

Operational guidelines for Sheriff's/Court 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.

Support person(s) and other people in the remote witness room may be visible to the judicial officer at all times, even if the video and audio is muted temporarily.

The role of the Sheriff's/Court Officer is to maintain the integrity of the court proceedings.

Procedures

The following requirements must be observed.

1. Ensure prior to the witness coming into the remote witness room and prior to the start of proceedings that the equipment is checked and fully operational. You must also ensure that the witness can clearly see and hear the transmission and that the accused person will not be visible to the witness.
2. The phone connection from the remote witness room to the main courtroom should be checked and be fully operational prior to the witness commencing giving his or her evidence.
3. Ensure at the commencement of the witness's evidence and after any interruptions or break that the witness is positioned so that he or she will be clearly visible to the courtroom.
4. Ensure recording equipment is functioning and turned on
5. The Sheriff's/Court Officer should ascertain who will be in the remote witness room and their role, and alert the court.
6. A Sheriff's/Court Officer should sit so that they will be visible to the court but pose no distraction to the witness.
7. The support person/s should sit in a position so that they are near to and within the sight of the complainant or vulnerable person.
8. Interpreters should sit next to but slightly forward of the witness to have the prominent microphone position, but not to obstruct the witness's view of the monitors nor the court's view of the witness. Note that for Auslan interpreters they need to face the witness but still be visible to the court.
9. Inform the witness and the support person/s prior to the proceedings that they may be visible to and be able to be heard by the court while they are in the witness room, even if the system is shut down (MUTED) temporarily and the courtroom is not visible to them
10. A Sheriff's/Court Officer should be present in the remote witness room with the witness throughout the time that she or he is required to be there.
11. The Sheriff's/Court Officer must ensure the security of the witness and the witness room. That is, ensure that no other person enters the room, and that the witness does not leave the room without authorisation of the judicial officer.
12. The Sheriff's/Court Officer will assist with the swearing in of the witness where appropriate as per normal court procedures.
13. The Sheriff's/Court Officer must pay full attention to the proceedings at all times.
14. The Sheriff's/Court Officer should inform the court (via phone/intercom connection to the court) if there is any malfunction of the equipment in the remote witness room, for example the examiner cannot be seen clearly, the accused is visible, the sound quality is poor or air conditioning is not working.

15. The Sheriff's/Court Officer should inform the court (via phone/intercom connection to the court) of any problems for the witness, for example the witness's need for a break to go to the toilet or if she or he is experiencing a health problem/emergency or critical incident of any sort. The support person may bring these issues to the attention of the Sheriff's/Court Officer.
 16. The Sheriff's/Court Officer should inform the relevant legal officer if the witness complains of ill health or if he or she is distressed during an adjournment.
 17. The Sheriff's/Court Officer must not coach or intimidate the witness.
 18. The Sheriff/Court Officer must not interrupt or intervene during the giving of evidence by, or cross examining of the witness unless it is to report to the judicial officer that some attempt at interruption, intervention or intimidation is taking place, there is concern for the wellbeing of the witness, or there are technological problems affecting the system. In which case the Sheriff's/Court Officer must report their concern to the court immediately.
 19. The Sheriff's/Court Officer must not prompt the witness in any way, offering her or him any explanations, interpretations or guidance and must not make any comments or signals to the witness except to ensure the witness follows any direction of the judicial officer.
 20. Any exhibits should be conveyed promptly by the court officer and handed to the witness without comment.
 21. In the event of an interruption in transmission from the courtroom or failure of the equipment, the Sheriff's/Court Officer must remain with the witness.
 22. The Sheriff's/Court Officer should not speak to the witness about the case or her/his evidence during any adjournment or interruption in the proceedings.
 23. Take care not to confuse the role of Sheriff's/Court Officer with that of a support person. For example, do not comfort the witness if she/he becomes upset while giving evidence and do not discuss the circumstances of the case with the witness or anyone else prior to or during the proceedings.
- The Sheriff's/Court Officer must not request an adjournment because the witness appears upset.
24. If, for instance, the witness is required to indicate a part of the body that is not visible to the court, it may be necessary for the Sheriff/Court Officer to assist the witness to reposition such as moving back from the camera.
 25. On termination of the witness's evidence, the Sheriff's/Court Officer must ensure that the witness is escorted safely from the remote witness room and that for a child witness she or he is in the care of a responsible adult or support person.

Last update: December 2013