



Judicial Council of California · Administrative Office of the Courts

455 Golden Gate Avenue · San Francisco, California 94102-3688

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on February 26, 2013

Title	Agenda Item Type
Trial Courts: Application for Judicial Council Approval to Establish Remote Video Proceeding Pilot Project from the Superior Court of Fresno County	Action requested
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	February 26, 2013
Recommended by	Date of report
Judicial Council Technology Committee Hon. James E. Herman, Chair	February 15, 2013
	Contact
	Patrick O'Donnell, 415-865-7665, patrick.o'donnell@jud.ca.gov
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Executive Summary

The Superior Court of Fresno County has submitted an application for approval to establish a remote video proceeding pilot project for traffic infraction cases in that county under California Rules of Court, rule 4.220. The Judicial Council's Technology Committee has reviewed the court's application and recommends that the council approve it.

Recommendation

The Technology Committee recommends that the Judicial Council approve the application of the Superior Court of Fresno County to establish a remote video proceeding (RVP) pilot project, effective February 26, 2013.

Previous Council Action

At its January 17, 2013 meeting, the Judicial Council authorized any superior court, with the approval of the council, to establish by local rule a pilot project to permit trials, arraignments, and other related proceedings in traffic infraction cases to be conducted by remote two-way video. (See Cal. Rules of Court, rule 4.220(a), (b).)¹ This innovative program will enable courts to provide improved access to parties in traffic cases in these fiscally challenging times when the courts are being compelled to close court locations and when providing public access to judicial proceedings is becoming increasingly difficult. The new rule authorizing pilot projects became effective February 1, 2013.

Rationale for Recommendation

The Superior Court of Fresno County has submitted an application for approval of the establishment of a remote video proceeding (RVP) pilot project as provided under the rules of court. Specifically, rule 4.220(a)(2) states, “To obtain approval by the Judicial Council to conduct a pilot project for remote video proceedings..., a court must submit an application to the council that includes details on what procedures and forms the court intends to institute for processing cases in the pilot project.”

On January 28, 2013, the Technology Committee adopted guidelines to assist courts in applying for approval to establish RVP pilot projects.² The guidelines state that an application must include the following information:

- A description of the pilot project for remote video proceedings (RVP) and how the project meets the minimum requirements set forth in rule 4.220;
- Information on the locations and facilities where RVP will be conducted (see rule 4.220(d));
- Information on supplemental procedures and local rules and forms for RVP, including the use of court interpreters (see rule 4.220(o));
- A detailed description of the technology to be used to conduct RVP; and
- A description of the procedures that court will use to collect data for reports on the pilot project.³

The application

The Superior Court of Fresno County has submitted an application dated February 11, 2013.⁴ The application satisfies the guidelines for approval and provides a detailed account of how the RVP pilot project would operate in Fresno County.

¹ The Judicial Council report on the adoption of the rule authorizing pilot projects for remote video proceedings in traffic infraction cases is available at: www.courts.ca.gov/documents/jc-20130117-itemG.pdf.

² The Guidelines for Applications by the Superior Courts to Establish a Pilot Project for Remote Video Proceedings are attached to this report at page 6.

³ In addition to the guidelines for applications to establish RVT pilot projects, the Technology Committee has adopted Guidelines for Semiannual Reports on Pilot Projects for Remote Video Proceedings, which are attached to this report at page 7.

Description of the pilot project. The application contains a description of the RVP pilot project proposed for Fresno County. The project will permit traffic infraction trials, arraignments, and related proceedings to be conducted by two-way remote video. The project will serve approximately 200,000 rural residents in the county. Because of drastic state budget cuts, the superior court was forced to close all branch courthouses this past summer, which has reduced access to the court for many rural residents who are struggling with poverty and isolation. The Fresno court wants to establish the RVP pilot project to test readily available and affordable two-way videoconferencing technology as a way to bridge distances and improve access.

The application states that remote video traffic hearings will be scheduled at two off-site public locations once a week; and additional court dates for RVP may be arranged as needed.

Locations and facilities. A number of municipalities in Fresno County expressed an interest in holding remote video proceedings for the convenience of local residents. The court relied on an application process to select two host RVP sites that would be geographically dispersed within the county. An informational meeting was held that started an application process open to all municipalities at least 15 miles outside the Fresno-Clovis metropolitan area. The cities of Coalinga and Mendota, 70 and 40 miles respectively from the metropolitan area, applied, and both qualified.

The court has conducted site visits to confirm that the applicants' spaces are safe, appropriate for court use, and able to be equipped to meet the pilot project's technology needs. The court has finalized memorandums of understanding (MOUs) with the two cities. The MOUs identify the specific locations where the RVPs for infraction traffic cases will be conducted.

Supplemental procedures, local rules and forms, and use of interpreters. The Fresno court has provided a description of the procedures it will be using to implement rule 4.220; it has also provided the proposed local rules and forms, and the protocol for use of interpreters, that it intends to use. The supplemental procedures, proposed local rules and forms, and protocols for the use of interpreters are attached to the court's application.⁵

Description of technology. The court's application describes the technology that will be used to provide for two-way remote video proceedings. Video transmission between sites will be provided using a video conferencing bridge in the cloud provided by CourtCall. Video display will be presented on a large LCD or projection screen at the remote location, on an LCD computer monitor on the judge's bench, and on a large LCD monitor in the courtroom. A standard public address (PA) system will be used to amplify voices at both the remote site and

⁴ The application is attached to this report, at pages 8–29.

⁵ Pursuant to rule 10.613(i) of the California Rules of Court, the court has requested that proposed local rule 3.6.4 relating to RVP be permitted to have an alternative effective date of March 1, 2013, so that the RVP pilot project may be commenced expeditiously.

the courtroom. The presentation of exhibits will be accomplished using a multifunction scan/copy/print/ device at the remote site, in order to scan/fax exhibits to the courtroom.

