

GEORGIA DEPARTMENT OF CORRECTIONS



**Standard Operating Procedures**

**Policy Name:** Court Services: Video Hearings

**Policy Number:** 222.13

**Effective Date:** 2/9/2024

**Page Number:** 1 of 8

**Authority:**  
Commissioner

**Originating Division:**  
Facilities Division

**Access Listing:**  
Level I: All Access

**I. Introduction and Summary:**

The purpose of Video Hearings is to provide the Judicial Circuits the ability to conduct court proceedings virtually with offenders currently serving a sentence in a Georgia Department of Corrections (GDC) Facility through video capabilities. The State Prisons that are designated video sites will comply with these requests and produce the offender for video hearings.

**II. Authority:**

- A. Georgia Uniform Superior Court Rule 9.2. Video-conferencing; and
- B. GDC Standard Operating Procedures (SOPs): 103.63 American with Disabilities Act (ADA), Title II Provisions, 222.05 Court Productions, and 227.03 Access to Courts.

**III. Definitions:**

- A. **Designated Staff** - Facility staff member that has completed Video Hearing training provided by Court Services.
- B. **Designated Video Hearing Room** - An area that has been inspected and approved by Court Services for utilization of video hearings and confidential attorney calls.

**IV. Statement of Policy and Applicable Procedures:**

- A. **Video Hearing Request Process:** A Judicial Circuit, or Court, will submit a Video Hearing Request through [video.hearing@gdc.ga.gov](mailto:video.hearing@gdc.ga.gov) to GDC Court Services (Court Services) to schedule a video hearing with an offender who is currently serving a sentence in a state facility.
  - 1. This request must be submitted by the Court at least seven (7) business days prior to the requested hearing date.

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- a. If a video hearing request is sent directly to a facility by a Court or a facility is contacted by a Court to set up a video hearing, the facility should immediately notify Court Services.
- b. Facilities are to direct any questions to Court Services at [video.hearing@gdc.ga.gov](mailto:video.hearing@gdc.ga.gov).
2. Once a request for a video hearing is submitted, Court Services will verify with the court calendar in Scribe to ensure there are no conflicts with the requested date and/or time.
3. If no conflict is found, the hearing request will be entered into Scribe by Court Services, which will notify the facility where the offender is housed that a hearing has been scheduled.
  - a. Facility staff are to check the Scribe Calendar weekly to ensure they are informed of all hearings scheduled.
  - b. If an offender is no longer at that facility but is scheduled for a video hearing, the facility will notify Court Services immediately.
4. An email will be sent back to the requesting Judicial Circuit by Court Services confirming that the hearing is being scheduled and that GDC will comply with producing the offender before the video hearing camera at the designated date and time.
5. If there is a conflict, Court Services will contact the requesting Judicial Circuit to schedule the hearing for an alternate date and/or time.
  - a. The facility is to make accommodations for any hearings scheduled.
  - b. If there is a conflict on the facility side (lack of staffing, audits, events, etc.), accommodations will be made by the Warden and Regional Director for the scheduled video hearing to be handled without interruption.

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- c. If accommodations cannot be made, Court Services will be notified by the Warden.
6. Upon receiving notification that GDC can comply with the video hearing request, the Judicial Circuit will send any documentation needed for the hearing and the meeting information to Court Services via email within 72 hours prior to the scheduled video hearing date.
7. Any documentation needed for Court will be dispersed to the Designated Staff at the facility via email or DocuSign by Court Services.
8. Designated Staff will print a copy of the documentation for the offender.
9. If an electronic signature is requested by the Court, Court Services will upload the document(s) into DocuSign for the facility designee to have the offender electronically sign the document(s) during the court hearing.
10. Any physically signed document(s) for Court will be emailed back to Court Services by the Designated Staff within twenty-four (24) hours of the hearing.
11. Call in instructions will be sent to the facility from Court Services via email.
12. When a video hearing is scheduled, a Designated Staff member at the facility will ensure the video hearing equipment is turned on within forty-eight (48) hours of the hearing date to verify that the video equipment is working properly, and all system updates are able to run.
13. Facilities may leave the equipment on to allow for system updates to occur.
14. The video hearing remote control device will remain:
  - a. Outside of the Designated Video Hearing Room, and
  - b. In the possession of a GDC staff member during a video hearing.

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15. Designated Staff will ensure that the offender is notified of their scheduled video hearing at least forty-eight (48) hours in advance.
  - a. The Designated Staff will fill out Attachment 1, Video Hearing Offender Notice and provide it to the offender.
  - b. The Designated Staff will check to ensure the offender does not have any questions or paperwork that they want to present to the Court.
  - c. Court Services will be notified if the offender has questions and/or paperwork to be presented to the Court.

