

**Michigan
Video Courtroom
Users Group**

**Video Record System
Implementation Manual**

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INTRODUCTION

In September of 1987, the Michigan Supreme Court issued Administrative Order 1987-7 authorizing the Sixth and Ninth Circuit Courts to conduct pilot projects on the use of video as a means of officially recording courtroom activity. The National Center for State Courts (NCSC) conducted an evaluation of these pilots and presented the results to the Michigan Supreme Court's Videotape Record Advisory Committee in September 1988. The results indicated that the pilot videotape record systems adequately and accurately captured the record of court proceedings.

Upon a review of the NCSC findings, the Videotape Record Advisory Committee recommended the continuation and expansion of the videotape record project. Michigan Supreme Court Administrative Order 1989-2 expanded to twelve the number of courts that could, upon State Court Administrative Office (SCAO) approval, be included under the project, and Michigan Supreme Court Administrative Order 1990-7 removed the numerical limit altogether (see Appendix A for copies of Mich Sup Ct AO 1990-7 and 1991-2)

The Video Courtroom User Group (VCUG) has been established with representatives from the various courts using video. VCUG meets twice each year to identify concerns, discuss alternative procedural approaches, and generally support the use of videotape systems as a means of officially recording courtroom activity. An SCAO representative participates on VCUG and serves as a liaison for the group with SCAO and the Supreme Court.

1. How Does a Videotape Record System Work

Current videotape record systems in the State of Michigan use a sound-activated camera switching technique. The courtroom is equipped with microphones at various locations (e.g. at attorney tables, lectern, the bench, jury box, and the witness box) and separate cameras focused on each of the microphone locations. An automated switching system activates whichever camera is focused on the microphone receiving the dominant, sustaining sound.

A specially programmed bank of video cassette recorders (typically three to five recorders, one of which may be dedicated for playback purposes) records the video and audio output onto VHS format videotapes at extended play (EP) speed. EP speed allows the court to record up to six hours of events on a 120 minutes VHS format videotape. This means on a normal day, the court will not have to change tapes.

The system is operated in the courtroom from a main control panel which can be operated by the judge or another designated staff member. The main control panel allows the user to power on/off, record, stop, rewind, and eject. Playback capability also is controlled at the main control panel. A log must be kept in conjunction with the videotape record to enable specific cites to be found on the videotape based on the case, the date, and the time of day.

The system may offer a secondary control panel specifically for the judge's use which may have functions including: camera lock-on/lock-off, audio mute, and split screen activation. These functions may be on the main control panel.

Monitors may be positioned in a number of locations including: on the judge's bench, at the court clerk's workstation, in chambers, and in the court office. In addition, some courts have the video and audio feed sent to other locations such as a security station or a media room.

Chambers may be equipped with a camera/microphone set-up and control panel to allow in-chambers conferences to be recorded. The chambers activity may also be shown on monitors in the courtroom.

Video does not eliminate the need for written transcripts. In fact, the Michigan Court of Appeals requires traditional written transcripts. For courts wishing to produce transcripts in-house, the system vendors offer specially designed videotape transcription units at additional cost with foot pedal controls for the video output.

2. SCAO Approval to Implement Videotape Court Recording

● Application Requirements

The record making system used by a trial court for the purpose of making the verbatim record is a decision of the local trial court under the duties and authority of the Chief Judge Rule, 8.110 of the Michigan Rules of Court.

The State Court Administrative Office will consider applications for videotape record courtrooms on the basis of criteria established by the Michigan Supreme Court pursuant to Mich Sup Ct AO 1990-7. Relevant factors include:

- ▶ adequate local funding for equipment purchase and maintenance.
- ▶ proposed contract agreement with a vendor certified by the State Court Administrative Office.
- ▶ adequate training of judges and court staff.
- ▶ administrative procedures necessary for the making and preservation of the official court record.

A statement indicating the impact on staffing, which must include a discussion of the steps taken in conducting the review of staffing is also required. However, impact on staffing will not be the sole determinant in the decision to approve or disapprove an application for use of video record systems. See Appendix B for sample application letter, funding unit letter, and staffing impact statement.

● Local Administrative Order

A draft Local Administrative Order should be prepared which details:

- ▶ How notice to attorneys/public will be published/posted.
- ▶ A designation of which courtroom will be equipped with the video system.
- ▶ The name of the judge(s) who will be using the courtroom in which the videotape recording system will be installed.
- ▶ The method to be used for labeling videotapes.
- ▶ A detailed description of the logging practice to be used in conjunction with the

videotape recording system.

- ▶ The designated on-site and off-site storage locations for the two master copies of each videotape required by Mich Sup Ct AO 1990-7.
- ▶ How transcripts shall be produced, and if by outside vendor, the name and business location of each vendor.
- ▶ Who, if anyone, will be allowed to procure videotape copies either by simultaneous recording with the master copies or by duplication. Possibilities include: attorneys/ parties to the case, witnesses, media, and other interested persons.
- ▶ The procedure, if applicable, for making video copies available, including:
 - how videotapes will be duplicated, and if by outside vendor, the name and business location of each vendor
 - whether individuals may provide their own videotape(s) for recording or duplication or whether only court provided tapes will be allowed.
 - what amount, if any, will the court charge for such services accompanied by a detailed justification of any charge (SCAO requires that checks collected for this purpose be made payable to the court).
 - how, if at all, will video installation impact film or electronic media access as outlined in Mich Sup Ct AO 1989-1.