The court clerk assigned to each remote site will have access to all calendar, case management, and information systems necessary to perform the clerk's duties using a laptop and secure Virtual Private Network (VPN) access.

Description of data collection procedures. The application includes a description of the data collection procedures that the Fresno court will be using to evaluate the RVP pilot. The application lists all the data points that will be tracked and included in the semiannual reports. The information that will be collected includes both quantitative data (for example, the number of RVP requests and trials) and qualitative data (such as random customer surveys). The application states: "The evaluation will gauge the RVP's ability to provide reliable, cost-effective, high quality court proceedings that serve rural users well. The findings of this evaluation will be provided to the Judicial Council, and other interested entities."

In sum, the application is sound and thorough. Hence, the Technology Committee recommends that the Judicial Council approve the application of the Superior Court of Fresno County to establish a remote video proceeding pilot project, effective February 26, 2013.

Comments, Alternatives Considered, and Policy Implications

Comments from interested persons

The Superior Court of Fresno County's original proposal for the adoption of rule 4.220 authorizing RVP pilot projects in traffic infraction cases and the forms to implement the proposal were circulated for public comment from October 19 through November 2, 2012. The report presented to the Judicial Council on January 17, 2013 summarizes the 13 comments received and the responses to those comments.

Policy implications and alternatives

The policies to promote and preserve public access to the courts and to overcome the contemporary fiscal barriers to providing court services support construing applications for pilot programs liberally. At the same time, the council has an interest in ensuring that branch projects are well thought out, legally sound, and effective in achieving their purposes. Hence, the Technology Committee and the council will carefully consider and evaluate all applications.

In reviewing applications from courts for approval to establish pilot projects, the Technology Committee had several options:

- It could recommend approval of the application if the application satisfies the requirements under the rules.
- It could recommend denial of an application that fails to meet those requirements.

- The committee could also request additional information from an applying court about its plans and discuss with the court possible modifications to the proposed pilot, if any are necessary, before presenting its recommendations to the council.

In this case, the Technology Committee recommends that the council approve the Fresno court's application to establish a pilot project, effective immediately. The Fresno situation is unique in several respects. The Fresno court was the source of the remote video proceeding pilot project: it originally suggested that the Judicial Council take action to authorize the use of remote video proceedings in traffic infraction cases. Before the new rule on remote video proceedings was adopted, the Fresno court provided detailed plans for, and extensive information about, its proposal. Last fall, the court worked closely with the council to address issues and concerns raised by members of the council and the public, and it has now provided additional detailed information in its application. The public will benefit from the commencement of the RVP pilot project in the near future. Hence, it is appropriate to move forward expeditiously and approve the Fresno pilot project.

Implementation Requirements, Costs, and Operational Impacts

As indicated in the January 17, 2013 Judicial Council report on new rule 4.220, the implementation of the pilot projects established under the rule will require collaboration between courts, local cities and counties, law enforcement, and members of the public. There will be a need for planning and the allocation of resources—including the identification of physical locations, technology, and staffing. There will also be a need to provide information to the public and to ensure security for the remote video proceedings at the local community facilities. Based on the application, the Superior Court of Fresno County has evidently taken the steps necessary to launch and implement an RVP pilot project in that county at this time.

Attachments

1. Guidelines for Applications by the Superior Courts to Establish a Pilot Project for Remote Video Proceedings, at page 6
2. Guidelines for Semiannual Reports on the Pilot Projects for Remote Video Proceedings, at page 7
3. Application of the Superior Court of California, County of Fresno, for approval to establish a pilot project for remote video proceedings for traffic infraction cases (includes attachments with proposed local rules and forms, remote site protocols, and other information), at pages 8–29

**Guidelines for Applications by the Superior Courts to
Establish a Pilot Project for Remote Video Proceedings**

Introduction

Effective February 1, 2013, the California Rules of Court have been amended to add rule 4.220, which authorizes a superior court, with the approval of the Judicial Council, to establish by local rule a pilot project to permit arraignments, trials, and other related proceedings to be conducted by remote two-way video in cases involving traffic infractions. (See Cal. Rules of Court, rule 4.220(a)(1).)

Rule 4.220(a)(2) states, “To obtain approval by the Judicial Council to conduct a pilot project for remote video proceedings . . . , a court must submit an application to the council that includes details on what procedures and forms the court intends to institute for processing cases in the pilot project.” These guidelines are intended to assist courts in preparing and submitting applications to the Judicial Council for approval to establish a pilot project for remote video proceedings (RVP).

The Judicial Council’s Technology Committee will consider applications and submit recommendations to the council for approval of proposed pilot projects.

Timing of Applications

Applications must be submitted at least one month before the next Judicial Council meeting.

Submission of Applications

Applications should be sent by e-mail to the Judicial Council’s Technology Committee at: rvp@jud.ca.gov

Contents of Applications

The application must include:

- A description of the pilot project for RVP and how the project meets the minimum requirements set forth in rule 4.220;
- Information on the locations and facilities where RVP will be conducted (see rule 4.220(d)(1));
- Information on supplemental procedures, and local rules and forms for RVP, including use of court interpreters (see rule 4.220(o));
- A detailed description of the technology to be used to conduct RVP; and
- A description of procedures the court will use to collect data for reports on the pilot project.

Adopted by the Technology Committee of the Judicial Council of California on January 28, 2013.

Guidelines for Semiannual Reports on Pilot Projects for Remote Video Proceedings

Introduction

The authorization to establish a pilot project for remote video proceedings (RVP) is in California Rules of Court, rule 4.220, adopted effective February 1, 2013. With the approval of the Judicial Council, a superior court may, by local rule, establish a pilot project to permit arraignments, trials, and other related proceedings to be conducted by remote two-way video in traffic infraction cases. (See Cal. Rules of Court, rule 4.220(a), (b).) Any court that is approved and establishes a pilot project for RVP must provide semiannual reports on the project to the Judicial Council. (See Cal. Rules of Court, rule 4.220(p).) These guidelines are intended to assist courts in preparing and submitting reports.

