

**ARIZONA CODE OF JUDICIAL ADMINISTRATION**  
**Part 5: Court Operations**  
**Chapter 2: Programs and Standards**  
**Section 5-208: Operational Standards for Interactive Audiovisual Proceedings in Criminal Cases**

**A. Purpose.** An interactive audiovisual proceeding in a criminal case pursuant to Rule 1.6 of the Rules of Criminal Procedure shall make the appearance of a defendant from a remote location as similar to an in-person courtroom appearance as reasonably possible. The operational standards and certification requirements set out in sub-sections (B) and (C) are promulgated to assure that the dignity, solemnity, and fairness of an interactive audiovisual appearance from a remote custodial facility within the State of Arizona is comparable to an in-court appearance. The remote appearance of a defendant from a location other than a custodial facility within the State of Arizona is governed by sub-section (D).

**B. Operational Standards.**

1. Training. Judicial officers and staff who participate in interactive audiovisual proceedings shall receive appropriate training as directed by their local court in operating and optimizing the use of the court's interactive audiovisual system.
2. Remote site. The room or area used at the remote custodial facility shall provide proper decorum for the proceeding and be free of extraneous activity and sounds during the proceeding. The remote room or area shall be furnished with seating and a work surface for defendant and defense counsel.
3. Site review. Not less than annually, court staff shall conduct a review of any remote location used for interactive audiovisual proceedings to establish that the setting and visual appearance of the remote location promote fairness and appropriate court decorum.
4. Court reporters. In proceedings where remote court reporters are utilized, the judicial officer shall consider whether the court reporter can clearly hear those persons who are speaking, and whether the complexity of the proceeding requires that the remote court reporter have a video link to the proceeding. The judicial officer shall assure that the remote court reporter has an accessible microphone that permits the reporter to participate in the proceeding when necessary.
5. Documents. A defendant who appears from a remote location shall be provided in a timely manner with hard copies of any documents that must be furnished by the court to the defendant pursuant to the Rules of Criminal Procedure or other law.
6. Confidential communications. Prior to the start of proceedings, and if defendant is represented by an attorney who is not present at the remote custodial site, the court shall inform the defendant of the available means of confidential communications with defense counsel.

7. Judicial authority and discretion. A judicial officer conducting an interactive audiovisual proceeding shall retain authority over all aspects of the proceeding. The judicial officer conducting a proceeding through an interactive audiovisual system shall have discretion to discontinue any proceeding if conditions arise that detract from the fairness of the proceeding, or if any matter occurs during the proceeding that would warrant conducting the proceeding with the defendant's personal appearance in the courtroom.
8. Technical requirements. Any interactive audiovisual system used by a court, including all endpoints of that system, shall meet the following minimum standards:
  - a. Participants at any remote location shall be able to clearly see and hear proceedings in the courtroom. Participants in the courtroom shall be able to clearly see and hear participants at any remote location.
  - b. The interactive audiovisual system shall provide sufficient picture clarity to see the facial features of participants when they are speaking.
  - c. Equipment for conducting videoconferencing communications shall meet the requirements of The International Telecommunications Union (ITU) Telecommunications Standardization Sector (ITU-T) H-series Recommendations H.320 (03/04) (ISDN) or H.323 (06/06) (IP), as applicable.
  - d. Dedicated bandwidth for each videoconference shall deliver not less than 384 kbps to preserve video delivery to each endpoint of no less than 30 frames per second.
  - e. Audio quality shall be 14 kHz minimum to operate at bit rates between 24 and 48 kbps, and provided the highest priority among all network traffic.
  - f. When used, compression and encryption technologies shall be common to all endpoints in any individual videoconference.
  - g. Cameras and microphones shall be suitable for the configuration of the rooms in which proceedings takes place. Projection screens, monitors, and speakers shall be placed, and shall be of sufficient size, number, or capacity to enable participants and spectators (including family, victims, the media, and members of the public) to clearly see and hear participants in the courtroom and at the remote location. High definition monitors are recommended over conventional monitors.
  - h. A device that allows the recording and audio systems in the courtroom to be turned off, except for the link between defendant and defense counsel, shall be utilized if necessary to assure the confidentiality of communications between a remote defendant and defense counsel in the courtroom.
  - i. Court staff shall perform a system check each day sufficiently in advance of court proceedings to assure proper operation of the interactive audiovisual system. The court shall establish a procedure for staff to follow in the event of a system malfunction. A

check of the audio function shall be performed prior to conducting the initial proceeding following any loss of power or system shutdown.

9. Periodic review. Due to the changing nature of technology, standards in subsection (B)(8)(c)-(f) shall be reviewed periodically by the Commission on Technology to identify areas requiring updating or revision.

**C. Local Court Certification.** Every court using an interactive audiovisual system shall designate a representative to complete a form once a year that certifies that the interactive audiovisual system utilized in that court for criminal proceedings meets the operational standards set forth above at all endpoints. The court shall use a certification form promulgated by the Administrative Office of the Courts for this purpose. Exceptions to the standards, including any that relate to jail security requirements, shall be noted on the written certification. The signed certificate shall be submitted to the presiding judge of the county, who shall maintain the most recent certificate.

**D. Appearance from a Location Other Than a Custodial Facility within the State of Arizona.** If the court approves the appearance of a defendant by an interactive audiovisual system from a custodial facility outside the State of Arizona, or from a non-custodial location within or outside Arizona, the appearance from that facility or location does not require that the particular standards set out in subsection B be fulfilled, as long as the judicial officer conducting the proceeding is satisfied that the defendant and the attorney at the remote location can clearly see and hear proceedings in the courtroom, and that those in the courtroom can clearly see and hear the participants at the remote location. The certification set forth in subsection C does not apply to appearances under subsection D.