See Appendix B for sample Local Administrative Order, sample notice to attorneys/public, and statement to attorneys/litigants about basic procedures.

● **Approval and Training**

Send application materials to:

State Court Administrative Office
Attention: Video Record Coordinator
PO Box 30048
Lansing, MI 48909

After submitting the application, the court will receive a letter from the SCAO approving or denying the application or asking for additional information. Upon approval, a mandatory **SCAO facilitated training session** on procedural issues will be

scheduled for all judges and staff who will be involved in events in the designated courtroom. The vendor will provide technical training.

Final approval of the Local Administrative Order will not be made until the training session has been completed.

- **SCAO Approved Video Record System Vendors**

Michigan Court Rule 8.109(A) mandates that any audio or video recording devices used for making the record of court proceedings must be approved by the SCAO. In considering a vendor for approval, the SCAO evaluates not only the technology but also the vendor's long-term commitment to servicing the courts.

3. Procuring and Installing a Videotape Record System

In purchasing and installing a courtroom videotape record system, there are several factors to consider beyond the SCAO approval process and which vendor to select.

● Building Considerations

As with any alteration/addition to the building, you should consult with your building authority and make him/her an integral part of the planning process with the vendor. Issues of concern include:

- ▶ Are there any existing building codes and/or restrictions that might limit or negatively impact such a project.
- ▶ What, if any, electrical wiring enhancements must be made to properly and safely accommodate the new system. **All required electrical work should be discussed and agreed upon prior to signing a purchase agreement with a vendor.** Typically, the vendor will recommend a "dedicated electrical line" for the recording unit for added protection from power fluctuations.
- ▶ What steps need to be taken to ensure the architectural integrity and dignity of the courtroom remain intact. Considerations here include:
 - selecting and locating speakers so as not to detract from courtroom setting.
 - locating the VCR cabinet in a convenient, secure, yet unobtrusive location.
 - mounting cameras and microphones as unobtrusively as possible.
 - ensuring the jury box is not within sight-line of any camera.

● System Design

Each vendor has a basic, standard courtroom system design, however, each will modify their basic package to meet the unique needs of an individual courtroom. A portable system is available for about \$6,000. A basic courtroom videotape recording set-up, with an approximate price of \$40,000 to \$50,000 (including installation) is listed below. The listed system and component prices are approximations only, provided as reference points, and should not be considered otherwise.

- ▶ Six to seven cameras, typically set-up so that there is one camera for each of the following viewpoints: the bench, the witness box, the plaintiff/prosecutor's table, the defense table, the center lectern (if applicable), a wide angle view of the courtroom (excluding the jury box, and the judge's chambers (\$1,700 per camera).
- ▶ Nine to ten courtroom microphones, typically mounted as follows: two on the bench (one for the judge and one for those addressing the judge in a bench conference), the witness box, the plaintiff/prosecutor's table, the defense table, the center lectern (if applicable), the court clerk's workstation (if applicable), two on the jury box¹, and the judge's chambers (\$400 per microphone). Two eight-inch color monitors, one for the judge and one for the court clerk (\$700 per monitor).
- ▶ One main control panel.
- ▶ Two secondary control panels, one on the bench and one in chambers.
- ▶ Two thirteen-inch color monitors, one for the judge's chambers and one for the judicial secretary's office² (\$600 per monitor).
- ▶ Three to five hi-fi VHS format video player/recorders (VCR) encased in a single wood housing unit with "dubbing" capability and all wiring enclosed (\$800 per VCR).
- ▶ A complete public address system which provides sufficient sound distribution throughout the entire courtroom.
- ▶ Various warning signals and alarms to indicate things such as: end of tape nearing, microphone mute on, or system problems.
- ▶ A cart mounted video deposition unit including: cart, remote control and VCR, control panel, and 27" color monitor (\$2,400 per unit).
- ▶ Service contract provisions (annual fee of 5% of initial purchase price, be sure to adjust future year budgets accordingly).

¹An additional wireless, hand-held microphone (\$500) may be desired to enhance audio pick-up of prospective juror during voir dire.

²You may want to purchase wall mounts (\$65 to \$75 per mount) for the thirteen-inch monitors in the chambers and judicial secretary areas.

- ▶ **If the court plans on producing transcripts from video internally, a video transcription unit should be purchased (\$1,000 to \$2,500).**

- **Documentation**

As part of the contract, the court should mandate that the vendor supply two system documentation manuals for each system, one for the judge and courtroom staff and one for the court's video system(s) administrator. The documentation should clearly outline all system functions (including chambers system and dubbing operations if applicable) and offer diagrams as necessary.

- **Training**

The contract should outline that upon installation the vendor shall provide "hands-on" training for all individuals who will be using the system. Training should include at a minimum:

- ▶ An overview of the system functions and program logic.
- ▶ A demonstration of the system features and functions.
- ▶ One-on-one practice with each user.
- ▶ Advice on common problem issues encountered by users.
- ▶ Trouble-shooting and general maintenance procedures.

Prior to system implementation, the court must arrange a procedural training session with the State Court Administrative Office.

See Appendix B for sample Specifications for Equipment Bid.

4. System Administration

At the end of this section is a checklist to assist you in addressing system administration procedural issues.