Time of Submission

Reports are due semiannually and should be submitted July 1 and January 1 of each year. (See Cal. Rules of Court, rule 4.220(p).)

Place of Submission

The reports should be submitted by e-mail to the Judicial Council's Technology Committee at: rvp@jud.ca.gov

Contents of reports

The reports must contain, at a minimum, the following information:

- The number and types of RVP conducted for arraignments, trials, and other proceedings;
- The locations and facilities used to conduct RVP;
- Details on the type of technology used to conduct RVP;
- The number of appeals from RVP and the outcome of the appeals; and
- The number of cases where the law enforcement officer appeared at court instead of at the remote location with the defendant.

In addition, the semiannual reports should contain any other information that is relevant to evaluating the pilot project and determining whether the pilot project should be continued beyond December 31, 2015, or expanded to other types of cases. This might include:

- How well the existing procedures and forms for RVP have worked and whether any changes are needed in these procedures and forms;
- How the court handled evidence and exhibits at RVP;
- The court's experience with clerk activities at the remote location for RVP;
- Any specific issues relating to the use of non-court facilities to conduct RVP; and
- Any other experiences or issues, such as use of interpreters, encountered by the courts that may be relevant to evaluating the pilot project.

Adopted by the Technology Committee of the Judicial Council of California on January 28, 2013.



**Superior Court of California
County of Fresno**

Sheran Morton
Acting Executive Officer/Clerk/Jury Commissioner
Patty Wallace-Rixman
Assistant Executive Officer

February 11, 2013

Ms. Jessica Craven
Administrative Office of the Courts
Southern Regional Office
2255 North Ontario Street, Suite 200
Burbank, California, 61504-3188

RE: Superior Court of California, County of Fresno Superior Court Application for Remote Video Proceedings

The Superior Court of California, County of Fresno submits this application to start a Remote Video Proceedings (RVP) pilot project for traffic trials in the spring of 2013. The narrative below provides the information for your committee and the Judicial Council need to consider this application.

Description of the Pilot Project

Pursuant to California Rules of Court, rule 4.220(a), the Fresno Superior Court is requesting to start a RVP pilot project to permit traffic infraction trials, arraignments, and proceedings to be conducted by two-way remote video communications. The pilot project shall not go beyond December 31, 2015. The project will serve approximately 200,000 rural residents in Fresno County. Until recently, branch courts in seven rural communities saved local residents the inconvenience, time, and expense of traveling to downtown Fresno for court. Drastic State budget cuts forced the Fresno Superior Court to close all branch courthouses this past summer, reducing court access for rural residents already struggling with poverty and isolation. The Court wishes to test readily available and affordable video two-way videoconferencing technology as a way to bridge distances.

The intent of the project is to determine the long-term viability of RVP. If operationally and economically viable, the project could result in a working model, state legislation, Rules of Court, and court forms that can assist other California courts in starting remote video proceedings.

Once the two pilot RVP sites go live, traffic defendants may elect for a trial by Written Declaration or elect to attend court via RVP in lieu of a personal appearance in downtown Fresno. The request can be made by completing the mandatory Judicial Council forms, TR-505 or TR-510, where applicable. If the defendant elects RVP, peace officers may choose to testify at the RVP site or make a request to testify in court in Fresno.

Remote traffic hearings will be calendared at two offsite public locations once a week. Additional court dates may be arranged with the RVP host sites as needed. The initial schedule will provide an opportunity to monitor processes and flow of cases, as well as technical matters such as equipment and/or Court Call service. Throughout the pilot project period, as issues arise, they will be dealt with according to their level of need and severity. All issues will be logged and tracked by Mary Calderon, Director of Court Operations.

The process for RVP will be the same at each host location. The Court will install two cameras in the RVP downtown courtroom to support onsite testimony. A high definition wide screen format camera will be placed in a position that will allow the judge to view all participants (defendant, law enforcement and testifying witnesses); and likewise, defendant, law enforcement and testifying witnesses will be able to view the judge. Transmitting the video in both the courtroom and remote locations will be a large LCD television monitor. Therefore, any general member of the public who is not a party to the trial will be able to observe the RVP at either location.

The Court's offsite employee will gather documents from defendants and law enforcement officer, conduct a roll call, and coordinate video connection with the courtroom employee. From the point of connection, the courtroom employee will proceed as a normal court trial. If a defendant or law enforcement officer has exhibits that were not submitted earlier, the offsite court employee will scan/e-mail or fax documents immediately to the judge. The Court will know in advance if an interpreter is needed and will ensure that one is present prior to the start of the hearing. At the time of ruling - the courtroom employee will immediately e-mail the Minute Order to the offsite court employee who will print it for the defendant.

Fresno Superior Court's Remote Video Proceeding pilot project fully meets all the requirements and conditions set forth in Rule 4.220. For example, all designated offsite locations will have a court employee and will be located in a public place as outlined below. Furthermore, all video proceedings will be viewable by the public at the remote location as well as at the courthouse. The defendant who requests to proceed by remote video arraignment and trial is required to deposit bail at the time the request is filed for RVP, in the amount established in the uniform traffic penalty schedule under Vehicle Code section 40310. The defendant who requests to proceed by remote video proceeding for a trial may be required by the judicial officer to deposit of bail, at the same time the request for remote video proceeding is filed, in the amount established in the uniform traffic penalty schedule under Vehicle Code section 40310.

The Court and RVP partners will conduct public outreach to rural residents through a variety of means such as media, website postings, municipal bill inserts, and various organizational newsletters to make the public aware of the RVP pilot project.

