

Operational guidelines for judicial officers

Background information

Vulnerable persons (children and people with a cognitive impairment), complainants in prescribed sexual offence proceedings and sexual offence witnesses are entitled to give their evidence from a place other than the courtroom by means of closed circuit television facilities or other technology that enables communication between that place and the courtroom, if they choose to do so. For the purposes of these guidelines, that place is referred to as the remote witness room.

The witness is also entitled to have a support person with them in the remote witness room, sitting near or in sight of them.

The remote witness room is considered to be part of the court. For the safety of witnesses their location is confidential.

Procedures

1. The accused person should be seated out of range of any camera but in a position to see the large screen monitor in the courtroom.
2. The witness and any support person/s should be advised that they may be visible to the court even when the audio and video to the witness room is shut down temporarily.
3. The examining legal representative is required to position themselves at the appropriate bar table position. At this position when they address the large screen monitor (over the Jury if applicable) in the court, a full image of the representative will appear to the witness when connected.
4. An examining unrepresented accused person should be seated out of sight of the camera and the person nominated to put the questions to the witness will be required to position him or herself at the central bar table position. At this position when they address the large screen monitor a full image of the representative will appear to the witness.
5. In older (pre 2005) courts the large screen monitor image may be switched between the full room view and the witness. In post 2005 courts there is only one image of the remote witness, there is no room view camera image. During the witness testimony the view on the monitor should be the head and shoulder image of the witness.
6. The Judicial Officer should introduce himself or herself to the witness by addressing the witness on the large screen monitor. It is important that users in the court room address the large screen monitor so that the witness can see their face, as this is where the camera is located.
7. The tendency to concentrate on the small screen monitor on the Bench when addressing the witness should be avoided to ensure the witness receives a full image of the Judge/Magistrate.
8. Objections: The objector should stand and the Judicial Officer should inform the child that the sound will be turned off temporarily. The AUDIO MUTE should be activated by the PC screen or Touch Screen Controller or Bench control button so that the objection can then be heard without the child being confused by legal argument. The SYSTEM MUTE (audio / video override) should only be used at any time when it would normally be appropriate to remove the witness from the court or when lengthy objection or legal discussion occurs.
9. The witness should not be viewed by the court when electronic evidence is played to the court. This functionality is included automatically in the control system.
10. Use of the facility is intense and tiring for the witnesses and it may be necessary to schedule breaks accordingly, in particular for vulnerable people.
11. If the witness is required to indicate a part of the body, she or he can be asked to stand and or move back from the camera.
12. A ruler is provided in the remote witness room to assist the witness to indicate the size to scale as dimensions may be lost on the screen.
13. Always inform the witness about what is happening to avoid confusion. .

Notes

1. The cameras should not be interfered with. Should any difficulties arise with equipment then Courtroom Technology Group should be contacted on (02) 9287 7870.
2. The AUDIO MUTE and SYSTEM MUTE controls are located on the PC, Touch Screen or Bench.
3. The audio is transmitted to the witness room via the court AV system and the level will be preset to the optimum level. However the level can be adjusted by the PC or the Touch Screen controller.
4. The court staff will have set up the facilities in readiness for the court. The facilities will be on standby. When ready to take evidence from the witness the officer in the remote witness room will need to select the appropriate court on the control button on the side of the remote witness cabinet. The court staff must select the REMOTE WITNESS icon on the PC. Once the remote witness room has selected the appropriate court then the CONNECT icon on the PC screen will turn green. At this stage this CONNECT icon can be selected and the Remote Witness room will now be connected to the court. Just prior to that, ask the Sheriff or Court Officer to telephone the remote witness room so that the witness and others in the remote witness room are seated and ready.
5. At the close of evidence from the witness the court staff select EXIT on the PC Graphical User Interface which will close the connection to the court. The Officer in the Remote Witness Room should also select the OFF button on the side of the cabinet.
6. The Sheriff / Court Officer should be present in the remote witness room at all times so they will be aware of what is happening in the remote witness room and can report to the court at anytime as necessary.
7. The Bench or Court Officer via the PC are able on the small bench monitor to view any electronic evidence and the remote witness at the same time with the evidence being a small picture inserted in the larger remote witness image. This can be reversed by the Court Officer or the Bench via the EVIDENCE TOGGLE button / icon.

8. When recording of evidence is required, the Judicial Officer must make an order for the witness's testimony to be recorded, and the recording equipment must be turned on at the commencement of the witness's testimony.

Tips

1. Check with the witness that they are able to hear adequately and have a good visual image.
2. Remember that any witness who is giving sworn evidence from a remote witness facility via CCTV must give an oath or affirmation.
3. It may be that it will be more difficult for the Judicial Officer to ascertain the need for the witness to have a break when they are located remote from the court. Hence checks should be made regularly (depending on the needs of the witness such as young age or disability) or with their support person as to their need for a break.
4. Support people may need to interrupt a witness's evidence (mainly in the case of a child) if they become aware that the witness is experiencing some type of difficulty in giving evidence and the Court Officer in the remote room has not noticed this difficulty. This may need to be discussed with the support person in the absence of the jury and before the child is sworn in.

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