- **Videotapes**

- ▶ **Quality**

Although Mich Sup Ct AO 1990-7 does not establish any minimum standards for videotape quality, **the Video Courtroom User Group (VCUG) strongly urges using professional grade videotapes at a minimum.** In order to record up to six hours on a given VHS videotape, recording must be done at Extended Play (EP) speed. EP speed produces a lower quality recording than Standard Play (SP) speed, which allows for a maximum of up to two hours of recording on a given VHS tape. **The inherent reduced quality of an EP recording places a premium on tape quality to ensure the highest quality recording possible.**

As of September 1, 1995, there was no established retention schedule for either of the videotape master copies required by Mich Sup Ct AO 1990-7. In March 1995, the VCUG submitted a recommendation to SCAO which, if implemented, would enable courts to destroy one of the two master copies after a retention period of five years. In any event, **videotapes used for court recording purposes must be of sufficient quality to ensure the integrity of the record over an extended storage life.**

- ▶ **Purchase**

Regarding the purchase of professional grade videotapes, the VCUG has one recommendation; shop around. Your video system vendor may be able to provide you videotapes, however, if the vendor is not a manufacturer or direct distributor of videotapes, their price may be significantly higher than you can obtain from a direct vendor. The VCUG can be a valuable reference resource for videotape pricing.

- ▶ **Videotape Use**

System vendors recommend using one set of videotapes per court activity day, regardless of the amount of recording completed. Some courts choose to continue recording on a set of tapes until a minimum standard of recording time has elapsed. This method places significantly more responsibility on the system operator to ensure previously recorded material is not over-recorded.

If the court uses a daily working copy for playback purposes, the working copy may be re-used for that purpose. **If it is to be re-used as a working copy, it should be erased first, because pre-recorded material on the tape may interfere with the operator's ability to quickly locate current material for playback in the courtroom.**

Previously used videotapes should never be re-used as one of the two master copies.

► **Labeling**

Each court should develop a standard for labeling videotapes for storage that includes identification of the court itself. Considerations should include the following: courtroom number, judge(s), date of hearing(s), tape identification such as master tape A or master tape B. Below is a sample videotape label:

Number and Name of Court	Tape Identification: ____
Date: _____ Courtroom: ____	Judge: _____

The videotape and the tape jacket should be labeled in case they are separated.

In addition to labeling, the court should establish a standard format for logging events in the video courtrooms. See Appendix B for a sample Log of Proceedings.

► **Storage**

Mich Sup Ct AO 1990-7 requires one master copy to "be retained by the clerk of the court" and the other to "be stored off the court premises in a location designated by the chief judge." **Special care should be taken to ensure that storage areas conform to videotape manufacturer recommendations regarding temperature and moisture exposure.** Accessibility should also be considered. These factors should also be considered in storing new, unrecorded videotapes.

It is recommended that a copy of the corresponding logbook page(s) be stored with each videotape inside the tape jacket. This ensures that the log is available when the tape needs to be accessed for playback, duplication, or transcription.

- **System Operations**

Although most systems currently in use are similar in design and concept, there is no adequate way to generically address system operation issues. Your selected vendor should provide detailed training and documentation regarding the operation of all aspects and functions of the system.

Signs and checklists can help to ensure procedures are understood and followed.

- **Access**

The court's policy on access to videotape records of court proceedings should be carefully outlined in the SCAO required local administrative order. As with any access issue, the court must be careful in establishing any exclusionary access provisions. The court may want to seek the counsel of its own attorney or SCAO prior to addressing the access issue in any formal manner. To date, the VCUG has not established any standard relating to videotape access.

- **Transcripts**

Mich Sup Ct AO 1990-7 required production of a written transcript when videotaped court proceedings are appealed. See Appendix A for details regarding transcript preparation.

The court must decide whether transcripts will be prepared internally by court staff or on a contract basis with an outside vendor. If transcripts are to be prepared internally, the court will need to purchase video transcription equipment.

It is important to establish clear procedures regarding the transcript request/ preparation process including assigning responsibility for capturing accurate request information, retrieving necessary videotapes, and tracking outstanding requests.

Since attorneys and parties may be able to purchase videotape copies and have transcripts prepared from those copies, it is imperative that the court outline its transcript procedure in writing and mandate that only transcripts prepared through the court's process shall be considered official transcripts of the court.

One person shall be designated to be responsible for ensuring transcripts are filed in a timely manner.

See Appendix B for sample form, Request for Videotape Copy.

- **Viewing**

The court should develop a policy and, if necessary, a procedure regarding attorney/party requests to view videotapes. Providing attorneys and parties an opportunity to view videotapes can reflect positively on the court, however, an unlimited viewing policy may be too demanding in terms of staff time and facility availability. Each court must carefully examine all the advantages and disadvantages of its individual situation when developing such a policy and procedure.

- **Sale of Videotapes**

Some systems include additional video recorders which allow additional videotape copies to be made simultaneously with the required master copies. As an equipment maintenance precaution, vendors recommend that the court control the type(s) of video cassettes used. If the court chooses to allow interested parties to bring their own tapes for this purpose, a minimum requirement should be that the cassette is brand new and unopened. Many courts require parties interested in obtaining a copy in this manner to purchase or use a blank video cassette from the court's supply. The fee, if any, should be for the service of providing the copy (IRS requires sales tax on fees for goods, not services), and should be determined based on the cost to the court for providing the service.

Some systems allow the making of videotape reproductions. Court control of the type of video cassettes to be used is equally important for making reproductions. The fee, if one, should be based on the cost to the court for providing this service. Before establishing any fee for service based on costs, it is recommended that the court seek expert counsel in this area and review the service fee rules established by the Freedom of Information Act.

- **Maintenance**

System vendors offer various service contracts for their systems, typically at an annual fee of 5% of the system purchase price. These contracts typically cover annual cleaning/maintenance checks of all equipment and any necessary repair.