Additionally, the Fresno Superior Court has instituted procedures as required by the Judicial Council to collect and evaluate information about this Court's pilot project and will prepare and submit semiannual reports to the Judicial Council that include an assessment of the costs and benefits of the project.

Locations and Facilities

A number of municipalities had expressed interest in holding remote court proceedings for the convenience of local residents when the Fresno Superior Court closed seven branch courthouses in the summer of 2012. When the Judicial Council approved the RVP project in the fall, the Court started an application process to select two host RVP sites geographically dispersed in Fresno County. An informational meeting was held that started an application process open to all municipalities at least 15 miles outside the Fresno-Clovis metropolitan area. To maintain courtroom neutrality, law enforcement agencies were not eligible host sites.

Sites were required to have two dedicated phone lines, strong Internet connectivity, printer and fax use during court proceedings, and a basic level of onsite technology assistance for immediate trouble shooting if the need arises on court days. The space was required to accommodate 24 audience chairs at minimum, and two tables equipped with microphones at a minimum of four feet from one another. Host sites were also asked to purchase or supply a large wall-mounted television monitor, camera, computer to run RVP, and a scanner/printer/copier device.

The Cities of Coalinga and Mendota, 70 and 40 miles respectively from the metropolitan area, applied. The Court's working group conducted site visits to confirm that the applicants' spaces were safe, appropriate for court use and could be equipped to meet the project's technology needs. Both cities qualified; therefore, the Court began to negotiate a memorandum of understanding (MOU) with each hosting organization.

These MOUs have been finalized, and pursuant to agreement number 10-20120201-COA-O with the City of Coalinga, the remote location in Coalinga will be at 155 W. Durian Street, Coalinga, California, 93210. Likewise, pursuant to agreement number 10-20120201-MEN-O with the City of Mendota, the remote location in Mendota will be at 643 Quince Street, Mendota, California, 93640.

Supplemental Procedures, Local Rules and Forms, and Use of Interpreters

To be eligible to appear for remote video trials: the citation issued must be for an infraction as defined in California Rules of Court, rule 4.220(b)(1); defendant must comply with California Rules of Court, rule 4.220; travel for the defendant to the M Street Courthouse must be in excess of 15 miles from the location where the citation was issued; pursuant to California Rules of Court, rule 4.220(g), the defendant's witnesses shall appear at the remote location with the defendant; and the defendant must submit the form TR-505 or TR-515 to the Traffic Clerk's Office for filing. The forms may be submitted at the following locations:

In person
Traffic Clerk's Office
2317 Tuolumne Street
Fresno, CA 93721-1220

Or mailed to
Fresno Superior Court
1100 Van Ness Avenue
Fresno, CA 93724-0002
Attn: Traffic Division

Furthermore, forms submitted in person must be presented for filing on or before the appearance date indicated on the on the Notice to Appear. Forms submitted by mail must be postmarked at least five (5) court days before the appearance date indicated on the on the Notice to Appear. Upon receipt of a subpoena setting out the hearing date and remote location, law enforcement officers may make a request to appear in court instead of at the remote location. The request must be made via form FTR-70. The form may be submitted in person or by mail at the addresses set out above. Forms submitted in person must be presented for filing at least five (5) court days before the date of the video proceeding set out in the subpoena. Forms submitted by mail must be postmarked at least ten (10) days before the date of the video proceeding set out in the subpoena.

The proposed local rule and local forms have been provided to Charlie Perkins, attorney for the Administrative Office of the Courts. A complete copy of the supplemental procedures, local rules and forms, and protocol for the use of interpreters at the remote site are attached as follows:

- Local rules for remote video trials and proceedings in traffic Infraction cases—Attachment “A.”
- Supplemental procedure for remote court proceeding on same day arraignment and trial—Attachment “B.”
- Supplemental procedure for request for remote video proceeding—Attachment “C.”
- Local form: request to appear in court instead of remote location (form FTR-70)—Attachment “D.”
- Local form: notice of exhibits associated with remote video trial (form FTR-71)—Attachment “E.”
- Remote site protocol—Attachment “F.”
- Remote site protocol for interpreters—Attachment “G.”

Description of Technology

The working group has elected to expand the existing relationship with Court Call to provide the two-way video conferencing services for this project. Court Call now allows court users to appear in court telephonically for certain types of hearings. Video transmission between sites will be accomplished by using a video conferencing bridge in the cloud provided by Court Call Incorporated. The video bridge allows for the use of standard low-cost, yet high quality webcams to be used through a browser-based video conferencing system (similar to GoTo Meeting or WebEx).

Video display will be presented on a large LCD or projection screen at the remote site(s), on an LCD computer monitor on the judge’s bench, and on a large LCD monitor in the courtroom. Audio transmission between sites will be accomplished by standard VoIP/Analog telephone service with conference-style phones on each side (one in the courtroom and one at the remote site(s)).

A standard PA system will be used to amplify voices at both the remote site(s) and the courtroom. This should ensure that the voice levels remain at an acceptable level on each side and are picked up by the digital recording system (FTR). Exhibit presentation will be accomplished by utilizing a multi-function scan/copy/print device at the remote site, in order to scan/fax in an exhibit to the courtroom. The court clerk assigned to the remote site will have access to all calendar, case management and information systems necessary to their job duties via a laptop and secure VPN access.

