



NEW YORK STATE
Unified Court System

OFFICE OF COURT ADMINISTRATION

ANN PFAU
CHIEF ADMINISTRATIVE JUDGE

RONALD P. YOUNKINS, ESQ.
CHIEF OF OPERATIONS

June 1, 2009

To: John Feinblatt
Criminal Justice Coordinator

From: Ronald Younkings *RY*

Subject: Interim Inmate Production Procedures

I am writing to confirm our understanding of the agreed-upon protocols for the production of inmates from Rikers Island.

- 1) Inmates with confirmed or probable illness First, we have agreed that inmates at the Rikers Island Communicable Disease Unit (CDU) for flu-related reasons (confirmed and probable H1N1 cases or influenza-like illness) will not be produced in court either in person or via video teleconference.
- 2) Inmates in medically restricted housing units Second, inmates who are housed in medically restricted areas, but who are not symptomatic, will not be produced in court either in person or via video teleconference, subject to the following:
 - a. Definition: We understand that areas are medically restricted for 7 days when an inmate from that area has been diagnosed with a confirmed or probable case of H1N1.
 - b. Procedure: The day before inmates in medically restricted areas are scheduled to be produced in court, DOC will provide the courts with a list of inmates who are not to be produced the next day. If a judge requires the production of an inmate from a medically restricted area, that inmate will be screened for flu-like symptoms. If the inmate passes the screening, DOC will make the inmate available by video teleconference if permitted by statute and if the court part is equipped for video conferencing; otherwise the inmate will be produced in person. We understand that the inmate will wear a mask.
 - b. Adjourned date: If an inmate is not produced because of a medical restriction, DOC will provide the court with the next earliest available date, so that a superseding order to produce can be issued.

- 3) All other inmates Third, with respect to all other inmates, we will use video conferences to the fullest extent possible.
- a. Scope of video appearances: All inmate court appearances (except on the CPL§180.80 date) will be attempted to be done via video teleconference if permitted by statute (CPL §182.20) and technologically feasible. OCA will provide DOC and your office with a list of court parts participating in video appearances.
 - b. Video conference schedule: On a daily basis, the courts will review calendars of those court parts that are equipped with video teleconference capacity to produce a video teleconference schedule. The schedule will be posted on the court system's public website up to 24 hours prior to the appearance. The link to the website is: <http://www.nycourts.gov/attorneys/>. Attorneys should check this website daily regarding individual cases and appearance time frames. The website will also provide specific court part contact information. (Please note that it will be necessary for attorneys to refresh their internet browser each day to ensure that they get the current schedule.)
 - c. Screening of inmates to be produced in court: All inmates scheduled to be produced in court will be screened for flu-like symptoms; only those cleared will be produced.