If you choose not to enter into a service contract, be prepared to pay for service at rates from \$75 and up per hour, with overtime rates on weekends.

The court should develop an equipment replacement schedule. For example, you may want to replace the master and working copy video recorders after five years because of the constant wear and tear on those units. Other pieces of equipment may have much longer life expectancies. Check with your vendor.

● **Checklist of Procedural Issues**

- Read Michigan Supreme Court Administrative Order 1990-7.
- Establish an internal video users group including representatives of all video system perspectives (i.e. judge, administrator, clerk, transcriptionist, local bar association representative) for ongoing policy review.
- Select a videotape quality/brand standard.
- Establish a standard practice for daily videotape use (e.g. 1 set of tapes per day or continuous use of tape sets until they are full).
- Establish a standard format for logging events in video courtrooms.
- Establish a standard practice for labeling videotapes.
- Designate video library areas for on-sight master copies and assign responsibility for videotape library maintenance.
- Designate off-sight master copy storage area and assign responsibility for videotape transportation to - and if necessary, from - the storage area.
- Develop a policy and procedure regarding access to court videotape recordings.
- Develop a policy and procedure regarding viewing videotapes of court proceedings and assigning responsibility if necessary.
- Develop a policy and procedure regarding the sale of videotape copies including, if applicable, establishing fees and assigning responsibility for duplicating tapes and processing payments.
- Determine how transcripts from videotape shall be produced and develop a policy and procedure for processing transcript requests, including who is responsible for filing transcripts and followup procedures to ensure timeliness of filing.
- Establish a video system hardware replacement schedule for future budget purposes and get the funding unit to commit to the schedule.

5. Miscellaneous Applications for Video in the Court Setting

● Video Hearings from Off-Site Locations to the Court

In Mich Sup Ct AO 2000-3 (see Appendix A), the Supreme Court authorizes courts to use interactive video technology (IVT) between off-site locations and the court for certain specified criminal proceedings. Courts interested in conducting such IVT hearings should submit a request along with a local administrative order outlining the planned administrative procedures to the State Court Administrator. Mich Sup Ct AO 2001-4 (see Appendix A) authorizes, on a pilot basis, specified courts to use IVT in particular involuntary commitment, juvenile delinquency, and child protective hearings. Pilot courts must have a local administrative order approved before using IVT. Model local administrative orders (LAO 13a and 13b) are published in the Michigan Court Administration Reference Guide.

Standards for IVT hearings can be downloaded from the State Court Administrative Office website at http://courts.michigan.gov/scao/resources/standards/ivt_stds.pdf.

Upon SCAO approval, courts with a video record system in place can adapt their system rather easily to allow for site-to-site video hearings and recordings. The system should allow for multiple screen viewing (defendant/respondent, judge, prosecutor, and defense attorney) and have viewing available both in the courtroom and at the off-site location. Once the means of transmission is in place, minor program adjustments to the recording system should allow video hearings from off-site locations to the court to take place.

● Hearings/Testimony in Chambers

The chambers system allows the judge the flexibility of holding miscellaneous events in chambers rather than in the courtroom. The audio and video feed can be recorded and shown in the courtroom as it takes place in chambers. Examples of where this type of flexibility may be of benefit include conducting proceedings of victims of child abuse, and taking testimony from children in criminal sexual conduct cases where the child may be intimidated by the courtroom setting.

● Incorporating Video Depositions into the Video Record

Video depositions can be recorded by the system as they are played in the courtroom making the deposition a part of the video record.

- **Security**

Monitors in the court office can allow staff to monitor what's occurring in the courtroom and respond accordingly to an emergency. In addition, the courtroom video signal can be linked to a monitor at a security location in the building allowing security staff to monitor courtroom activity.

- **Media Coverage**

Accommodations can be made to allow media sources to get direct feed from the video system in conjunction with, or as an alternative to, having a camera in the courtroom. All film and electronic media coverage issues are governed by Mich Sup Ct AO 1989-1.

- **Expanded Public Viewing of High Profile Court Events**

The system can be designed to enable the video/audio feed to be shown in real time at another viewing location in the facility. This can make it possible for the court to accommodate members of the public who wish to view a high profile trial beyond the limitations of the courtroom seating capacity.

- **Ceremonial Uses**

The system can be used to record events such as weddings, adoptions, and swearing in of public officials and attorneys as a courtesy to the parties.

APPENDIX A

ADMINISTRATIVE ORDER 1990-7
VIDEOTAPE RECORD OF COURT PROCEEDINGS

On order of the Court, the State Court Administrator is authorized to approve, until further order of this Court, trial courts to use videotape record systems for the purpose of making the verbatim court record of proceedings in individual courtrooms. Courts desiring approval to use the videotape record system in a courtroom must apply to the State Court Administrator and must submit a local administrative order to implement the videotape record procedures. Upon approval by the State Court Administrator of the application and the local administrative order, the court may use the videotape record system in the courtroom until further order of this Court or of the State Court Administrator.

The State Court Administrator is authorized to certify which videotape record equipment may be utilized by trial courts for the purposes of making the verbatim court record.

The applications by the trial courts and approval by the State Court Administrator shall be based upon criteria established by this Court.

The previous authorizations by this Court and by the State Court Administrator pursuant to Administrative Order 1989-2 to the twelve pilot courtrooms for utilization of the videotape record system is continued until further order of this Court or the State Court Administrator.

