Court and/or VCCU to obtain these details.
    3. The Court, on its own initiative, or on application by either party, may make a direction that the TeleCourt is to be cancelled and that the accused person is to be physically brought before the Court. In these circumstances, the Court will provide SCWA with a written request for the prisoner to attend in person. SCWA will then notify VCCU of the request. Furthermore, a copy of the relevant paperwork will be sent to the prison by SCWA to facilitate movement of the prisoner to Court.
  1. **Responsibilities of SCWA in relation to TeleCourts**
     1. When notified that a matter is to be heard via TeleCourt, SCWA must create the Court movement and convert it to TeleCourt.
     2. Courts must send all paperwork relating to TeleCourt outcomes to SCWA. SCWA is responsible for ascertaining the outcome for all TeleCourt hearings and recording the outcome as required on PIMS.
     3. If the outcome of the TeleCourt affects a prisoner’s custody status (for example, is a sentence, remand or bail), SCWA must send the paperwork to the prison. SCWA does not need to send other paperwork that is irrelevant to the prisoner’s custody status to the prison. Any relevant outcomes will be recorded in PIMS.
  2. **Responsibilities of prisons in relation to TeleCourts**
     1. The TeleCourt Risk Assessment (attached) should be completed by a Prison Supervisor or delegate prior to the court appearance. The Supervisor coordinates the presence of an officer where it has been identified on the risk assessment, or where the prison, based on their management and history with the prisoner, identifies the need for an officer to be present during the hearing.
     2. Prisons must advise prisoners of their pending TeleCourt appearance as soon as practicable upon receipt of the video conferencing schedule.
     3. Prisons must liaise with the VCCU if a video conference/TeleCourt booking requires amendment or rescheduling.
     4. Prisons must ensure that a TeleCourt move is loaded onto PIMS when the TeleCourt takes place, and not prior. If there is no move, the prison must contact SCWA to ensure they are aware of the TeleCourt and can load the move into PIMS.
     5. If a prisoner is transferred prior to a video conference/TeleCourt taking place, it is the responsibility of the dispatching prison to notify VCCU that the prisoner is moving to a new location. The VCCU will manage the booking and notify all parties of any changes.
     6. If a prisoner is released from custody prior to the TeleCourt hearing (e.g. the prisoner is bailed out of prison), it is the responsibility of the prison to notify the VCCU and SCWA that the prisoner has been released. The VCCU will advise CCR of the prisoner’s release.
     7. Prisons must make the necessary arrangements to ensure that prisoners are available to appear via video conferencing at the applicable time and location, as detailed within the video conferencing schedule.
     8. Prisons must, if required, make the necessary arrangements for prisoners to speak with their legal representative(s) before, during and after the hearing, where possible in a private area.
     9. Prisons must permit prisoners to wear their own clothing when appearing before the Court via TeleCourt.
     10. Prisoners must be advised by prison staff prior to the TeleCourt hearing, that if during the hearing any technical issues arise with respect to the quality of visuals or audio, they must alert prison staff or the Court to the problem. Prison staff must report technical difficulties to the VCCU, in the event that the issues were such that the proceedings were affected.
     11. A staff member must be present during all TeleCourt hearings for matters involving the High Court, Court of Appeal, Supreme Court, County Court and any court of a jurisdiction outside Victoria, to ensure the proper conduct of the court proceeding.
     12. For matters involving the Magistrates’ Court of Victoria, a staff member must be present for Bail matters and sentencing matters. For all other matters, it is the discretion of the prison as to whether a staff member should be present. The decision to have a staff member present should be based on the attached TeleCourt Risk Assessment considering the proper conduct of the court proceeding and the welfare of the prisoner.
     13. Upon completion of the TeleCourt hearing the prison must assess the prisoner’s risk and, if required, complete a referral to a mental health professional in accordance with Commissioner’s Requirement - Management of At Risk Prisoners.
     14. Prisons must finalise the TeleCourt movement in PIMS at the completion of the hearing.

4.5.15 Where a prisoner is unlawfully detained or released, the prison General Manager must   
notify the prisoner that they were unlawfully detained and that they may seek legal advice. The incident is a notifiable incident and must be reported to the Deputy Commissioner, Custodial Operations or Duty Director within 30 minutes (refer to Commissioner’s Requirement – Incident Reporting for incident reporting processes).

