

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 5: Court Operations
Chapter 2: Programs and Standards
Section 5-208: Operational Standards for Interactive Audiovisual Proceedings in Criminal Cases

A. Purpose. An interactive audiovisual proceeding in a criminal case pursuant to Rule 1.6 of the Rules of Criminal Procedure shall attempt to make the appearance of a defendant from a remote location as similar to an in-person courtroom appearance as possible. The operational standards and certification requirements set out in sub-sections (B) and (C) are promulgated to assure that the dignity, solemnity, and fairness of an interactive audiovisual appearance from a remote custodial facility within the State of Arizona is comparable to an in-court appearance. The remote appearance of a defendant from a location other than a custodial facility within the State of Arizona is governed by sub-section (D).

B. Operational Standards.

1. Training. Judicial officers and staff who participate in interactive audiovisual proceedings shall receive appropriate training in operating and optimizing the use of an interactive audiovisual system.
2. Remote site. The remote site shall be a room or area at the custodial facility that is dedicated to interactive audiovisual proceedings. If no dedicated area is available, the room or area used shall provide proper decorum for the proceeding and be free of extraneous activity and sounds. The remote room or area shall be furnished with seating and a work surface for defendant and defense counsel.
3. Site review. Prior to initial use of a remote site and not less than annually thereafter, court staff shall conduct a review of any remote location used for interactive audiovisual proceedings to establish that the lighting, the sound, the setting, and the visual appearance of the remote location promote fairness and appropriate court decorum.
4. Court reporters. In proceedings where court reporters are utilized, the judicial officer shall assure that the court reporter can clearly see and hear those persons who are speaking, and that the court reporter has an accessible microphone that permits the reporter to interrupt the proceeding if necessary.
5. Documents. A defendant who appears from a remote location shall be provided in a timely manner with hard copies of any documents such as charging documents or plea agreements that are necessary for the proceeding.
6. Confidential communications. Prior to the start of proceedings, a defendant shall be informed of the available means of confidential communications.
7. Judicial authority and discretion. A judicial officer conducting an interactive audiovisual proceeding shall retain authority over all aspects of the proceeding. The judicial officer

conducting a proceeding through an interactive audiovisual system shall have discretion to discontinue any proceeding if conditions arise that detract from the fairness of the proceeding, or if any matter occurs during the proceeding that would warrant conducting the proceeding with the defendant's personal appearance in the courtroom.

8. Technical requirements. Any interactive audiovisual system used by a court, including all endpoints of that system, shall meet the following minimum standards:

- a. Participants at any remote location shall be able to clearly see and hear proceedings in the courtroom. Participants in the courtroom shall be able to clearly see and hear participants at any remote location.
- b. The interactive audiovisual system shall provide sufficient picture clarity to see the facial features of the judicial officer, the defendant, and all other participants when they are speaking.
- c. Equipment for conducting videoconferencing communications shall meet the requirements of The International Telecommunications Union (ITU) Telecommunications Standardization Sector (ITU-T) H-series Recommendations H.320 (03/04) (ISDN) or H.323 (06/06) (IP), as applicable.
- d. Dedicated bandwidth for each videoconference shall deliver not less than 384 kbps to preserve video delivery to each endpoint of no less than 30 frames per second.
- e. Audio quality shall be 14 kHz and provided the highest priority among all network traffic.
- f. When used, compression and encryption technologies shall be common to all endpoints in any individual videoconference.
- g. Cameras and microphones shall be suitable for the configuration of the room in which the proceeding takes place. Projection screens, monitors, and speakers shall be placed, and shall be of sufficient size or capacity, to enable participants and spectators (including family, victims, the media, and members of the public) to clearly see and hear participants in the courtroom and at the remote location. High definition monitors are recommended over conventional monitors.
- h. Court staff shall perform a system check each day sufficiently in advance of court proceedings to assure proper operation of the interactive audiovisual system. The court shall establish a procedure for staff to follow in the event of a system malfunction. A check of the audio function shall be performed prior to conducting the initial proceeding following any loss of power or system shutdown.

9. Periodic review. Due to the changing nature of technology, standards in subsection (B)(8)(c)-(f) shall be reviewed once a year by the Commission on Technology to identify areas requiring updating or revision.

C. Local Court Certification. Every court using an interactive audiovisual system shall designate a representative to complete a form once a year that certifies that the interactive audiovisual system utilized in that court for criminal proceedings meets the operational standards set forth above at all endpoints. The court shall use a certification form promulgated by the Administrative Office of the Courts for this purpose. Exceptions to the standards, including any that relate to jail security requirements, shall be noted on the written certification. The signed certificate shall be submitted to the presiding judge of the county, who shall maintain the most recent certificate.

D. Appearance from a Location Other Than a Custodial Facility Within the State of Arizona. A defendant may appear by an interactive audiovisual system from a custodial facility outside the State of Arizona, or from a non-custodial location within or outside Arizona. Appearances from these facilities and locations do not require that the particular standards set out in subsection B be fulfilled, as long as the court conducting the proceeding is satisfied that the defendant and the attorney at the remote location can clearly see and hear proceedings in the courtroom, and that those in the courtroom can clearly see and hear the participants at the remote location. The certification set forth in subsection C does not apply to appearances under subsection D.