Description of Data Collection Procedures

Though the RVP host sites will continue to operate until March 2014 through this pilot project, in September 2013 a project evaluation based on operational experiences, system debugging, and stakeholder/user feedback will be obtained through exit surveys and other means. The evaluation will gauge the RVP’s ability to provide reliable, cost-effective, and high-quality court proceedings that serve rural court users well. The findings of this evaluation will be provided to the Judicial Council, and other interested entities. If, as expected, the pilot project indicates that remote video proceedings are operationally and economically viable after the initial pilot period ends, host sites will be given the opportunity to extend their MOUs and to continue hosting their sites. Sites that do not wish to continue operating will be dismantled. We will track and report on the following data points:

- (Docket Code TBD) JC Form TR-505: The number of requests for same day arraignment and trial;
- (Docket Code TBD) JC Form TR-510: The number of requests for remote video proceedings (separate hearings). We will also report on the number of arraignments and trials;
- (Docket Code TBD) FTR-70: The number of requests made by LEA’s to appear at downtown courthouse instead of remote location;
- The number of actual appearances at offsite remote Location M1 and C1;
- The number of appeals filed after a remote video proceeding;
- (Docket Code TBD: The number of cases heard in the remote site and posting of bail is waived;
- The number of cases in which bail was waived for failure to appear;
- The number of cases where an interpreter was used; and the language;
- The number of issues related to interpreter use such as notice not given to provide an interpreter
- The number of citations filed in the geographical area of the remote site;
- Qualitative data such as:
 - Random customer service surveys

- Facility or equipment issues that may surface and their resolution
- Technical issues reported and resolution
- Exhibit issues reported and resolution

Although we believe we have considered most issues and needs, we realize this is a fluid process and that adjustments will need to be made - thus the need for this to be a pilot project. The Fresno Superior Court is ready, willing, and eager to develop and test such innovative but long-overdue programs which may eventually be allowed to proceed on a statewide basis. Please let us know should you have additional questions or requirements.

Sincerely,



Gary D. Hoff
Presiding Judge



Sheran L. Morton
Acting Court Executive Officer

ATTACHMENT "A"

3.6.4 Remote Video Trials and Proceedings in Traffic Infraction Cases

A. Pursuant to California Rules of Court, rule 4.220(a), the Court establishes a pilot project to permit traffic infraction trials and proceedings to be conducted by two-way remote video communications. The length of the pilot project shall not exceed three (3) years.

B. The following are designated as locations where eligible defendants may appear for remote video trials of traffic infraction cases:

1. Coalinga
2. Mendota

Additional locations may be designated during the course of the pilot project. All designated locations shall be at least ten (10) miles outside the Fresno-Clovis Metropolitan Area and the city in which the site is located may not have regular public transportation servicing the area.

C. To be eligible to appear for remote video arraignment or trial:

1. The citation issued must be for an infraction as defined in California Rules of Court, rule 4.220(b)(1);
2. Defendant must comply with California Rules of Court, rule 4.220;
3. Travel for the defendant to the M Street Courthouse must be in excess of fifteen (15) miles from the location where the citation was issued.

D. Pursuant to California Rules of Court, rule 4.220(g), defendant's witnesses shall appear at the remote location with the defendant.

E. Defendant must submit form TR-505 or TR-510 to the Traffic Clerk's Office for filing. The forms may be submitted in person at:

**Traffic Clerk's Office
2317 Tuolumne Street
Fresno, CA 93721-1220**

Or mailed to:

**Fresno Superior Court
Attn: Traffic Division
1100 Van Ness Avenue**

ATTACHMENT "A"

Fresno, CA 93724-0002

Forms submitted in person must be presented for filing on or before the appearance date indicated on the Notice to Appear. Forms submitted by mail must be postmarked at least five (5) court days before the appearance date indicated on the Notice to Appear.

F. Upon receipt of a subpoena setting out the hearing date and remote location, law enforcement officers may make a request to appear in court instead of at the remote location. The request must be made via form FTR-70. The form may be submitted in person or by mail at the addresses set out above. Forms submitted in person must be presented for filing at least five (5) court days before the date of the video proceeding set out in the subpoena. Forms submitted by mail must be postmarked at least ten (10) days before the date of the video proceeding set out in the subpoena.

G. It is the Court's preference that all exhibits intended to be used at the remote video trial be submitted prior to the hearing date so they will be available at the Court location for the judge's reference. Defendant and Law Enforcement designee should submit any exhibits he/she intends to use in presentation of his/her case prior to the trial date. All exhibits shall be accompanied by a form FTR-71 to assist in identifying the case associated with the exhibits. The form and exhibits may be submitted in person or by mail at the addresses set out above. Exhibits that are submitted in advance in person must be presented at least five (5) court days before the remote video trial date. Exhibits that are submitted in advance by mail must be postmarked at least ten (10) days before remote video trial date.

Defendant and Law Enforcement designee shall bring two (2) copies of all documentary evidence he/she intends to use in presentation of his/her case to the remote location on the day of the hearing. Documentary evidence includes written documents, and standard sized photographs.

Defendant and Law Enforcement designee may bring one (1) copy of all demonstrative or other physical evidence he/she intends to use in presentation of his/her case to the remote location on the day of the hearing. Demonstrative or other physical evidence includes oversized maps or diagrams, three dimensional objects, and blown up photographs. **(Effective July 1, 2013, New)**

ATTACHMENT "B"

Superior Court of California County of Fresno

Remote Court Proceeding – Same Day Arraignment & Trial

The clerk will utilize **Form TR-505**, when the customer is requesting the arraignment and trial be held the same day through a remote video proceeding. The customer completes the form, dates and signs. Clerk to ensure that all boxes are initialed.

Form Location:

- V2 Common Letter: VCR-505

The clerk utilizing this procedure must have prior knowledge of court trial process.

- Clerk to check the court's calendar
- Process cash bail, see applicable Cash Bail Processing Procedures:
 - Cash Bail posting - Defendant for Self
 - Cash Bail posting - Not the Defendant

NOTE: Bail can be reduced due to partial proof of correction, **however, customer must be instructed to bring back proof and submit in open court.** Dismissal is not to be entered until outcome of court trial.