**B. Day of Video Hearing:**

1. Designated Staff will verify that the offender is still housed at their facility.
  - a. If the offender is no longer at that facility, the Designated Staff will notify Court Services immediately.
  - b. If the offender is at the facility, facility staff will ensure the offender is in the designated waiting area for their hearing at least thirty (30) minutes prior to the scheduled hearing time.
2. In the event of an emergency that will prevent the offender from being brought to the Designated Video Hearing Room on time, the facility staff will contact Court Services immediately.
  - a. It is expected during situations such as emergency count or lockdown that accommodations are made by the facility to have the offender escorted to the Designated Video Hearing Room.
    - i. If there is a security concern, Court Services will be notified.

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- b. If the offender is going to be late getting to the Designated Video Hearing Room, the facility staff will call into the Video Hearing as directed and remain on camera to be addressed by the Court.
3. Facility staff will visually inspect the offender to ensure they are clean and well groomed, and their uniform is neat and pressed.
4. The offender should be reminded they are going to be on a live video in the Judicial Circuit of their hearing and are expected to behave as they would in a courtroom.
5. The offender should be given a copy of their court documents (if applicable) with enough time before their hearing to review the documents.
6. The offender should be reminded that if they have any questions throughout the hearing that they can request to speak with their attorney privately.
7. The facility staff will call into the Court ten (10) minutes prior to the scheduled hearing time.
  - a. If the call is not connected, the facility will continue to call into the Court until connected successfully.
  - b. If the facility is still not connected fifteen (15) minutes past the scheduled hearing time, Court Services will be notified by facility staff.
8. During the video hearing, facility staff will remain outside the door of the Designated Video Hearing Room.
  - a. Facility staff will remain available to the Court and attentive to what is going on during the video hearing.
9. If documents need to be signed during the hearing, the Designated Staff will assist the Court with capturing the offender's signature by:

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- a. Providing the iPad/Surface Pro with DocuSign to the offender during the hearing to capture an electronic signature when the offender needs to sign the court documents; or
  - b. Providing a printed copy of the documents and a pen so that the offender can physically sign any court documents.
10. Once the document is signed, the Designated Staff will remove the iPad/Surface Pro or paperwork/pen and remain outside of the Designated Video Hearing Room.
11. During an offender's hearing, GDC staff should not be in the room with the offender unless there is a security risk.
- a. The camera is to remain on and muted until the offender is addressed by the Court.
  - b. Any traffic outside the Designated Video Hearing Room will be controlled to reduce unnecessary noise that could interrupt the Court proceedings.
12. In the event of a security risk, the security staff will stand off to the side of the video screen.
13. If the offender or the offender's attorney wishes to have a private conversation during the hearing, GDC staff will provide a designated area for a private, non-recorded conference call.
14. If an attorney call is requested during the video hearing, GDC staff will announce to the Court the phone number which the attorney will need to call.
15. GDC Staff will answer the designated phone and verify the identity of the caller.

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a. If the attorney phone line is in the Designated Video Hearing Room, the camera will be turned off and muted.

16. In the event a use of force is needed during a video hearing security staff are expected to follow the proper policy and procedures regarding the use of force.

17. Once the hearing has concluded, the offender will be escorted back to their assigned area with a copy of the hearing paperwork for their records.

18. Any electronically signed document(s) will be sent back to the Judicial Circuit within twenty-four (24) hours of the court hearing by Court Services.

19. If paperwork was manually signed during the hearing, the Designated Staff will follow the instructions from Court Services on how and where to send the original documents.

**C. Designated Video Hearing Room Set Up:**

1. The Designated Video Hearing Room will include:

a. A video monitor;

b. Table;

c. Chair;

d. The State of Georgia Flag;

e. The United States of America Flag;

f. Soundboards;

g. Document Cameras;

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- h. iPad stands with battery packs (if applicable); and
  - i. Wireless headsets (if applicable).
2. Facilities will have an identified waiting area for offenders that is approved by Court Services.
  3. Facilities will ensure that reasonable accommodations are made for any persons with a disability in accordance with the Americans with Disabilities Act (ADA).

**V. Attachments:**

Attachment 1: Video Hearing Offender Notice

Attachment 2: Court Services Video Hearings Frequently Asked Questions

**VI. Record Retention of Forms Relevant to this Policy:**

Upon completion of Attachment 1, the Offender Notice portion shall be given to the offender and the Notice Served Receipt portion shall be placed in the offender's institutional file and retained according to the retention record for that file. Attachment 2 shall be utilized per the SOP until revised or obsolete.