



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
P.O. Box 41100 • Olympia, Washington 98504-1110

November 4, 2020

TO: All Superintendents
All Correctional Program Managers

FROM: **Robert Herzog, Assistant Secretary**
Prisons Division

SUBJECT: Mandatory Incarcerated Individual Participation in Virtual Child-Dependency Court Hearings

As you are aware, designees for your facility have been working on the *Video Conferencing in Prisons* project that will expand our use of virtual platform participation by our incarcerated population. The group has been working hard to create options for both individual participation and for congregate programming options as we continue to navigate through our new operations, and a desire to create access that cannot be accommodated in person due to safety concerns. All facilities currently have options to provide for single participation either through webcams attached to a computer, through a laptop, or for some facilities, special rooms that are being set up to accommodate a secure setup without having to be monitored by staff.

Effective immediately, the Department of Corrections will be facilitating virtual participation in child-dependency court hearings requested through the Division of Children, Youth, and Family Services (DCYF). We are collaborating with DCYF and the courts to provide a seven-day notice for incarcerated individuals who will be required to participate in a hearing regarding the welfare of their children. Any delays to their participation only affects their children, who may be required to remain in alternate care versus the possibility of a more stable and loving environment.

In the near future, there will be policy language to encompass new operations and programs provided through virtual platforms. In the interim, facilities must develop a procedure that ensures the following:

- Requests and virtual links will be sent from the court to the facility Legal Liaison/Public Information Officer (LLO/PIO), who will then send the information to the assigned counselor and Correctional Unit Supervisor. **NOTE:** *Zoom can be used when we are participating, but not scheduling our own events.*

- The counselor will place the incarcerated individual on call for the scheduled hearing. Classification personnel will confirm with the court within three days confirming individual participation in the scheduled court proceeding.
- Identified areas in each facility where the incarcerated individual can participate via Zoom (or platform identified by the court). Managers must ensure that there is no interruptions or staff not assigned to monitor in the area during the proceedings, unless a facility emergency occurs.
- Staff assigned to monitor the connection must ensure that the participants connected through the link is the judge and court officials. This is easily done by identifying self and individual with the court and requesting confirmation of participants. This is for security purposes only to avoid misuse of connection.
- There must be a monitor, microphone, and speaker capabilities in the identified area for adequate participation from the incarcerated individual and court officials to communicate interactively.
- The equipment must be secured to eliminate access and protect the integrity of our agency network or must be monitored consistently by designated staff throughout the length of the court proceeding.
- If a staff member must be present, facilities will ensure that a back-up individual is identified in the event of an unexpected absence of the primary observer.
- The assigned counselor will add an OMNI chronological entry under “Legal Issues” identifying the participation, to include information if the hearing did not occur. It is important to note that staff will be required to wait at least 15 minutes for court proceedings to begin before disconnecting if the court does not connect.
- This process is for court proceedings ONLY and do not apply to meetings with case workers, at this time.

This directive does not take the place of any court order to produce individuals for child-dependency hearings in-person. However, those orders will continue to require a 30-day advance notice to provide for transportation planning.

Please contact Lisa Flynn, CPA, if you have additional questions or concerns regarding this directive. Thank you for working to reflect our agency values in our collaborations with DCYF and many others.

LF:cr

cc: Mike Obenland, Deputy Director, Command A
Jeneva Cotton, Deputy Director, Command B
Tom Fithian, Deputy Director, Command C
Lisa Flynn, Correctional Program Administrator
Prison Public Information Officers