This order authorizes exceptions to the Michigan Code of Judicial Conduct, Canon 3A(7), which currently prohibits such recording, and to MCR 8.108, which requires that certified court reporters and recorders furnishing transcripts of proceedings be in attendance at those proceedings.

The following guidelines shall apply to the courts authorized to use videotape record systems for the purpose of making the court record:

1. At least two videotape recordings, recorded simultaneously, shall constitute part of the original record in the case. One videotape shall be retained by the clerk of the court to be forwarded, or for portions to be copied and forwarded, if an appeal is taken and if requested by the Court of Appeals, to the Court of Appeals pursuant to MCR 7.210. The other videotape shall be stored off the court premises in a location to be designated by the chief judge.

2. The judge shall:

- (a) Be charged with the responsibility of ensuring through routine checks of the videotape system by a suitably trained person, that the videotape system is operating in keeping with specifications.

- (b) Keep a proper index of proceedings that have been videotaped, including a

list of witnesses and exhibits.

3. If an appeal is taken in an action which has been videotaped under this order, a transcript of the proceedings must be prepared in the same manner as in the case of proceedings recorded in other ways. However, a court reporter or recorder need not certify attendance at the proceedings being transcribed from the videotaped record, but need only certify that the transcript represents the complete, true and correct rendition of the videotape of the proceeding as recorded.

4. Transcripts of videotape recordings of 25 pages or less must contain, on each page, a reference to the number of the videotape and the month, day, year, hour, and minute at which the reference begins as recorded on the videotape. For example: (Tape No. 1, 10-1-87, 13:12). Transcripts of 26 or more pages must contain this reference on the first page, on every 25 pages thereafter, and on the last page.

5. Film or electronic media coverage in these courts, if utilized, shall be governed by the guidelines set out in Administrative Order 1989-1.

6. The State Court Administrative Office shall provide assistance in implementation of the use of videotape record system in each approved courtroom and shall continue to conduct an evaluation of the program. The courts using videotape record systems shall cooperate with the State Court Administrative Office.

7. This order shall be effective upon entry. Administrative Order 1989-2 is rescinded.

[Entered October 15, 1990]

**AMENDMENT TO ADMINISTRATIVE ORDER 1991-2
VIDEO ARRAIGNMENT**

On order of the Court, the State Court Administrator is authorized to approve, until February 1, 1992, or until further order of this Court, trial courts to use two-way closed circuit television from a jail to a courtroom in each court for initial criminal arraignments on the warrant, arraignments on the information, criminal pretrials, criminal pleas, criminal sentencings for misdemeanor offenses cognizable in the district court and show cause hearings.

The previous authorizations by this Court and by the State Court Administrator pursuant to Administrative Order 1990-1, as amended October 31, 1990, for pilot courtrooms in the circuit and district courts of Genesee and Oakland Counties to utilize two-way closed circuit television, are continued until further order of this Court or the State Court Administrator.

Each court requesting authorization is directed to expeditiously submit a local administrative order to the State Court Administrator pursuant to MCR 8.112(B) to implement the pilot program and prescribe the administrative procedures for each type of hearing in which closed circuit television will be utilized.

The State Court Administrative Office shall provide assistance in the implementation of the pilot projects, and shall conduct an assessment of the experimental program and report to the Court. The pilot courts shall cooperate with the State Court Administrative Office.

[Entered April 30, 1991]

ADMINISTRATIVE ORDER 2000-3
VIDEO PROCEEDINGS (CIRCUIT AND DISTRICT COURTS)

On order of the Court, Administrative Orders 1990-1, 1991-2, 1992-1, and 1993-1 are rescinded.

The State Court Administrator is authorized, until further order of this Court, to approve the use of two-way interactive video technology in the criminal divisions of the circuit and district courts to conduct the following proceedings between a courtroom and a prison, jail, or other place of detention: initial arraignments on the warrant, arraignments on the information, pretrials, pleas, sentencing for misdemeanor offenses, show cause hearings, waivers and adjournments of extradition, referrals for forensic determination of competency, and waivers and adjournments of preliminary examinations.

Each court seeking to use interactive video technology must submit a local administrative order for approval by the State Court Administrator pursuant to MCR 8.112(B), describing how the program will be implemented and the administrative procedures for each type of hearing for which interactive video technology will be used. Upon a court's filing of a local administrative order, the State Court Administrative Office shall either approve the order or return the order to the chief circuit or district judge for amendment in accordance with requirements and guidelines provided by the State Court Administrative Office.

Courts that previously were authorized to use interactive video technology pursuant to Administrative Orders 1990-1, 1991-2, 1992-1, or 1993-1 may continue to do so until further order of this Court or the State Court Administrator.

The State Court Administrative Office shall assist courts in implementing the technology, and shall report periodically to this Court regarding its assessment of the program. Those courts using the technology shall provide statistics and otherwise cooperate with the State Court Administrative Office in monitoring the use of two-way video proceedings.

