



STATE OF MINNESOTA  
DEPARTMENT OF HUMAN SERVICES

Human Services Building  
444 Lafayette Road  
St. Paul, Minnesota 55155-3815

March 7, 1990

The Honorable Chief Justice Peter S. Popovich  
The Supreme Court of Minnesota  
Capitol Building  
75 Constitution Avenue  
St. Paul, Minnesota 55155

OFFICE OF  
APPELLATE COURTS

MAR 07 1990

Dear Chief Justice Popovich:

C6-90-649

~~C1-90-509~~

FILED

I am requesting that the Supreme Court authorize an experimental project to take place in the Mental Health Division of the Fourth Judicial District. The purpose of the project is to test the use of interactive audio-video communications for receiving the testimony of the State's witnesses in hearings conducted pursuant to Jarvis v. Levine, 418 N.W.2d 139 (Minn. 1988) and Price v. Sheppard, 307 Minn. 250, 239 N.W.2d 905 (1976) regarding the administration of intrusive treatments such as neuroleptic medication and electroconvulsive therapy (ECT) to committed mentally ill patients.

My staff estimate that work related to Jarvis and Price hearings is currently requiring the equivalent of two full-time physician positions per year at the Anoka-Metro Regional Treatment Center (AMRTC). I want to find out if a physician at the Anoka facility could testify at a Jarvis or Price hearing without traveling to the courtroom, and yet be clearly seen and heard by the judge, attorneys, guardian ad litem, respondent, court reporter, and other participants and spectators at the hearing.

With the assistance of the Attorney General and the Department of Administration, my staff have been investigating the legal, technological, and administrative issues related to the use of interactive audio and video communications to connect Judge Harry Seymour Crump's courtroom at the Hennepin County Government Center with a secure witness room at the Anoka-Metro Regional Treatment Center.



AN EQUAL OPPORTUNITY EMPLOYER

The Honorable Chief Justice Peter S. Popovich

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March 7, 1990

I believe that it may be possible to use communication technology to redirect our precious psychiatric resources to patient treatment. To find out if this is so, I am offering to pay the costs of the technology for a period of 90 days, provide staff coordination, and properly evaluate the experiment. Funds have been made available to me by the Department of Administration's Research and Development Program to experiment with communication technology but with the condition that the funds be expended by June 30, 1990.

The technology was demonstrated on February 8 at the Department of Transportation for the benefit of Judge Crump and Evelyn Lund, both of the Mental Health Division of the Fourth Judicial District; Ted Wilson, Courts Manager for the Fourth Judicial District; Mike Saeger, Hennepin County Commitment Defense Panel attorney; Kathy Meade Hebert, Special Assistant Attorney General; and Department of Human Services staff.

I believe that the equipment will be easy to use and minimally intrusive on the courtroom proceedings. I have attached a diagram of the desk-top video terminal which contains a video monitor, camera, microphone, and speaker.

Four separate video terminals will be provided in the courtroom: One each for the judge, the State's attorney, respondent and respondent's attorney, and the witness stand. Two television monitors will also be provided in the courtroom. One will be for the sole use of the court reporter. The other monitor will be for the benefit of all other participants and spectators.

One facsimile machine and one telephone will be provided at each of the two sites and one video terminal will be at the witness room at Anoka. Please note that there will be no audio or video recording equipment attached to this communication system. The court reporter will continue to record the proceedings in the customary manner.

For this to be a worthwhile project, it is essential that all participants in Jarvis and Price hearings be involved in the experimental project. I am pleased to inform you that discussions have already occurred with the Mental Health Division and with Court Administration of the Fourth Judicial District, the Hennepin County Commitment Defense Panel, the Ebenezer Society, the Hennepin County Attorney, and the Attorney General's Office.

The Honorable Chief Justice Peter S. Popovich

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All have agreed to participate in this project and in the project evaluation. Enclosed are letters from these groups indicating their willingness to participate.

Also enclosed please find the original and ten copies of a proposed order authorizing this experiment for 90 days. Mike Johnson, staff attorney in research and planning for State Court Administration, has been most helpful in guiding my staff through the development phase of this proposal.

I urge you to seriously consider this proposal. If you have questions about this proposal, please contact Kathy Meade Hebert, the Department's attorney from the Attorney General's Office at 296-8998.