* 1. **Prison visits (professional)**
     1. When confirming video conferences with third party professionals (e.g.solicitors, barristers and other professionals conferencing with prisoners), the VCCU will notify the third party that it is a requirement for them to identify themselves and confirm there are no unauthorised persons present during any video conference.
     2. This process must not be completed in the presence of the prisoner and staff must take care not to breach a professional visitor’s privacy. All efforts must be made to ensure that the visitor’s private information is protected.
     3. A professional visitor will not be required to confirm their location, nor will staff request that the professional visitor show them their surroundings. This is only a requirement for personal video visits with prisoners.
     4. The VCCU will also notify the third party that while staff will not be present during the conference, active visual monitoring may occur by the prison to ensure compliance with relevant policies and to ensure that security is not compromised.
     5. Prison staff are required to request third parties to identify themselves with identification (if possible) and again, this is to be undertaken in the absence of the prisoner.
     6. Custodial staff are also required to undertake active visual monitoring of video conferencing rooms to ensure that the persons identified and approved for the conference remain the participant/s in the conference.
     7. No staff are to be present or listen to any conferences between prisoners and their legal representatives.

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| Larissa Strong  **Acting** **Commissioner** |

**Information below this point is administrative supporting detail**

**only and not subject to Commissioner’s review or approval.**

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| **Acronyms** | |
| IMF | Individual Management File |
| PIMS | Prisoner Information Management System |
| SCWA | Sentence Calculation and Warrant Administration |
| VCCU | Video Conferencing Coordination Unit |

| **Definitions** | |
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| **Associated Commissioner’s Requirements** |
| 1.3.1 - Incident Reporting  2.3.1 - Management of At Risk Prisoners |

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| **Document Detail** | |
| Title: | Prisoner Video Conferencing / TeleCourt Procedures |
| Owner: | Assistant Commissioner, Sentence Management Division |

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| **Version Control** | | |
| Version | Date | Description |
| V10 | Sep-20 | Update |
| V9 | Feb-17 | Update |
| V8 | Sep-16 | Update |
| V7 | Aug-16 | Update |
| V6 | Dec-15 | Update |
| V5 | Jun-15 | Update |
| V4 | Aug-14 | Update |
| V3 | Nov-13 | Update |
| V2 | Sep-13 | Update |
| V1 | Nov-12 | First Issue |

**TELECOURT RISK ASSESSMENT**

TO BE COMPLETED PRIOR TO EVERY TELECOURT APPEARANCE EXCEPT FOR:

High Courts – Supreme, County, Court of Appeals, Interstate Courts, Bail and Sentencing matters

**CUSTODIAL STAFF ARE REQUIRED TO BE PRESENT DURING THESE MATTERS**

**Staff are to ensure that the privacy of the prisoner and the professional visitor is not compromised during the Telecourt.**

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| **Prisoner’s Given Name & Surname:**  …………………………………………………………………………………. | | **CRN:**  ……………………… |
| **Prison location:**  ………………………………………... | **Court location:**  ……………………………………. | **Date:** …… / …… / 20….. |

|  |  |
| --- | --- |
| TeleCourt start time:…………….am/pm |  |

**Check:**

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| 1. **Does the prisoner have an S1 rating?**   If Yes – an Officer to be present at TeleCourt | **🞎 Yes 🞎 No** |
| 1. **Does the prisoner have an S2 rating?**   If Yes – an Officer to be present at TeleCourt | **🞎 Yes 🞎 No** |
| 1. **Does the prisoner have a V1 rating?**   If Yes – Officer/s to be present at TeleCourt as per management regime | **🞎 Yes 🞎 No** |
| 1. **Does the prisoner have a P1 rating?**   If Yes – an Officer to be present at TeleCourt | **🞎 Yes 🞎 No** |
| 1. **Does the prisoner appear distressed/vulnerable?**   If Yes – an Officer to be present at TeleCourt | **🞎 Yes 🞎 No** |
| 1. **Is the prisoner housed in a management/high security unit?**   If Yes – Officer/s to be present at TeleCourt as per management regime | **🞎 Yes 🞎 No** |

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| Officer’s Given Name, Surname & Rank:  **………………………………………………………………………………** | Signature of officer:  **……………………………….** |

**TO BE PLACED ON PRISONER’S IMF**