

**AN EVALUATION OF
VIDEO PRELIMINARY ARRAIGNMENT SYSTEMS
IN PENNSYLVANIA
FINAL REPORT**

Submitted to:

Pennsylvania Commission on Crime and Delinquency

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EXECUTIVE SUMMARY

In 2002 and 2003, an evaluation was conducted focusing on the factors effecting the utilization of CPIN and Live Scan in police locations across the Commonwealth. Members of the Advisory Board responsible for the oversight of this project were also interested in determining the extent to which video arraignments were utilized in the various locations. This aspect was addressed through two questions that were included in a statewide mail survey of police department managers. The questions focused on where the arraignment process occurred and the factors affecting the use of video arraignments.

Results from the study indicated that the majority of respondents, 80.6% specified that the preliminary arraignment occurred in the office of the DJ. Less than one half, 44.4% or 16 pointed out that the arrestee remained at the booking center for the entire process. However, there were differences as to when video arraignments actually were used. For example, Cumberland County utilized video conferencing technology during off hours only.

With respect to the primary factors affecting the use of video arraignments in these locations, it was found that support seemed to be the predominant concern, such as, support from other agencies (e.g. DJ or district attorney), availability of the DJ and political support. This aspect was also discussed and substantiated during site visits. Some respondents suggested that some DJs preferred holding the preliminary arraignment during normal hours of operation in their offices with the detainee physically present. Others were not interested in being awakened during the night to conduct this activity, and wanted to have the arrestee held overnight. Still others inferred that some defense attorneys were concerned that a defendant's civil rights were being compromised when the arraignment was not conducted face-to-face.

The purpose of this study is to address issues related to the utilization of videoconferencing technology for preliminary arraignments and provide recommendations for expanding video arraignment technology across the Commonwealth. The study goals are to determine:

- How video arraignments integrate into the configuration of the booking locations in various counties
- The extent to which video arraignments are being conducted in each of these settings, i.e. are there specific criteria used to determine when it is appropriate to conduct a video arraignment
- The factors that influence the creation of, support for and use of video arraignments, i.e. political support, legal requirements, funding requirements, cooperation from the various criminal justice agencies that are involved in the process, such as police, district attorneys, and DJs
- The direct costs associated with this type of system
- The strengths, benefits and weaknesses associated with video arraignments
- Means for supporting future expansion of video arraignments.

A multimodal approach was used in the evaluation of the video arraignment technology. It consisted of both quantitative and qualitative data obtained from the following sources: mail survey of representatives of police and DJs to determine the extent of use of video arraignments as well as to identify factors affecting its use; site visits at three communities in the state that utilize videoconferencing technology for the purpose of preliminary arraignments; and cost survey that was sent to court administrators and police representatives to be used as part of an assessment of the costs, strengths and weaknesses associated with the technology.

General Findings

The results of the evaluation indicate that a few counties have been utilizing video conferencing technology for preliminary arraignments for greater than five years. However, overall it is a relatively new approach for many of the counties, as indicated by the fact that approximately 60% of the respondents have been using it for two years or less. Furthermore, the majority of the counties that utilize videoconferencing to conduct preliminary arraignments also process arrestees through Live Scan and CPIN. Some are integrated into centralized or regionalized booking facilities, thereby improving the efficiency of the entire process, as it reduces transportation. However, based on the configuration, waiting time may or may not increase based on the volume of arraignments that are being conducted on the same day. With respect to the equipment, the vendor most commonly cited is Polycom; although it is important to note that many of the respondents were unaware of the equipment manufacturer. Other locations are exploring less costly types of equipment, such as Web cams.

Several factors are related to the extent of utilization of the equipment: the volume of arrests and the arrests resulting in preliminary arraignments, the types of offenses, and the hours of operation. The study findings indicate that approximately one half of the arrests result in holding an individual for a preliminary arraignment, of which 50% are conducted through video conferencing. In the majority of cases, preliminary arraignments are not held for summary offenses. Additionally, for those DJs that continue to hold preliminary arraignments in their offices, it is more likely that the face to face sessions are used in processing more serious offenses. For example, 44% of the preliminary arraignments for murder charges are held in DJs' offices, compared to 23.8% that are carried out via video. Conversely, 43.1% use video to process felonies when compared to 13.8% at the DJs' offices. It may also be due to the fact that a large proportion of DJs have been in their positions for greater than 8 years and are more accustomed and may feel more comfortable utilizing the traditional approach. Others, as with many people who may not be exposed to technology, may be resistant to change. Finally, as in the Live Scan/CPIN study, the majority of individuals arrested for summary offenses are not processed at the time of arrest. The results of this evaluation indicate that preliminary arraignments are not held for summary offenses, as it is not required by law. However, an individual arrested for a summary offense may be wanted in another jurisdiction or have an extensive history that goes undetected. With respect to public safety, this could potentially pose a problem.

