



Sheriff Al Cannon Detention Center
Charleston County Sheriff's Office

Subject: **Video Bond Hearing**

Policy 9-14.4

Supersedes: 9-14.3

APPROVED:

NEW REVISED REVIEWED

07/22/2019

Detention Center Administrator Chief Deputy W. L. Beatty

Date

I. PURPOSE:

To establish guidelines for the Sheriff Al Cannon Detention Center (SACDC) involvement in videoconference court hearings.

II. POLICY:

The SACDC will ensure that an inmate receives a Video Bond Hearing within 24 hours of intake unless there are mitigating circumstances.

(SC Min. 2034, 4-ALDF-6A-01)

III. PROCEDURE:

- A. The South Carolina Supreme Court Administration must approve local procedures for video bond court hearings. Court Administration approval of local procedures is for an unlimited period unless there is a material change of circumstances.
- B. Use of video bond court equipment for magistrate and municipal courts will be limited to non-capital initial appearances, bond hearings, preliminary hearings, contested motions and acceptance of guilty pleas and sentencing for offenses initially within jurisdiction of that magistrate or municipal court.
- C. Video bond court within the facility will only be accomplished at locations that are properly situated and furnished to be suitable for and conducive to judicial hearings. Locations will be sufficiently quiet and lighted for use of the video equipment and furnished so as to apprise the inmate of the seriousness of the proceedings.
- D. Television monitors will be positioned so that the inmate and judge can observe the proceedings at the other's location simultaneously and converse with each other.

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The facility will assure that the inmate can observe the judge, defense counsel and witnesses as necessary.

- E. Interested parties will be advised that the room in which the judge is presiding is accessible to the public and interested parties have an opportunity to observe the proceedings. A monitor is provided for interested parties and counsel for the defense and prosecution at the judge's location.
- F. The SACDC will assure availability of:
 - 1. upon request from an attorney or inmate a telephone line will be provided for private communication.

(SC Min. 2034(a), 4-ALDF-6A-02)
 - 2. a scanner, printer, or facsimile machine so court documents, witness statements, and other papers can be sent back and forth between the two locations. The inmate must be allowed to confidentially fax papers back and forth to defense counsel.
- G. The Processing Division is responsible for the coordination of video bond court.
- H. The Clerk of Court of jurisdiction will provide the SACDC Bond Hearing Detention Deputies with a list of inmates who are scheduled for videoconferencing hearings.
- I. The Bond Hearing Detention Deputy will coordinate the escort of inmates into the videoconferencing room. Juveniles, enemies and male and female inmates will be kept separate, and the judge will be advised in these cases. When the male and female or adult and juvenile inmates are co-defendants, it is at the judge's discretion to see them together or separately.
- J. Each inmate, prior to appearing for a videoconference hearing, must agree to, and sign *Consent to Video Conferencing Form*. The Clerk of Court of jurisdiction will provide the *Consent to Video Conferencing Form*. The Bond Hearing Detention Deputy will prepare the form. The magistrate or municipal judge will verify the waiver of the inmate's right to personal appearance at the commencement of court proceedings
- K. The judge will be notified of all inmate refusals to sign the *Consent to Video Conferencing Form*. Inmates refusing to sign the *Consent to Video Conferencing Form* will not continue in the videoconferencing process. Inmates will not be coerced into signing the *Consent to Video Conferencing Form*; signature is strictly voluntary. The Court may request the inmate to make the refusal via video; the Court will reschedule the inmate's court appearance. The Bond Hearing Detention Deputy will

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follow-up with the inmate regarding participation in Bond Hearing at each Bond Court Session. If the inmate refuses again, the Judge shall be notified of the refusal. If the Judge orders that the inmate be brought in front of him/her, the inmate shall be escorted to Bond Court by the Special Operations Group (SOG).

- L. The Detention Deputy conducting video bond court will advise inmates prior to court proceedings that the inmate may notify the judge if they wish to speak to counsel at anytime during the hearing.
- M. If the inmate's counsel is present in the courtroom, counsel will be allowed to speak to their client in the videoconferencing room via telephone.
- N. Bond Hearing Detention Deputies will be attentive to instructions from the court.
- O. The inmate will be provided with a copy of all documents he/she signs.
- P. The Bond Hearing Detention Deputy will fax, or email all *Consent to Video Conferencing* and *Guilty Plea* Forms to the Clerk of Court before the hearings begin.
- Q. At the conclusion of the hearings, the Clerk of Court will send, electronically or via e-mail, commitment and release documents to Bond Hearing. Facsimile signatures will be acceptable for purposes of releasing the inmate from custody. When a bond amount is awarded, it will be entered into the Jail Management System (JMS) by the Bond Hearing Detention Deputy and afterwards scanned into the JMS Multimedia.
- R. The Bond Hearing Detention Deputy will return the original copies of the *Consent to Video Conferencing* and *Guilty Plea* forms to the inmate.
- S. If at the time of the video conference, a Law Enforcement entity presents an added or amended charge, the Bond Hearing Detention Deputy will:
 - 1. Accept all completed forms via facsimile or scan from the courts to include the:
 - a. arrest and booking reports with the added/amended charge(s);
 - b. supplemental report;
 - c. victim information notification form;
 - d. warrant; and
 - e. new commitment.

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2. Ensure the accuracy of all additional forms by comparing the name, charges, warrant number(s) and victim information; and
 3. If any discrepancies are identified the Bond Hearing Detention Deputy will contact the Law Enforcement Agency or Official submitting the new paperwork for the necessary corrections.
 4. If for any reason conflicting paperwork from Bond Court arises during the releasing process of an inmate, the Records Clerk processing the release will contact their supervisor immediately in order to verify the paperwork.
 5. The Processing Detention Deputy will be responsible for entering the added/amended charge(s) into JMS. All paperwork for the added/amended charge(s) must be scanned or faxed to Active Records. The Processing Detention Deputy will add the prints and photos task for the inmate into the JMS under the “task tab”, to ensure inmate fingerprints are taken prior to release.
- T. Inmates will be returned to their assigned cell at the conclusion of their hearing.
- U. Requests for copies of video bond court proceedings will be referred to the court of jurisdiction.
- V. The Municipal Court Clerk will fax or email a list to Active Records with names of inmates the judge would like to see for the purpose of the guilty plea.
- W. The Bond Hearing Detention Deputy will notate all vital information and unusual occurrences in an incident report in JMS. If the information is inmate related, the Bond Hearing Detention Deputy will also annotate it in the “inmate log” in JMS (for example: Inmate in hospital or Bond Hearing refusals).