



Provincial Offences Court

Counties of Grey and Bruce

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USER GUIDE AND BEST PRACTICES FOR REMOTE HEARINGS IN PROVINCIAL OFFENCES COURTS

In light of the extraordinary circumstances surrounding the current Public Health emergency *COVID-19: Resumption of Court Operations*, some court proceedings will be held virtually by audio conference or video conference until further notice (unless otherwise ordered by a Justice of the Peace). Although the court proceeding is taking place virtually and all parties, including the judiciary and court staff may attend by audioconference or videoconference, it remains a formal setting. The behaviour expected of people appearing remotely should mimic that of being in a courtroom setting.

This document provides information for anyone who will appear before the Provincial Offences Court for a virtual proceeding or will observe a virtual hearing, until further notice. In this notice, the term *virtual proceeding* means a hearing or case conference conducted by audioconference (telephone or Zoom) or videoconference (Zoom).

Understanding that, conducting a proceeding fairly and effectively by audio or video will require some modification to etiquette and behaviour.

FOR AUDIO AND VIDEO CONFERENCING PROCEEDINGS: FOR DEFENDANTS/AGENTS

No recording: You are not permitted to audio- or- video- record any portion of a remote proceeding as per *section 136 of the Ontario Courts of Justice Act*. The attached (www.ontario.ca/laws/statute/90c43) sets out the penalties for recording, including prosecution. A transcript of a proceeding can be ordered by contacting the POA court office.

Location: The court understands that you do not have the advantage of appearing in a controlled courtroom environment. You may be participating from a small, shared living space. Every reasonable effort should be made to find a quiet, private space with a neutral background for your court appearance.

Mute microphone: To minimize background noise, your microphone must be on mute when you're not speaking. If you are using a computer, close applications on your computer such as Twitter,

Facebook and email, as they are not needed and will ensure that you will not be interrupted during the proceeding.

Introductions: When you first join the remote proceeding, you will be asked to identify yourself for the record (and who you represent, if applicable).

Speak clearly and slowly: Remember to unmute before speaking. Speak clearly and slowly enough for everyone to follow what you are saying. Pause frequently to allow the Justice of the Peace to ask questions and avoid speaking over the Justice of the Peace or other participants. This is particularly important when there is an interpreter. Mute the microphone again when you are done speaking. Follow the directions of the Justice of the Peace regarding when to speak or ask questions.

Forms of address: The Justice of the Peace should be referred to as “Your Worship”.

Material: Collect and organize the documents you will need in advance, and make sure you have them with you for the hearing.

Use pen and paper: If you need to take notes, use a pen and paper. The sound of typing can be distracting and make it difficult to hear others. Avoid shuffling papers as this can also be distracting.

No food or Drink: As in a courtroom, do not eat or drink anything but water during a court proceeding.

Answering a call from the court: Telephone hearings are recorded by the court. When you answer the courtroom clerk’s call, introduce yourself by saying your name.

Say your name when you start speaking: At an audio conference proceeding, it can be hard to know which person is talking.

Audio connection: Whether using a landline or a cell phone, do not use the speaker phone function. Instead, use a hand-held phone or use a set of headphones with a built-in mic and mute feature. If possible, avoid the use of VOIP (Voice Over Internet Protocol).

FOR VIDEOCONFERENCE PROCEEDINGS:

Dress appropriately: The Justice of the Peace will be dressed as they would to reflect the professionalism of the court. Dress as if you are attending an in-person proceeding in the courtroom.

Join early: You should be prepared to join the videoconference proceeding at least 5 minutes early before the start of the proceeding, to allow time to address any technical issues. Before the videoconference proceeding starts, you will enter a virtual waiting room and remain there until the proceedings begin.

Use your name when prompted for a screen time: When you join the videoconference proceeding, you will be asked to enter your name. The name that you enter will be displayed for all participants to see. Type your first and last name as it appears on the court notice, do not use nicknames or short forms.

Sitting and standing: You do not need to stand when the videoconference proceeding starts or ends, and you can remain seated when addressing the Justice of the Peace.

Bowing: You do not need to bow at any time during the video conference proceeding.

Focus on the camera: Direct eye contact is important. When speaking, look into the camera rather than the person you are speaking to.

Technical difficulties: If the image and sound quality is interrupted, ask whether other participants can still hear you. If so, continue speaking as the image will reappear once the bandwidth returns to normal. If problems continue, it may be necessary for some of the participants to turn off their video. You may be directed to do so. If the session ends unexpectedly, please try reconnecting.