Docket Entry-

1. Docket Code: RVAT

Notice and Waiver of rights and request for remote video arraignment and trial signed and filed.

2. Docket Code: FFPOC

If applicable, proof of correction shown; bail reduced.

Date: 02/01/2013

ATTACHMENT "B"

Superior Court of California County of Fresno

Prior to hearing being set, customer must be eligible for RVP. To be eligible to appear for remote video arraignment and trial:

- ✓ The citation issued must be for an infraction as defined in California Rules of Court, rule 4.220(b) (1);
- ✓ Defendant must comply with California Rules of Court, rule 4.220;
- ✓ Travel for the defendant to the M Street Courthouse must be in excess of fifteen (15) miles from the location where the citation was issued;
- ✓ Form must be fully completed with all boxes initialed;
- ✓ Request submitted in person must be presented for filing on or before the appearance date indicated on the Notice to Appear;
- ✓ Request submitted by mail must be postmarked at least five (5) court days before the appearance date indicated on the Notice to Appear.

All requests will be forwarded to a specialized "desk" for review. If the request is denied, clerk will utilize the "SOTCM" notice to reply back to customer the reasons for denial. Customers who have posted bail will be given 10-court days to make contact with the Court as to how they will proceed. If no response is received back, bail will be forfeited.

- **V2 Common Letter:** VTR-16 (SOTCM)

Docket Entry:

- 1. Docket Code: RVPGD**
RVP denied

Date: 02/01/2013

ATTACHMENT "B"

Superior Court of California County of Fresno

2. Docket Code: SOTCM9

Text reasons denied

If applicable, the clerk is to extend the court case to match the due date provided on denial letter.

3. Docket Code: EX

Case extension

If the request for video arraignment and trial is granted, customer will receive a conformed copy of form TR-505 completed to reflect pertinent hearing information.

Docket Entry:

1. Docket Code: RVPGD

RVP granted

2. Docket Code: RVPCN

Conformed copy of Form # TR-505

3. Docket Code: HS

Hearing Type: AAC {Arrest-Court Trial}

Department Option:

- **C01-Coalinga Remote Site**
- **M01-Mendota Remote Site**

NOTE: Excluding the Spanish language, all other language requests must be followed by a notice to the Interpreter's office. Email or fax notice is acceptable.

Subpoena Process

3

Date: 02/01/2013

ATTACHMENT "B"

Superior Court of California County of Fresno

Once case is placed on calendar, the officer(s) is subpoenaed.

➤ **Docket Code: NTCTN**
Subpoena Officer

➤ Common Letter Code: **VCR-70 (subpoena)**

Officer can submit a FTR-70, which is a request to appear in court instead of remote location. The officer can submit the request in person at least 5 court days prior to the date set for the video proceeding or by mail postmarked at least 10 days prior to the date set for the video proceeding. Failure to do so may result in the officer's request being denied.

Docket Entry

1. **Docket Code: RVPCT**
FTR-70 filed by the officer
2. **Docket Code: RVPOL**
Request to appear in Court. Granted or Denied with reason.

Preparing Case for Court

➤ See procedures for "Preparing the Case" located on the Court's Intranet.

Exhibits

Customers, who plan to provide exhibits, must complete FTR-71. This form will be attached to the hearing notice, as well as, posted on the web and in the clerk's office. Exhibits and completed form are to be taken to the main courthouse and filed with the Exhibit Clerk (4th floor) within (5) court days of the hearing.

➤ **Docket Code: RVNOE**
Receipt Notice of Exhibit List

Date: 02/01/2013

ATTACHMENT "B"

Superior Court of California County of Fresno

After Court

- Clerk is to follow Court Trial sentencing procedure.
- If applicable, clerk is to follow refund procedure.
- If applicable, clerk to follow Appeals procedure.

NOTE: Procedures are located on the Court's Intranet.

Date: 02/01/2013

ATTACHMENT "C"

Superior Court of California County of Fresno

Request for Remote Video Proceeding

The clerk will utilize **Form TR-510**, when the customer is requesting a remote video proceeding; arraignment or trial. The customer completes the form, dates and signs. Clerk to ensure that all boxes are initialed.

Form Location:

- V2 Common Letter: **VCR-510**

Court Trial-

The clerk utilizing this procedure must have prior knowledge of court trial process.

- Clerk to check the court's calendar
- Process cash bail, see applicable Cash Bail Processing Procedures:
 - Cash Bail posting - Defendant for Self
 - Cash Bail posting - Not the Defendant

NOTE: Bail can be reduced due to partial proof of correction, **however, customer must be instructed to bring back proof and submit in open court.** Dismissal is not to be entered until outcome of court trial.

Docket Entry-

1. Docket Code: **RVNW**

Notice and Waiver of rights and request for remote video proceedings signed and filed.

2. Docket Code: **FFPOC**

If applicable, for court trial process only. Partial proof of correction shown; bail reduced.

Prior to hearing being set, customer must be eligible for RVP. To be eligible to

1

Date: 02/01/2013

ATTACHMENT "C"

Superior Court of California County of Fresno

appear for remote video arraignment or trial:

- ✓ The citation issued must be for an infraction as defined in California Rules of Court, rule 4.220(b) (1);
- ✓ Defendant must comply with California Rules of Court, rule 4.220;
- ✓ Travel for the defendant to the M Street Courthouse must be in excess of fifteen (15) miles from the location where the citation was issued.
- ✓ Form must be fully completed with all boxes initialed;
- ✓ Request submitted in person must be presented for filing on or before the appearance date indicated on the Notice to Appear if request is for arraignment and on or before the date set for trial if request is for trial;
- ✓ Request submitted by mail must be postmarked at least five (5) court days before the appearance date indicated on the Notice to Appear if request is for arraignment and at least five (5) court days before the date set for trial if request is for trial.