Sincerely,

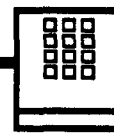
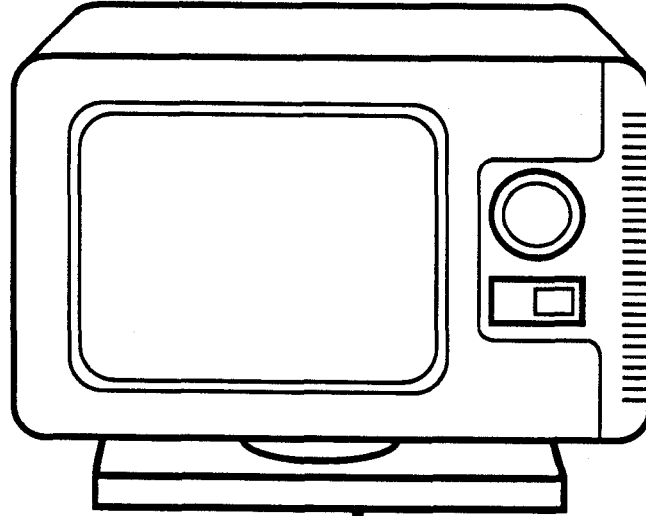


ANN WYNIA  
Commissioner

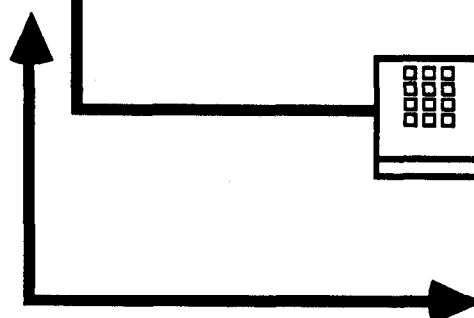
Enclosures

# VIDEO CONFERENCING

MINX WORKSTATION



KEYPAD



TO  
NETWORK

STATE OF MINNESOTA

IN SUPREME COURT

C - -

Interactive Audio-Video Communications

Experiment in Fourth Judicial

District - Mental Health Division

Price and Jarvis Proceedings

ORDER

WHEREAS, the Department of Human Services (DHS), the Attorney General of the State of Minnesota, the presiding judge of the Mental Health Division of the Fourth Judicial District, the Fourth Judicial District Court Administration, the Hennepin County Commitment Defense Panel, the Ebenezer Society that provides guardians ad litem for Jarvis and Price hearings, and the Hennepin County Attorney have agreed to participate in, on an experimental basis, the use of interactive audio-video communications in the Mental Health Division of the Fourth Judicial District for receiving the testimony of petitioner's witnesses in proceedings pursuant to Jarvis v. Levine, 418 N.W.2d 139 (Minn. 1988); and Price v. Sheppard, 307 Minn. 250, 239 N.W.2d 905 (Minn. 1976); and,

WHEREAS, the Department of Human Services has received approval to use funds from the InterTechnologies Group (InterTech) of the Minnesota Department of Administration to

conduct research in the use of interactive audio-video communications to more efficiently conduct DHS business on condition that the funds be encumbered by June 30, 1990; and,

WHEREAS, DHS has agreed to assume all costs associated with the installation and operation of interactive audio-video communication equipment and a transmission path for the purposes authorized by this order; and

WHEREAS, it is in the best interests of the administration of justice to investigate alternative methods of conducting the hearings required pursuant to Price v. Sheppard and Jarvis v. Levine,

NOW, THEREFORE, IT IS ORDERED:

1. The Mental Health Division of the Fourth Judicial District is authorized to conduct an experimental program for ninety days in Courtroom 356 using interactive audio-video communications to receive the testimony of the petitioner's witnesses who will be physically located at the Anoka-Metro Regional Treatment Center (AMRTC), Anoka, Minnesota.

2. The use of interactive audio-video communications in this experiment is excepted from the provisions of Canon 3A(7) of the Minnesota Code of Judicial Conduct.

IT IS FURTHER ORDERED that the following guidelines will apply to this experimental program:

1. Transmission: The experiment will consist of interactive audio-video communication between only two sites, Courtroom 356 at the Hennepin County Government Center and one secured witness room at AMRTC. The transmission will be either

point to point microwave or digital compressed video via land line. The transmission path will be secured against electronic eaves-dropping.

