

Windsor/Essex Provincial Offences

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

In light of the extraordinary circumstances during the current public health emergency, and as described in NP 19 COVID-19: Resumption of Court Operations, some court proceedings will be held virtually by audioconference or videoconference until further notice, unless otherwise ordered by a Justice of the Peace. Although the court proceeding is taking place virtually and judges, parties, lawyers, and court staff may attend by audioconference or videoconference, it remains a formal setting. Behavior 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 observe a virtual hearing until further notice. In this Notice, the term “virtual proceeding” means a hearing or case conference conducted by audioconference (including telephone or Zoom) or videoconference (including Zoom).

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

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 the proceeding can be ordered by contacting the POA court office. (Insert site specific information as required).

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, 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 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 pen and paper. The sound of typing can be distracting, and make it hard to hear others. Avoid shuffling papers as that can also be distracting.

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

Specifications for audio conference proceeding (These will be modified by each location dependent on the solution).

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 land line or a cell phone, do not use 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: 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 15 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 the video, you may be directed to do so. If the session ends unexpectedly, please try reconnecting.

Remote Video Trials- How to Submit Evidence

Please email all evidence to the POA court clerks at poareporters@citywindsor.ca.

Ideally, all evidence will be submitted prior to your trial date. If defence submits evidence during the trial, it will cause delays during court. All evidence provided to the court clerk will be kept confidential and not shared until asked to in court.

When submitting evidence electronically please indicate the following in the subject line:

Evidence1-Video Trial-Date of Trial-Time of Trial-Summons Number-Defendant Last Name, Defendant First Name

Ex. Subject: Evidence#- Video Trial-April 14, 2021-11am-21-1234-Smith, John

Preferably, each individual piece of evidence will have its own document so that sharing in court will be efficient.

During the court proceeding the clerk will share their screen with the provided evidence when asked to.

Physical Evidence- If physical evidence is required we ask that a picture is taken and provided to the POA court clerks at poareporters@citywindsor.ca.

When trying to show measurements of an object please it is recommended to take a picture of the object with a white background and put a ruler/measurement device to indicate the size.

PLATFORM AND TECHNICAL REQUIREMENTS

Windsor/Essex provincial offences is currently using the ZOOM platform. You can attend by phone or on line for audio proceedings and on line only for video proceedings.

SPECIFIC LOCAL PRACTICES

Please mute yourself upon entry into the remote courtroom. You will be called upon once it is your turn.