All requests will be forwarded to a specialized "desk" for review. If the request is denied, clerk will utilize the "SOTCM" notice to reply back to customer the reasons for denial. Customers who have posted bail will be given 10-court days to make contact with the Court as to how they will proceed. If no response is received back, bail will be forfeited.

- **V2 Common Letter:** VTR-16 (SOTCM)

Docket Entry:

1. **Docket Code:** RVPGD
RVP denied
2. **Docket Code:** SOTCM9

2

Date: 02/01/2013

ATTACHMENT "C"

Superior Court of California County of Fresno

Text reasons denied

If applicable, the clerk is to extend the court case to match the due date provided on denial letter.

- 3. Docket Code: EX**
Case extension

If the request for video arraignment and trial is granted, customer will receive a conformed copy of form TR-510 completed to reflect pertinent hearing information.

Docket Entry:

- 1. Docket Code: RVPGD**
RVP granted

- 2. Docket Code: RVPCN**
Conformed copy of TR-505

- 3. Docket Code: HS**
Hearing Type: AAC {Arraignment-Court Trial}
Department Option:
➤ **C01-Coalinga Remote Site**
➤ **M01- Mendota Remote Site**

NOTE: Excluding the Spanish language, all other language requests must be followed by a notice to the Interpreter's office. Email or fax notice is acceptable.

Subpoena Process

Once case is placed on calendar, the officer(s) is subpoenaed.

- **Docket Code: NTCTN**

Date: 02/01/2013

ATTACHMENT "C"

Superior Court of California County of Fresno

Subpoena Officer

- Common Letter Code: **VCR-70 (subpoena)**

Officer can submit a FTR-70, which is a request to appear in court instead of remote location. The officer can submit the request in person at least 5 court days prior to the date set for the video proceeding or by mail postmarked at least 10 days prior to the date set for the video proceeding. Failure to do so may result in the officer's request being denied.

Docket Entry

1. **Docket Code: RVPCT**
FTR-70 filed by the officer
2. **Docket Code: RVPOL**
Request to appear in Court. Granted or Denied with reason.

Preparing Case for Court

- See procedures for "Preparing the Case" located on the Court's Intranet.

Exhibits

Customers, who plan to provide exhibits, must complete form FTR-71. This form will be attached to the hearing notice, as well as, posted on the web and in the clerk's office. Exhibits and completed form are to be taken to the main courthouse and filed with the Exhibit Clerk (4th floor) within (5) court days of the hearing.

- **Docket Code: RVNOE**
Receipt Notice of Exhibit List

After Court

4

Date: 02/01/2013

ATTACHMENT "C"

Superior Court of California County of Fresno

- Clerk is to follow Court Trial sentencing procedure.
- If applicable, clerk is to follow refund procedure.
- If applicable, clerk to follow Appeals procedure.

NOTE: Procedures are located on the Court's Intranet.

Date: 02/01/2013

ATTACHMENT "D"

<p>SUPERIOR COURT OF CALIFORNIA • COUNTY OF FRESNO 2317 Tuolumne Street Fresno, California 93721</p>	FOR COURT USE ONLY
<p>PEOPLE OF THE STATE OF CALIFORNIA</p> <p align="center">PLAINTIFF,</p> <p>vs</p> <p align="center">DEFENDANT.</p>	CASE NUMBER:
REQUEST TO APPEAR IN COURT INSTEAD OF REMOTE LOCATION	

The defendant in this action made a request for a remote video Arraignment Trial.

The request was approved.

The Arraignment is set for _____ at _____ m. in Mendota Coalinga.

The Trial is set for _____ at _____ m. in Mendota Coalinga.

I am the law enforcement officer who issued the citation in this case. I hereby request that I be able to appear in court for the Arraignment Trial instead of appearing at the remote location. I am making this request for the following reason(s):
 (Describe in detail your reason(s) for not wanting to appear at the remote location.)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

 Date Type or Print Name Signature of Officer

TO BE COMPLETED BY CLERK

Date _____ Approved _____
Deputy Clerk

- Denied.
Reason(s) for the Denial:

- Insufficient reasons stated to support request.

- Failure to make timely request pursuant to Local Rule 3.6.4(F).

ATTACHMENT "E"

<p style="text-align: center;">SUPERIOR COURT OF CALIFORNIA • COUNTY OF FRESNO 2317 Tuolumne Street Fresno, California 93721-1220</p>	FOR COURT USE ONLY
<p>PEOPLE OF THE STATE OF CALIFORNIA</p> <p style="text-align: center;">PLAINTIFF,</p> <p>vs</p> <p style="text-align: center;">DEFENDANT.</p>	
<p style="text-align: center;">NOTICE OF EXHIBITS ASSOCIATED WITH REMOTE VIDEO TRIAL</p>	CASE NUMBER:

These exhibits are being submitted to the Court in association with the case set out above.

The case is set for Remote Video Trial on:

_____ at _____m. in Mendota Coalinga.

The exhibits being submitted consist of the following:

(Please provide a general description of what is being submitted and the number. For example, a picture of the intersection where citation was issued.)

Date

Type or Print Name

Signature of Defendant or Officer

ATTACHMENT "F"

REMOTE SITE PROTOCOL

A Court employee from the Traffic Department will be assigned to report to either the Coalinga or Mendota remote sites. Remote traffic hearings will each be calendared once a week. The initial schedule will provide adequate time to mitigate system and process issues between hearings. Note: if there are a high volume of RVP hearings, additional court dates may be arranged with the traffic RVP host sites as needed.

Role and responsibilities

The Court employee will be expected to perform general counter duties that consist of gathering information for the walk-in calendar (arraignments only), checking in defendants and law enforcement officer on the remote site's court trial calendar, provide general information, assist with minute orders, provide extensions, and set future hearings. Money transactions will not be conducted at the remote site. Walk-in calendar will be accepted from 9:00 AM to 10:00 AM only.