The majority of counties are not utilizing video conferencing on a full time basis. As discussed above, many of the locations use the technology on nights and weekends only; and as noted through site visits, the DJs that utilize the technology for night court find it preferable to face to face for security purposes. However, one DJ surveyed commented assigning one judge to night court duties can sometimes be overwhelming due to the volume of cases, as this individual processes cases for the entire county as opposed to a specific jurisdiction. Furthermore, approximately three fourths of the respondents indicated that the preliminary arraignment occurs at a DJ's offices and that it occurs during daytime hours.

Additionally, processing time tends to be shorter when the preliminary arraignment is conducted via video, i.e. 45.9% of those using video pointed out that it lasts less than 10 minutes, while 41.2% of those conducted face to face last for 10-20 minutes. One of the factors contributing to the difference may be due to the fact that face to face may allow for more interaction.

A variety of factors may influence the extent to which the preliminary arraignments are being conducted via video. They include comfort of the individual(s) in using the technology,

training, technical support, maintenance and reliability of the equipment. Results from the evaluation indicate that representatives at the sites have received minimal training, in most cases less than two hours. However, based on discussions at site visits, the technology is simple to operate. Additionally, the need for technical support and maintenance has been limited.

One of the concerns supported in the survey responses and site visits, relate to the quality of the image and the sound. Less than one fifth, 18.6% indicated image quality was a problem, 16.8% cited sound quality, and 14% were concerned about communication line reliability. These three issues may be related to the type of communication line, as the speed and bandwidth may have an effect on the transmission.

Other aspects cited as effecting utilization include the volume of activity; some individuals may feel they have better control of the docket if the preliminary arraignments are held in their own offices. Another factor relates to comfort with the system; some respondents indicated that they do not care for the system and will not use it. Others mentioned that the system is more impersonal, and that a face to face encounter provides the DJ with the opportunity to interact with the individual. However, others stated that video arraignments are essential in processing a large number of defendants.

Finally, as with any technology, the video systems have the potential for being used for other functions beyond the preliminary arraignment. Results from the survey indicate that the technology is being used for other purposes, including search warrants, PFAs, arraignments, bench warrants, hearings, etc.

The costs associated with it are reportedly lower than those associated with holding face to face preliminary arraignments. Costs were either identified or measured for the initial investment and ongoing operations. The equipment used by the majority of the agencies was purchased from Polycom at a cost of approximately \$9,500. In addition to the cost of the installed system, this sum also included the cost of maintenance. Communication lines are a requirement to utilize the video conferencing technology. The costs associated with these lines are generally monthly fees to operate the system and communicate with others, and the annual median cost is \$2,400 per year.

Other costs measured include the costs associated with personnel involved in the process. These expenses were first measured as the amount of time required by the police/sheriff and/or other law enforcement staff as well as a DJ's time for processing the arrestee, that is, the time from the initiation of the arrest, to the booking and preliminary arraignment, and to the time of release or remand, including transportation time. Based on a cost survey completed by court administrators, police, and several DJs, the average amount of time to process a detainee was 1.795 hours, and is faster than a face to face arraignment, that takes 6.282 hours, on average. This savings in time translates into cost savings of \$130 for police related processing time and \$18 for DJ time. The annualized cost savings total \$24,824, on average, for one site, which also suggests a payback period of 4.7 months. While this savings is not an actual cash inflow, it can allow for the redeployment of manpower in other functions rather than the processing activity. Another advantage to the utilization of this equipment is that it is expected to have a relatively long life even though it is considered a high tech investment. Thus, it is unlikely that investments would be required on a repeated basis for this technology.