[Entered July 18, 2000]

ADMINISTRATIVE ORDER 2001-4
VIDEO PROCEEDINGS
(FAMILY DIVISION OF CIRCUIT COURT AND PROBATE COURT)

On order of the Court, the State Court Administrator is authorized, until July 1, 2003, or until further order of this Court, to approve the experimental use of two-way interactive video technology to conduct proceedings between a courtroom and a hospital, mental health facility, jail, detention facility, or other placement facility, in the following circumstances:

- (1) Hearings concerning initial involuntary treatment and continuing treatment in mental health cases in the probate court in the counties of Calhoun, Chippewa, Genesee, Gogebic, Livingston, Ottawa, Saginaw, Washtenaw, and Wayne.
- (2) Preliminary hearings and review hearings in child protective proceedings in the family division of the circuit court in the counties of Calhoun, Chippewa, Genesee, Gogebic, Kalamazoo, Kent, Livingston, Ottawa, Saginaw, Washtenaw, and Wayne.
- (3) Preliminary hearings held in juvenile delinquency proceedings to satisfy the requirements of MCR 5.935(A)(1), and post-dispositional progress reviews and dispositional review hearings, where the court does not order a more physically restrictive level of placement or more restrictive treatment of the juvenile, in the family division of the circuit court in the counties of Calhoun, Chippewa, Genesee, Gogebic, Kalamazoo, Kent, Livingston, Ottawa, Saginaw, Washtenaw, and Wayne.

Each court seeking to participate must submit a local administrative order for approval by the State Court Administrator pursuant to MCR 8.112(B), describing how the program will be implemented, and the administrative procedures for each type of hearing for which interactive video technology will be used. Upon a court's filing of a local administrative order, the State Court Administrative Office shall either approve the order or return the order to the chief circuit or probate judge for amendment in accordance with requirements and guidelines provided by the State Court Administrative Office.

The State Court Administrative Office shall assist courts in implementing the technology, and shall report to this Court regarding its assessment of the program. Those courts using the technology shall provide statistics and otherwise cooperate with the State Court Administrative Office in monitoring the use of two-way video proceedings.

Administrative Order 2000-4 is rescinded.

[Entered June 1, 2001]

APPENDIX B

SAMPLE APPLICATION LETTER
[on court letterhead]

December 15, 1997

**Video Record Coordinator
State Court Administrative Office
PO Box 30048
Lansing, MI 48909**

RE: Application for Videotape Record System

The 22nd Circuit Court is requesting permission to be part of the videotape record project outlined in Michigan Supreme Court Administrative Order 1990-7. Enclosed is the following required documentation:

- 1. A letter from our funding unit showing adequate funding is approved.**
- 2. A statement on the impact the videotape record system will have on staffing patterns.**
- 3. A draft local administrative order outlining the court's policies relating to the videotape record.**
- 4. A draft notice to attorneys and the public. Upon approval, this notice will be posted outside the courtroom, published in the local bar publications, and made available for distribution at the courtroom location and at the court administration office.**

We are bidding the equipment/installation/service contract out to the four vendors currently approved by your office. The transcription contract will also be put out for bid.

If you have any questions or if there is something further we can provide, please me at (313) 000-0000.

Sincerely,

**Name
Title**

SAMPLE FUNDING UNIT LETTER
[on county funding unit letterhead]

December 1, 1997

**Video Record Coordinator
State Court Administrative Office
PO Box 30048
Lansing, MI 48909**

RE: Application for Videotape Record System

The 22nd Circuit Court has had a retirement of one of its court reporters. The court has expressed a desire to install a voice activated video system for making the record in this courtroom rather than use a court reporter. The Court Administrator, [name], has advised us that participation in the video courtroom requires a showing that adequate funding for such systems has been obtained from the funding unit.

Our review of voice activated video systems in other courts in Michigan has convinced us that the installation of video equipment for making the record is cost-effective and operationally advantageous to the county. Adequate funding for this project is available within local funding. If the State Court Administrative Office authorizes the circuit court to expand use of video equipment, funding will be provided.

We enthusiastically support this proposal. We would be happy to answer any questions you may have in this regard. In the meantime, we encourage you to give the 22nd Judicial Circuit Court favorable consideration in reviewing its proposal.

Yours truly,

**name
Finance Director**

SAMPLE STAFFING IMPACT STATEMENT
[on court letterhead]

Court Videotape Record System
Impact on Court Staffing Patterns

The 22nd Judicial Circuit Court is seeking to implement a voice activated videotape record system in courtroom 1 of the Washtenaw County Courthouse. The court recorder position in that courtroom is currently vacant due to the September 1, 1997 retirement of [name]. The vacant court recorder position would not be filled and no additional employees would be displaced.

No additional staff will be necessary to operate the videotape system. The necessary operational tasks such as turning the system on/off and keeping a log will be assumed by the judge and/or the court clerk. The Deputy County Clerk responsible for Court Services has approved the possible integration of the necessary operational tasks into the court clerk's duties.

Submitted by:

Court Administrator

SAMPLE LOCAL ADMINISTRATIVE ORDER
[on court letterhead]

Administrative Order 97-01

VIDEO RECORD SYSTEM

IT IS ORDERED:

This administrative order is issued in accordance with Michigan Supreme Court Administrative Order 1990-7 entered October 15, 1990. The purpose of this order is to implement a videotape record system upon approval of the State Court Administrator.

