Introduction from the Director of Security.

Introduction

1. This order sets out the procedures which need to be put in place within local prisons in order to comply with Section 57 of the Crime and Disorder Act of 1998. This section enables preliminary hearings at magistrates’ courts to take place without the defendant being physically present, but able to see, hear and participate in the process over a video conferencing link.

Output

2. This PSO explains the video hearing process, and sets out the prison’s responsibilities for facilitating it.
Implementation

3. This PSO comes into effect on 4th October 2001.

Impact and Resource Assessment

4. It is expected that this order will be cost neutral across the Service.

Mandatory Action

5. Governors/directors of local prisons must ensure that sufficient video courts and video booths are constructed within their prisons.

6. Governors/directors of local prisons must ensure that defendants are presented for their pre-trial hearings at their video court, as notified by the court list, and their legal conferences at the video booths, where prior arrangements have been made by defence lawyers.

7. Governors/directors must ensure that sufficient staff are detailed to run the video link facility, and that management for this activity is placed in the operational line

Audit and Monitoring

8. Self audit by prison.
Contact

9. Further information is available from Russ Kirton on 01536 274600

**NOTE FOR ESTABLISHMENT LIAISON OFFICERS**

_ELOs must record the receipt of the Prison Service Order - Video Links Between Magistrates’ Courts and Local Prisons_ in their registers as issue **135** as set out below. The PSO must be placed with those sets of orders mandatorily required in Chapter 4 of PSO 0001.

<table>
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<th>Issue no.</th>
<th>Date</th>
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<td>1030</td>
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Brodie Clark
Director of Security
VIDEO LINKS BETWEEN MAGISTRATES’ COURTS AND LOCAL PRISONS

PRE-TRIAL HEARINGS AT MAGISTRATES’ COURTS OVER VIDEO LINKS

1.1 The provisions which permit these hearings to be conducted over video links are contained in section 57 of the 1998 Crime and Disorder Act. Currently defendants are discharged from prisons regularly in order for them to attend pre-trial hearings at magistrates’ courts, and received back thereafter. As a result of this legislative change, defendants will no longer need to leave the prison.

1.2 Instead, defendants must be escorted to a video court, especially created within the prison, and their hearing will take place there. Defence solicitors may make representations to the magistrate for their client to attend the court in person, although this will only be permitted in truly exceptional circumstances.

DEFENDANTS’ CONSULTATIONS WITH LEGAL REPRESENTATIVES

1.3 Whereas solicitors and legal representatives currently conduct interviews with their clients in person, these too can take place over the video link. Defendants must be escorted to a video booth, where these consultations will take place in sight but out of hearing of supervising staff.
ESTABLISHMENT OF VIDEO LINK FACILITIES

2.1 Each prison must appoint both installation and project managers. The Installation Manager is responsible for managing the creation of the video suite, while the Project Manager will carry out the liaison with all other local criminal justice agencies, particularly the magistrates’ courts, probation service, Crown Prosecution Service and Law Society necessary to agree operating procedures. These responsibilities must be included within the PPRSs / SPDSs of these managers.

2.2 Video suites, comprising video courts and booths, must be constructed in all local prisons, and any prisons re-rolled to house remand prisoners. Guidance on this can be obtained from Security Group.

2.3 A contract has been let with Martin Dawes Office Automation Ltd for the provision of the video conferencing service. These contractors will install the equipment, and provide technical training for those staff involved in its operation. Governors/Directors must allow contractors access to the relevant parts of their prison, and make the relevant staff available for training.

2.4 It is recommended that prison staff are given familiarisation training on court procedures. Training videos are available from Security Group to facilitate this, but further training should take place under the aegis of the cross party liaison group, described in 2.1 above.
OPERATION OF VIDEO LINK FACILITIES

Court hearings

3.1 Prisons will be sent details from all magistrates’ courts of those defendants who are due to appear in their video courts for the following day in the usual way.

3.2 Defendants will have been notified by the court on remand to custody from their first appearance that their next hearing is listed for a video links appearance. *Defendants must be offered an opportunity to view the training video, provided by Security Group, before their first hearing.*

3.2 *Defendants must be escorted to the video court in good time for their allocated timed hearing.* When the court is ready to hear a case, the defendant shall be shown into the prison video court. A member of staff will remain with the defendant throughout the hearing, to operate the equipment, and to answer any procedural questions which the defendant may have.

Legal hearings

3.4 Lawyers should make appointments to book the video link to interview their clients. *Defendants must be escorted to the video booth in good time for this appointment.* Once the legal conference starts, the staff member must leave the booth, so that the confidentiality of the hearing is respected. *The defendant must be kept within sight, but out of hearing of prison staff.*