2. Equipment in the Courtroom: There will be four small desktop audio-video terminals in the courtroom. Each terminal will have a built-in television monitor, camera, microphone, and audio speaker. The terminals will be used to communicate with the witness at AMRTC. A separate terminal will be provided for the judge or referee, the respondent's attorney, the petitioner's attorney, and the witness stand in the courtroom. The witness at AMRTC will testify using the same type of audio-video terminal which will be located in the secured witness room.

Two separate television monitors will also be located in the courtroom. One will be for the court reporter. A second television monitor will be located in the courtroom so that all other participants and spectators will be able to observe the testimony of the petitioner's witness.

A separate telephone will be provided in the courtroom to assure a back-up communication path between the courtroom and the witness room at AMRTC. A separate telephone will also be provided in the witness room at AMRTC for the same purpose.

One facsimile machine will be provided in the courtroom and one at the AMRTC witness room for document transmittal during the hearing.

There will be no audio or video recording equipment attached to any part of this communication system.

3. Record: The experiment consists of audio-video transmission only and will not affect the official record of the court proceedings. The court proceedings will be recorded by the court reporter in the customary manner.

4. Operation of the Equipment: All equipment will be tested to assure proper functioning prior to each court hearing by suitably trained DHS personnel or Fourth Judicial District Mental Health Division staff. The test will also consist of establishing audio-visual communication between the courtroom and the AMRTC witness room prior to the scheduled time of a hearing. The tests should be done at least fifteen minutes prior to the hearing time.

5. Court Hearing:

(a) At the commencement of proceedings, the judge or referee will ensure that contact is made with the witness at AMRTC and that the witness is promptly and properly administered an oath. The witness will then, under oath, be directed to identify any and all persons present in the AMRTC witness room.

(b) The audio-video communication link with the AMRTC witness room will be maintained from the swearing in of the AMRTC witness until the conclusion of the hearing, or termination of the communication link by the judge or referee.

(c) The equipment will allow the witness at AMRTC to hear objections made to testimony. However, in the



event the witness at AMRTC speaks or continues to speak after an objection is made, the judge or referee will be able to interrupt the testimony of that witness without terminating the communication link.

(d) The court or the court administrator will provide to each attorney and guardian ad litem who may appear in the court a copy of this order.

(e) To protect the attorney-client privilege and the effective right to counsel there will be no audio transmission of the conferences which occur in court between attorneys and their clients, between opposing counsel, or between counsel and the trial judge at the bench.

(f) A respondent may object to the use of audio-video communication for receiving the testimony of the petitioner's witness during the ninety-day experiment. The objection must be made at least five days, excluding weekends or holidays, prior to the scheduled hearing. Argument on respondent's motion may be held by telephone conference call. The court may grant respondent's motion upon a showing that the use of audio-video communication for receiving the testimony of the petitioner's witness will hinder ascertainment of the truth or result in unfair prejudice to respondent. The court must notify all parties of its ruling 72 hours prior to the time of the scheduled hearing.

(g) This order does not prohibit conducting Jarvis and Price hearings in the traditional manner during the ninety-day experiment when all parties stipulate that it is in the best interests of justice to do so.

6. Training: DHS will train judges, referees, witnesses, court personnel, respondents' attorneys, guardians ad litem, and petitioner's attorneys in the proper use of the audio-video terminals.

7. Security: The audio-video communication system will be designed so that the establishment of communications with the AMRTC witness room can only be initiated from Courtroom 356 at the Hennepin County Government Center. It will not be possible to access Courtroom 356 from any other site.

8. Evaluation: There will be an evaluation of this experiment conducted by the Mental Health Division of the Fourth Judicial District, Minnesota Department of Human Services, the Hennepin County Attorney, the Minnesota Attorney General, the Hennepin County Commitment Defense Panel, and the Ebenezer Society. The evaluations will address the quality of transmission, ease of use of the equipment, reliability of the equipment and transmission path, any disruptions to the proceedings, the ability to assess witness demeanor, and prejudice to any party as a result of this experiment.

A person from DHS will attend all hearings covered by the experiment and keep a log to provide a record of observations, occurrences, participant comments, and problems that arise as a result of this experiment.

The Department of Human Services must file with the Supreme Court a final report evaluating this experiment six months after the date of this Order. Other participants in the experiment may also file reports with the Supreme Court no later than six months after the date of this Order.