The following procedures shall govern the use of the videotape record of court proceedings in the 22nd Judicial Circuit. Beginning on or about January 1, 1998, a third-voice-activated videotape recording system shall be implemented in Washtenaw County Courthouse to serve as the official record of proceedings in Courtroom 5, while the official court recorder is on an 18 month educational leave of absence. Should this employee desire to return to work with the Court at the end of this leave of absence, the Court will provide the employee with a position of the same grade and step, in accordance with the collective bargaining agreement. Videotape shall now be used as the official record for any 22nd Circuit Court or 15th District Court proceedings held in Courtrooms 1, 3, and 5. The operation of the videotape system shall be governed by the following procedures:

1. Notice to the attorneys, litigants, and members of the public of the implementation of a videotape record of proceedings in the new courtroom shall be posted outside of the courtroom and made available from the circuit court administrator. In addition, such notice shall be submitted to the Washtenaw County Bar Association.
2. The Court shall maintain two official videotape copies of each proceeding. One official copy shall be stored in the Court office and the other official copy, required by Michigan Supreme Court Administrative Order 1990-7, shall be stored off the Court premises in the [name and address].
3. Tapes shall be labeled with at least the following:
Courtroom Number
Date of Hearing(s)
Tape I.D. Letter (e.g. Tape A, Tape B)
4. Each day, new videotapes shall be used in each courtroom. Tapes shall be used continuously throughout the day without regard to changes in judges or court staff. Tapes shall only be changed during the day if the system indicator signals that they are nearing capacity.
5. A time-specific log shall be maintained in each courtroom containing the court in session, the recorder's or clerk's name, the judge's name, case name and file number, and additional notes which may include: trial stage, witnesses, and exhibits. A copy of the daily log shall be stored with each master copy inside the tape jacket. A copy of the daily docket shall also be stored with the tape inside the tape jacket unless all the pertinent information from the docket has been transferred to the log.
6. Attorneys/parties involved in a court event in a video record courtroom may purchase a blank VHS tape from the Court office and request that the proceeding be taped onto that tape. The

Court shall have two video recorders per system dedicated for this purpose and shall accept requests on a first come, first serve basis. Payments for this service shall be made at the 22nd Circuit Court Administrator's Office.

- 7. Access to the videotape record of court proceedings shall be limited to attorneys/parties involved in events recorded on the tape. The judge has sole discretion to allow other individuals access to a videotape record.

Parties/attorneys and others seeking to purchase a videotape must complete a request form and submit it for approval to the 22nd Circuit Court Administrator's Office. Upon approval, a fee based on the Court's reproduction costs will be charged for the reproduction of each cassette, payable to the 22nd Judicial Circuit Court. Reproductions done in-house shall cost \$25, and reproductions which must be sent out shall cost \$40. This price may change based on changes in the vendor's charge to the Court. Payment is to be made at the Court Administrator's Office and must be in cash, money order, or certified check. No personal checks will be accepted.

There will be a minimum 24 hour turn around time for tape reproduction after approval is granted and payment is made. Reproduction requests for more than two tapes must be sent to the outside vendor.

- 8. Attorneys/parties requesting transcripts from video should be referred directly to (name of contracted court reporting service). For all transcript requests referred to the vendor, the vendor will be responsible for capturing the necessary information from the attorney/party. The vendor will contact the appropriate court and request that the necessary tape(s) be pulled by the designated court staff member for pick up.

The vendor will pick up the tapes from the appropriate court, prepare the transcript(s), rewind all tapes, and return them to that Court for the designated court staff member to return to that Court's tape library.

Only transcripts prepared through this process shall be considered official transcripts by the 22nd Judicial Circuit Court and the 15th Judicial District Court.

- 9. Film or electronic media coverage in video courtrooms shall be governed by 22nd Judicial Circuit Court policy number 5.2.03, under the authority of Michigan Supreme Court Administrative Order 1989-1.

Dated: November 21, 1997

[name]
Chief Judge
22nd Judicial Circuit Court

[name]
Chief Judge
15th Judicial District Court

SAMPLE NOTICE TO ATTORNEYS/PUBLIC

**TO: ATTORNEYS PRACTICING IN THE 22ND JUDICIAL CIRCUIT COURT
ALL MEMBERS OF THE PUBLIC**

The 22nd Judicial Circuit Court's request to implement a voice activated videotape system in courtroom number 1 to serve as the verbatim record of court proceedings has been approved by the State Court Administrator. This request was made in conjunction with Michigan Supreme Court Administrative Order 1990-7. Implementation of the voice activated system is scheduled for January 1, 1998.

Who can access a videotape record of proceedings?

Access to the videotape record of court proceedings shall be limited to attorneys/parties involved in events recorded on the tape. The judge has sole discretion to allow other individuals access to a videotape record. Whether the Court will provide for viewing tapes will be determined on a case by case basis.

Prior to the start of court proceedings, attorneys/parties may purchase a high grade, VHS format videotape from the Court for \$7.00 for the purpose of having a video recording made of the proceedings. The videotape should be presented to the court clerk in courtroom number 1. The voice activated recording system will allow for two attorney/party copies to be recorded simultaneously with the official court copies. To protect the Court's investment in the hardware and to ensure consistent quality, only tapes purchased from the Court will be allowed for this purpose.

After the fact, parties/attorneys and others with written authorization of the judge to access the videotape record of a court proceeding may request a copy of the specific tape(s) from the Court. A reproduction fee based on the Court's costs will be charged per cassette, payable to the 22nd Judicial Circuit Court.

Will a transcript be required on appeal?

Pursuant to Michigan Supreme Court Order 1990-7, "If an appeal is taken in an action which has been videotaped under the Order, a transcript of the proceedings must be prepared . . . However, a court reporter or recorder need not certify attendance at the proceedings being transcribed . . . but need only certify that the transcript represents the complete, true and correct rendition of the videotape of the proceeding as recorded."

Transcript requests of court events recorded by video should be ordered through the Circuit Court Administrator's Office.

Questions about the system should be directed to the Court Administrator's Office.

