

NYC DOC Protocol for Video Teleconferencing

October 12th, 2021

Overview

1. Cases must be within the forty eight contiguous states.
2. Defendants who are eligible to appear electronically by Teams Video Teleconferencing (VTC) must be housed in the New York City Department of Correction (NYC DOC).
3. Defendants may appear electronically for:
 - Supreme Court
 - Criminal Court
 - Family Court
 - Housing Court
 - Civil Court
 - Writ Court
 - NYS DOCCS Parole Revocation Hearings
 - Interviews / Hearings for:
 - Attorney & client
 - 730 Exams / Mental Health Evaluations
 - Probation
 - Civilian Complaint Review Board (CCRB)
 - Depositions
 - Program Interviews
 - Social Security
 - Co-defendant interviews (must be in NYCDOC custody)
 - Requests from a member of the bar, judiciary or a recognized criminal justice agency and community based human services agencies

As per Article 182 of the CPL, the following conditions and limitations apply to all electronic appearances (*Exemptions based on Governor's Executive Order):

- *The defendant may not enter a plea of guilty to, or be sentenced upon a conviction of, a felony.
- *The defendant may not enter a plea of not responsible by reason of mental disease or defect.
- *The defendant may not be committed to the state department of mental hygiene pursuant to article seven hundred thirty of this chapter.
- *The defendant may not enter a plea of guilty to a misdemeanor conditioned upon a promise of incarceration unless such incarceration will be imposed only in the event that the defendant fails to comply with a term or condition imposed under the original sentence.
- *A defendant who has been convicted of a misdemeanor may not be sentenced to a period of incarceration which exceeds the time the defendant has already served when sentence is imposed.

Procedures

1. DOC uses Microsoft Teams exclusively. VTC sessions are conducted **Monday to Friday from 8am to 8pm**. *There is no Video Teleconferencing on the weekends.*
2. Agencies and individuals connecting to DOC for the first time must read the Teams Q&A document that was created by the Office of Court Administration. It provides information on Teams testing.

Note: A reservation for the video teleconferencing booth is required.

3. You may schedule a Teams video conferencing session by completing the online Video Teleconferencing Scheduling Form: <https://www1.nyc.gov/site/doc/inmate-info/schedule-attorney-video-teleconference.page>
4. Your submission must be received **48 business hours in advance** of your requested session(s). This excludes weekends.
5. Each interview session is scheduled for 30 minutes. If you require an extended session, please indicate so on the scheduling form. We may limit the number of extended sessions each day in order to meet demands.
6. Upon receiving your submitted form, staff from the DOC Criminal Justice Bureau will respond with a confirmed reservation for a Video Teleconferencing session based on your desired date/time. This response will be in the form of a calendar invite, which will include the date, time, inmate information, and Teams booth # for the facility where the inmate is housed.

Note: Only those individuals listed on the VTC scheduling form will be permitted to enter the booth to meet with the individual in custody.

Note: Medical clearance is required for individuals in custody housed in isolation units, Bellevue Hospital Prison Ward and the CDU at West Facility. CJB staff will assist in obtaining medical clearance information.

7. For those agencies/individuals who do not have direct access to the DOC booths, CJB staff will use the contact information on the Video Teleconferencing Scheduling Form to create a Teams invitation and email it to the participant(s) of the video session. At the appointed time, the individual(s) should join the Teams video conference call by opening the Teams invitation they received in their email and then clicking **“Join Teams Meeting”**. The individual will enter their name in order to join the conference as a guest using the Teams meetings Web App. Once you have clicked the Teams link, you must contact 718-546-8631 or 718-546-8204 to be manually connected to the facility’s VTC booth.
8. You are prohibited from forwarding TEAMS links to individuals who are not listed on the scheduling form. To do so is a breach of security. If you need to add someone to your session, you are to email video.teleconferencing@doc.nyc.gov. You are not to send the link

to anyone you choose without providing a request the Department of Correction. If you do not comply with our security mandate you will be prohibited from using the TEAMS video teleconferencing system in the Department of Correction. *Requests for adding additional participants must be received at least 48 business hours in advance of the scheduled session.*

9. Agencies/Individuals who do have direct access to the DOC VTC booths can simply log into their Teams accounts and make a video call to the booth that they have reserved using the Teams account names associated with the booths.
10. If during your VTC session you need any documents to be signed by the inmate, please call the facility beforehand to let the officer know so that you can be instructed where to fax/email them. Once the documents are signed, the officers will send them back to you. Please note that these documents **must** be signed in your presence during the session. The VTC officers are not responsible for explaining the contents of the documents or getting the inmates to sign them.
11. You are expected to arrive promptly for your VTC session. If you arrive late, you are only entitled to the remaining time in your session. If you miss your entire session, you are to reschedule your session for a later time. Individuals in custody will not be held indefinitely in the VTC area. They are promptly returned to their housing area if you do not appear at your appointed time. *Please keep in mind that the interview could be delayed due to logistical or technical issues.*

Note: If you are unable to keep a scheduled appointment, you are expected to cancel the session. Failure to cancel a session will jeopardize your ability to continue to use the service. VTC Sessions can be canceled in advance by sending an email to video.teleconferencing@doc.nyc.gov and including the calendar invite you received. If it is the day of a scheduled VTC session and you need to cancel, the facility's VTC unit should be notified as soon as possible. The contact information for the VTC units can be found in the VTC roster.

12. If an individual in custody will not appear by video, DOC (upon request) will fax a copy of the "Undelivered Defendant" form to the individual/ jurisdiction/agency as soon as notification is received that the individual in custody will not be appearing.
13. If an individual in custody is transferred from one facility to another, the new facility's VTC unit should be contacted to determine if the session can be accommodated or if the session will need to be rescheduled.
14. Attorneys may elect to talk privately to their clients and clients may request to converse with their attorneys while they are in a Teams court hearing. DOC has installed cordless phones in each of the Main VTC Units to facilitate these consultations. Should the attorney or the individual in custody request a private consultation during a Teams court hearing, the Judge must grant the request. If the request is granted, the Court Clerk will contact the facility's VTC Unit and the Officer on the post will provide the Court Clerk with the phone number of the cordless line that is available. The Court Clerk will provide the attorney with the phone number verbally on Teams. The Court Clerk will mute everyone on the Teams call and the

attorney will call the client. The VTC officer will then verify that the attorney is the caller and will hand the client the phone for use during the Teams court hearing.

15. A video teleconference will be terminated immediately if any of the offences listed below are observed during the session. If a DOC staff person observes the violation, the video teleconferencing privileges of the incarcerated individual and/or the professional will be suspended according to DOC's policies, protocols, and inmate rules and regulations.

- Use of abusive or obscene language
- Damaging the video equipment and/or department property
- Use of gang-affiliated gestures
- Sexual misconduct
- Threatening or violent behavior
- Including individuals in the session (in person or by using a device i.e. FaceTime) who were not identified on the web form
- Taking of photos/videos during the VTC sessions on any personal device, including screenshots

CJB HAS THE FINAL AUTHORITY ON THE USE OF THE VTC EQUIPMENT.