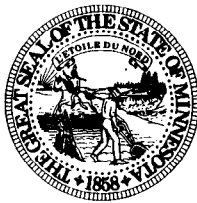
DATED: March \_\_, 1990

BY THE COURT

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Peter S. Popovich

Chief Justice



# STATE OF MINNESOTA

OFFICE OF THE ATTORNEY GENERAL

HUBERT H. HUMPHREY, III  
ATTORNEY GENERAL

March 7, 1990

PUBLIC RESOURCES SECTION  
SUITE 200  
520 LAFAYETTE ROAD  
ST. PAUL, MN 55155  
TELEPHONE: (612) 297-1075  
FACSIMILE: (612) 297-4139

The Honorable Peter S. Popovich  
Chief Justice  
The Supreme Court of Minnesota  
Capitol Building  
75 Constitution Avenue  
St. Paul, Minnesota 55155

Dear Chief Justice Popovich:

I have reviewed the draft Court Order for the proposed interactive audio-video communications experiment in the Mental Health Division of the Fourth Judicial District.

The Attorney General's Office supports this experiment and is willing to participate in the project for proceedings for authorization to treat committed mentally ill persons with neuroleptic medications.

Sincerely,

A handwritten signature in cursive script, appearing to read "Beverly Jones Hendinger".

BEVERLY JONES HENDINGER  
Assistant Attorney General

Telephone: (612) 296-2301

44829

BJH:kso

STATE OF MINNESOTA  
FOURTH JUDICIAL DISTRICT COURT



HARRY SEYMOUR CRUMP  
JUDGE  
HENNEPIN COUNTY GOVERNMENT CENTER  
MINNEAPOLIS, MINNESOTA 55487  
(612) 348-5137

March 5, 1990

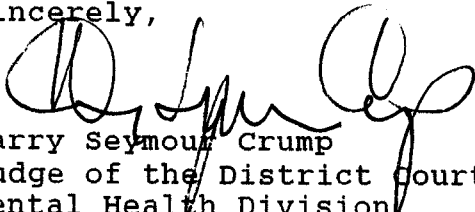
The Honorable Chief Justice Peter S. Popovich  
The Supreme Court of Minnesota  
Capitol Building  
75 Constitution Avenue  
St. Paul, MN 55155

Dear Chief Justice Popovich:

I have reviewed the draft Court Order for the proposed interactive audio-video communications experiment in the Mental Health Division of the Fourth Judicial District.

I support this experiment and am willing to participate in the project as relates to Price and Jarvis proceedings.

Sincerely,

  
Harry Seymour Crump  
Judge of the District Court  
Mental Health Division

2029

HSC:cms

STATE OF MINNESOTA  
FOURTH JUDICIAL DISTRICT COURT



COURT ADMINISTRATION  
HENNEPIN COUNTY GOVERNMENT CENTER  
MINNEAPOLIS, MINNESOTA 55487

March 6, 1990

The Honorable Chief Justice Peter S. Popovich  
The Supreme Court of Minnesota  
Capitol Building  
75 Constitution Avenue  
St. Paul, MN 55155

Dear Chief Justice Popovich:

We have reviewed the draft Court Order for the proposed interactive audio-video communications experiment in the Mental Health Division of the Fourth Judicial District.

We support this experiment and are willing to participate in the project as it relates to Price and Jarvis proceedings.

Sincerely,

A handwritten signature in cursive script, appearing to read "Theodore W. Wilson".

Theodore W. Wilson, Manager  
Fourth Judicial District Court

TWW/nbe

THOMAS L. JOHNSON  
COUNTY ATTORNEY



(612) 348-5550

OFFICE OF THE HENNEPIN COUNTY ATTORNEY  
2000 GOVERNMENT CENTER  
MINNEAPOLIS, MINNESOTA 55487

March 7, 1990

The Honorable Chief Justice Peter S. Popovich  
The Supreme Court of Minnesota  
Capitol Building  
75 Constitution Avenue  
St. Paul, Minnesota 55155

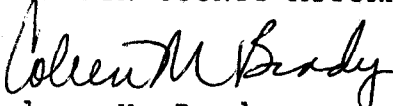
Dear Chief Justice Popovich:

We have reviewed the draft Court Order for the proposed interactive audio-video communications experiment in the Mental Health Division of the Fourth Judicial District.