**SAMPLE STATEMENT TO ATTORNEYS AND LITIGANTS
REGARDING VIDEOTAPE PROCEEDINGS**

1. **This courtroom is equipped with audio/video equipment which will enable the Court to create a record of the proceedings. You will need to be conscious of the placement of microphones and your proximity to them when speaking. Attorneys should avoid moving away from the microphones, particularly those at the counsel tables, while speaking.**
2. **Since there is no court reporter present, attorneys will be required to identify themselves and their relationship to the case for the record at the commencement of the proceedings.**
3. **All witnesses will be required to clearly state their names and indicate the proper spelling for the record prior to the giving of testimony.**
4. **Attorneys should mark all exhibits before the commencement of the proceeding and provide the Court with a listing of all exhibits including a brief description.**
5. **Attorneys and litigants are not to sit at the counsel tables unless they are parties to the proceedings and are on the record.**
6. **All parties and attorneys are advised to avoid unnecessary noise during the proceedings as it will interfere with the proper functioning of the electronic equipment.**
7. **Attorneys are advised that courtroom conversations may be overheard on monitors located in the court office and/or in chambers.**

SAMPLE SPECIFICATIONS FOR EQUIPMENT BID

**22ND JUDICIAL CIRCUIT COURT
VOICE ACTIVATED VIDEOTAPE VERBATIM RECORD SYSTEM SPECIFICATIONS FOR BID**

EQUIPMENT AND CONFIGURATION REQUIREMENTS

1. All video/audio equipment must be certified by the Michigan State Court Administrative Office for the purpose of making official court recordings.

2. The system must include five hi-fi, VHS format video player/recorders (VCR). The VCRs shall be used in the following fashion:

VCR 1: Master Copy

VCR 2: Back-up Copy

VCR 3: Attorney/Party Copy

VCR 4: Attorney/Party Copy

VCR 5: Working Tape Playback Copy and Video Deposition Playback Access.

3. Each VCR must continuously record the current date and time and be capable of producing a minimum six hour, high quality recording using standard VHS video tapes.

4. If variable screen formats are part of a vendor system, VCRs 1 and 2 must record in the same screen format to ensure consistency of the record.

5. The five VCRs must be encased in a single housing unit, to be approved by the Court, with all loose wiring enclosed.

6. Six monitors must be provided and hooked up in the following sizes and locations:

Monitor 1: 8 inch screen Judge's bench

Monitor 2: 8 inch screen Court Clerk's station

Monitor 3: 8 inch screen Security station*

Monitor 4: 13 inch screen Judge's Secretary's desk

Monitor 5: 13 inch screen Judge's chambers

Monitor 6: 25 inch screen Cart mounted in court

(must be transportable to other courtrooms)

*Monitor 3 (security station) should be fixed on wide-angle courtroom view.

7. Six cameras for video coverage must be provided focusing on the following areas:

Area of Video Focus

Camera 1: Judge's bench area

Camera 2: Witness station area

Camera 3: Plaintiff's counsel table area

Camera 4: Defendant's counsel table area

Camera 5: Wide angle of entire courtroom excluding the jurors' box

Camera 6: Judge's chambers

The jurors box must be excluded from all video coverage.

8. Nine microphones for audio coverage must be provided as follows:

Area of Audio Pick-up

- Mic. 1: Judge's bench**
- Mic. 2: In front of Judge's bench (conferences)**
- Mic. 3: Witness station**
- Mic. 4: Plaintiff's counsel table**
- Mic. 5: Defendant's counsel table**
- Mic. 6: Center lectern**
- Mic. 7: Jury box**
- Mic. 8: Jury Box**
- Mic. 9: Judge's chambers**

In addition, one hand-held microphone with sufficient cabling to move freely throughout the entire jury box for voir dire purposes must be included.

9. Judge's chambers audio/video specifications include:
- a. Ability to monitor the courtroom.
 - b. Ability to record proceedings in chambers.
 - c. Option to allow chamber proceedings to be broadcast (both audio and video) to the courtroom monitors.
 - d. Ability to manipulate system controls (i.e. start/stop, lock camera) from chambers.
 - e. An indicator light on the chambers control panel to indicate the system is activated and recording.
10. Public address speakers must be provided and installed as necessary to obtain sufficient sound distribution throughout the entire courtroom. Speaker coverings suitable to the existing decor of the courtroom shall be provided. No speakers are to be visible on the judge's bench. Speaker near the public areas of the courtroom must be reasonably out of reach. Public address speakers should be installed so as to exclude bench conferences and chambers area.
- A volume control for the entire public address system is required and must be located on the judge's control panel.
11. The main system control panel should be located on either the judge's bench or at the court clerk's station (the court shall make this designation prior to installation). A secondary control panel should be located in the judge's chambers. All control panels should be clearly marked and easy to operate. The control panel must include an audible alarm that should sound at least 30 minutes prior to the end of the recording video tapes.
- The design and installation of all equipment shall be such that it deters tampering and theft.
12. An additional control unit must be provided for video deposition playback. This unit must be installed so as to be accessible to a technician during court proceedings and allow for the following functions: stop, rewind, fast forward, volume control, and mute.
13. Wiring configurations must be consistent with OSHA Safety Standards and meet court

approval.

14. **All electrical requirements should be specified separately. Electrical wiring specifications must be provided for all equipment.**
15. **Vendors must submit equipment specifications and wiring specifications for public address system and deposition playback unit for court review.**
16. **Vendors should submit complete diagrams or pictures for layout.**
17. **Service contract provisions should be included in bid.**

SAMPLE REQUEST FOR VIDEOTAPE COPY

SAMPLE VIDEOTAPE RECORD LOG