A Court employee will get signed form(s) and information to place the defendant on the walk-in calendar, including the following:

- A Notice and Waiver of Rights and Request for Remote Video Proceedings (Form TR-510)
- A Notice and Waiver of Rights and Request for Remote Video Arraignment and Trial (Form TR-505)

Note: if defendant does not sign the forms they are not allowed to have their case heard at a remote site.

Court staff will calendar the case and print the Case Information Sheet (CIS Sheet) to a select printer located in the Traffic Department. Staff located at the Traffic Department will prepare the corresponding case and take the appropriate documents/file to the department that is handling the remote hearing. (judge will call walk-in cases in between court trials.)

If the Court employee at the remote site is unable to place the defendant on the walk-in calendar he/she will take down the person's information and forward it to a contact person at the Traffic Department. That employee will then prepare the calendar and forward it to the judge handling the remote hearing. All signed TR-510 Forms must be faxed or scanned to the Traffic Department before the case can be called on the record.

Court Trials on Calendar

A Court employee will take a copy of the calendar to the remote site. The calendar will be used to check in parties appearing for trial.

- Indicate on the calendar if defendant is present or not present
- Indicate on the calendar if the officer is present or not present

At time of check in the Court employee will ask each party if they have any exhibits they will be presenting.

ATTACHMENT "F"

- If a party or officer has exhibit(s) the Court employee must ask if they have already submitted the item(s) to the Court. If they have already been submitted, he/she will verify on the calendar that exhibits were received. If not, it will be noted on the calendar and the courtroom employee will be notified to check the file.
- If the party or officer did not submit the items to the Court, the Court employee will scan/fax exhibit(s) if possible and indicate that exhibit(s) have been scanned/faxed to the Court on the calendar.
- If exhibits are too large and a Court employee is not able to scan or fax the item, the Court employee at the remote location must indicate on the calendar that exhibits will be presented in open court. When an exhibit is presented, the Court employee will identify and mark the exhibit based on how the courtroom employee identifies it.

Once everyone has been checked in the Court employee at the remote location will fax the copy of the calendar to the courtroom employee. The courtroom employee will use this calendar for the roll call which will be done on the record. Once roll call is completed, the courtroom employee will swear in all the parties and officers at the same time on the record.

Technical set up (should be done immediately upon arriving at remote site.)

Using Court Call the remote site Court employee will connect to the Court. She/he will perform the following test with the courtroom employee located at the courthouse.

- Test the camera view and ensure that the parties, officers, and judge are in view; and
- Test the microphones to ensure they are working adjust the volume as needed

During the implementation stage the remote site employee will communicate any issues or concerns with the RVP host sites and Court Call throughout the pilot period. All system and process problems, as well as solutions will be logged.

ATTACHMENT "G"

REQUESTING AN INTERPRETER FOR RVP SITES

Advance notice

Staff reviewing the TR505 and TR510 will check for the box requesting an interpreter. If the language indicated is for a language other than Spanish, staff is to notify the Interpreter Coordinator by e-mail. The e-mail request must contain the following information:

1. Language needed
2. Case Number
3. Case Name
4. Remote Site Location
5. Type of proceeding (if known)
6. Date and time of hearing

When the request is received by the Interpreter Coordinator, she will send an e-mail stating the request was received. Upon confirming and assigning the interpreter or interpreters, the coordinator will send a confirmation that the interpreter request has been filled and who that interpreter or interpreters will be.

Same day requests

Due to the urgency of the same day need, the court employee assigned to the remote site will make the request for interpreter or interpreters by phone. The following information is needed at time of phone request:

1. Language needed
2. Indicate the Remote Site Location
3. Type of proceeding

The Interpreter Coordinator will immediately advise if someone is available in that language and can be assigned. At this time the Interpreter Coordinator will advise of the ETA of the interpreter or interpreters and if that estimate is acceptable to the Court.

If the Interpreter Coordinator does not have anyone currently available in that language, she will try and retain an interpreter. This process may take up to 30 minutes. If the Interpreter Coordinator is able to find coverage she will phone the RVP site and advise of the ETA for the interpreter and if that estimate is acceptable to court. If an interpreter cannot be retained the Interpreter Coordinator will notice the RVP site.

The Court employee at the RVP site will notice the courtroom employee of the status of the interpreter request. If an interpreter is not able to be retained, the Court will continue the matter, and the Interpreter Coordinator will be advised of the future date.

Contact Information:

Sat Franco, Interpreter Coordinator
Phone: (559) 457-4910
sfranco@fresno.courts.ca.gov

REMOTE SITE PROTOCOL FOR INTERPRETERS

Spanish speaking interpreters will be scheduled to report the Coalinga and Mendota remote sites on their assigned day(s). All other languages will be provided to remote site upon request. Requests will be made via the TR-505 or TR-510 forms. Remote traffic proceedings will be calendared once per week at each offsite location. Note: if there is a high volume of RVP hearing requests additional court dates may be arranged with the traffic RVP host sites as needed.

Role and responsibilities

Assigned interpreters will provide interpreting for matters such as:

- Court proceedings;
- Sight translation of any document; and
- all other interpretive services as required by the Court.

Interpretive services are defined as oral interpretation or sight translation between two or more other persons. Interpreters are expected to follow the Professional Standards and Ethics for California Court Interpreters. If interpreters are not able to hear any of the parties, the interpreters must inform the judge of the situation and request that parties speak louder and repeat the statement.

Technical Set up

Remote site interpreters are encouraged to participate in the testing of the equipment each morning to ensure they are able to hear from all microphones. During the implementation stage, remote site interpreters will communicate any issues or concerns with the RVP host sites and Court Call to the Court throughout the pilot period. All system and process problems, as well as solutions will be logged.