We support this experiment and are willing to participate in the project as it relates to Price and Jarvis proceedings.

Sincerely,

THOMAS L. JOHNSON  
HENNEPIN COUNTY ATTORNEY

  
Coleen M. Brady  
Assistant County Attorney

CMB:nlb

cc: Tom Johnson  
Bob Dinstead  
Bill Edwards



EBENEZER

**EBENEZER SOCIETY - COMMUNITY SERVICES DIVISION**  
110 East 18th Street, Minneapolis, MN 55403 (612) 879-2805

Branch Office:  
17705 Hutchins Drive, Minnetonka, MN 55345 (612) 474-8880

March 5, 1990

The Honorable Chief Justice Peter S. Popovich  
The Supreme Court of Minnesota  
Capitol Building  
75 Constitution Avenue  
St. Paul, Minnesota 55155

Dear Chief Justice Popovich,

We have reviewed the draft Court Order for the proposed interactive audio-video communications experiment in the Mental Health Division of the Fourth Judicial District.

We support this experiment and are willing to participate in the project as it relates to Price and Jarvis proceedings.

Sincerely,

Laura Fraser, Supervisor  
Ebenezer Guardian ad Litem Program

LF/cs



# COMMITMENT DEFENSE PROJECT

430 MARQUETTE AVENUE SOUTH, SUITE 401    PHONE 339-9813

March 5, 1990

Honorable Chief Justice Peter S. Popovich  
Supreme Court of Minnesota  
Capitol Building  
75 Constitution Avenue  
Saint Paul, MN 55155

RE: Interactive Audio-Video Communications  
In Price and Jarvis Hearings  
Experimental Project - Fourth Judicial Dist.

Dear Chief Justice Popovich:

The attorneys of the Commitment Defense Project met on March 5, 1990 and reviewed the proposal to provide interactive audio-video communications on an experimental basis for Price and Jarvis hearings. Fifteen of the forty-three Commitment Defense Attorneys attended this meeting. Although we have had very little time to review this proposal we are prepared to make several comments and recommendations. The recommendations contained herein do not preclude individual action by attorneys in representation of their clients.

First of all, the Commitment Defense Project and its attorneys are cognizant of the Court's need to increase efficiency. We are generally supportive of all court procedures that enhance the effective utilization of resources in the justice system. However, as defense attorneys, our main concern must be protecting the rights of our clients. Any proposal that might prejudice the rights of our clients, as this proposal might, must be entered into very carefully with thought given to its consequences. The time line given this project may be precluding this analysis.

Understanding the limited time frame, we have other concerns that we feel should be addressed. Primarily, the need to foresee and allow exceptions to the demonstration. These exceptions would be where the attorney feels that the client's rights would be unduly prejudiced by this procedure. The reasons for this prejudice range from the attorney's belief that effective cross-examination cannot occur in this setting to the susceptibility of some clients to fear of electronic devices. It was the consensus of the fifteen members present at our meeting that some motion should be allowed to exempt specific cases from the demonstration.

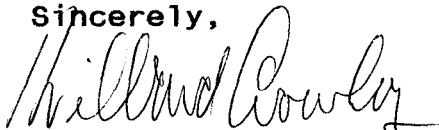
Chief Justice Popovich  
Page Two of Two

Another major concern of the defense attorneys is the proposal to keep the medical records remote from the trial judge. Many attorneys that were present felt this would be prejudicial to the rights of the respondent. The Commitment Defense Project Attorneys would like the Court to give additional thought to this aspect of the demonstration.

In conclusion, the members of the Commitment Defense Project present at the March 5, 1990 meeting are generally willing to support the demonstration project. However, one of the attorneys present expressed an unwillingness to support the demonstration unless ordered to do so by the trial judge. All attorneys present elected to bring the afore-mentioned issues to your attention. As stated earlier, the Commitment Defense Project will not interfere with the attorney's judgment on how to best represent the respondent/client.

Please contact me if you have any questions or need additional information from the Commitment Defense Project.

Sincerely,



Willard Crowley, Attorney Coordinator  
Commitment Defense Project

cc Minnesota Attorney General  
Hennepin County Attorney  
Hon. Harry S. Crump  
Department of Human Services