Sensitivity analysis was also conducted and implies that if the same activity (14 hearings per month/268 hearings per year) occurred across all counties and for all DJs in the Commonwealth, significant savings could be experienced across the state. These savings could

potentially range from \$309,778 for one site in 10% of the counties and 10% of all DJs to \$3,097,520 for one site in 100% of all the counties and all of the DJs utilizing this process.

Additional resources not included in the above that would have an impact on the total cost to utilize this technology include the costs to operate the motor vehicles. It was estimated that 12 departments travel an average of nine miles to transport a detainee to a video arraignment site. Meals and overnight stays for arrestees did not enter into the cost equation since they were considered to be negligible by those completing the cost survey.

A limitation of this study, as with cost studies in general, is the compilation of all necessary and relevant expenses. To understand the complete accounting of this entire process, one would need to include other information related to staff, supplies, utilities, and other incidental expenses that, in total, would add significant amounts to a site's budget. Given the difficult task of obtaining the information provided above, requesting this additional information did not seem feasible for the study.

According to the user survey respondents, other gains were believed to occur. In particular, there were benefits in the law enforcement operations and in terms of security risk. They are as follows:

Operations:

- Improved public safety
- Improved preliminary arraignment process
- Reduced time for return to patrol by arresting officer
- Reduced need for transportation
- Reduced time from apprehension to preliminary arraignment
- Reduced number of personnel needed to conduct the preliminary arraignment.

Security:

- Reduced stress level for personnel involved in the process
- Reduced amount of security risk for police
- Decreased security risk for other detainees.

Respondents were also asked to comment on desired improvements to strategically plan for future expansion. They indicated that the following should be considered in terms of the equipment:

- Quality of the communication line
- Maintenance of the video conferencing technology
- Quality of the equipment
- Clarity of images
- Clarity of voices.

Further, they also provided the following suggestions for improvement:

- Availability of technical support
- Number of DJs that are willing to use the technology
- Amount of training in using the technology
- Downtime
- Quality of the technical support
- Quality of the training.

Other requests related to expansion were to increase the number of:

- Booking sites
- Holding facilities
- Video conferencing units
- Hours for video arraignments.

These desires were also articulated during the site visits. Additionally, some parties were interested in altering the booking configuration in their counties. Finally, funding, an ongoing and persistent problem for any technology improvements was expressed as a need in order to expand.

One final area explored in the study related to cost sharing or generation of additional revenue from the system. One of the police departments that provide the video arraignment services along with the booking process of Live Scan and CPIN to other departments in the geographical area recoups a share of these costs by charging other departments for the services provided. This suggests an equitable solution to absorbing the costs by one department. Additionally, departments are known to charge arrestees for the booking process, if they are convicted.

In conclusion, the video arraignment process seems to be operating successfully but in a limited capacity. Based on these findings the following recommendations should be considered to help support, improve and expand the systems.

Recommendations

As a result of this study, a number of recommendations are listed below for consideration to improve and expand the utilization of video conferencing technology for preliminary arraignments:

- Expand the availability of video conferencing technology to other counties in the state, particularly in those sites that use Live Scan and CPIN for offender identification processing as it is more effective and secure than other configurations
- Consider configuring processing offenders through regionalized sites as they are less costly than the other ones, i.e. drop and run and stand alone
- Encourage all sites to process summary offenses as it would help improve public safety
- Consider expanding the use of video conferencing for preliminary arraignments beyond the limited hours currently in place in some of the counties
- Encourage the utilization of video conferencing technology for activities beyond the preliminary arraignment
- Establish standard operating procedures to be followed in conducting video preliminary arraignments
- Consider automating the paperwork related to the preliminary arraignment process such as the PARS system in Philadelphia, which is similar to CNET
- Encourage DJs to consistently utilize video conferencing technology for all preliminary arraignments
- Explore various vendors of video conferencing equipment to determine what is most cost effective and efficient based on the needs of a specific county. However, this should also include a determination of the types of lines that are available and needed to ensure both a clear image and sound
- Continue to work with counties to help them in addressing problems incurred with some of the communication lines

- Allocate the costs and the staff to support the use of the technology with other user agencies
- Provide training to newly elected DJs in the use of the equipment
- Promote the use of technology to the AOPC/Supreme Court Judicial Rules Committee
- Encourage the various sites to contact their counterparts to help address concerns related to difficulties they may be experiencing in operating the technology.