

Australian Capital Territory

Corrections Management (Audio Visual Link) Policy 2011

Notifiable instrument NI2011-417

made under the

***Corrections Management Act 2007*, section 14(1) (Corrections policies and operating procedures)**

1 Name of instrument

This instrument is the *Corrections Management (Audio Visual Link) Policy 2011*.

2 Commencement

This instrument commences on the day after it is notified.

3 Policy

I make the

AUDIO VISUAL LINK POLICY

attached to this instrument, to facilitate the effective and efficient management of correctional services.

Bernadette Mitcherson
Executive Director
ACT Corrective Services
22 July 2011



ACT Corrective Services
ALEXANDER MACONOCHIE CENTRE



AUDIO VISUAL LINK PROCEDURE

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Purpose

To outline the procedure regarding the use of the Audio Visual link between the Alexander Maconochie Centre (AMC) and the ACT Supreme Court for the purpose of Supreme Court bail hearings.

Section 55A of the *Supreme Court Act 1933*.

Policy

Principles

Video conferencing allows people to communicate by way of an Audio Visual Link (AVL). The ACT Supreme Court and AMC have established video conferencing to facilitate the hearing of Supreme Court bail applications. The AMC have established an AVL studio in the admissions area of the AMC.

General

A detainee required to attend ACT Supreme Court bail hearing by AVL will be directed to attend by way of a legal detainer or warrant issued by the ACT Supreme Court.

Legislation (Section 55A of the *Supreme Court Act 1933*) provides for bail hearings to be heard by AVL unless the Supreme Court orders otherwise. The default position is that all Supreme Court bail hearings will be by AVL unless ordered otherwise.

A detainee attending a video conferencing studio has the same entitlements to services that are afforded to detainees attending Court in person (e.g. legal representation, interpreter services).

Type of Conferencing System used in AMC

The AMC is equipped with a Tandberg Audio Visual System. The Tandberg System operates from the ACT Government Intranet and has ACT Government Network Security.

Trial of Supreme Court Bail Hearings

The trial will commence in mid July 2011. The AVL trial will be conducted on Friday's starting at 09.30am. The AMC AVL is an extension of the Supreme Court and when the hearing commences all rules of Court etiquette apply.

Two correctional officers from the Court Transport Unit (CTU) will attend the AMC to assist in AVL bail hearings.

Detainees required to attend bail hearings will be present in the AMC admissions area at 09.00am.

Responsibilities of the Supreme Court

The Supreme Court listing clerk will email the Friday draft bail hearing court list to the AMC email box at approximately midday on Thursday's.

The AMC Deputy Superintendent will email to the Supreme Court email box for the attention of the Supreme Court listing clerk, the suggested order of AVL bail applications for the purpose of operational and security requirements. This email will be sent out by 4.00pm on Thursday.

The Supreme Court will dial the AMC AVL studio at 09.00am on Friday's to establish the AVL. This will be a test of equipment and once the AVL is established it is not to be turned off until all bail hearings have been finalised.

The Supreme Court will have available at the end of the bar table a phone to enable the detainees counsel to obtain instructions from the detainee. The AVL may need to be muted temporarily at the AMC connection to enable counsel to take instructions.

Following the hearing of an application, if the application has been granted, the Supreme Court will email the AMC email box with the bail undertaking, agreement and conditions [bail form] as expeditiously as possible.

Responsibilities of the ACT Corrective Services

ACT Corrective Services will have available in the AMC AVL studio at the AMC, a bible and the appropriate wording on cards as to an oath or affirmation to be read out by the detainee, in the event that the detainee is required to give evidence.

ACT Corrective Services will have a phone available in the AMC AVL for the detainee to give instructions to their legal representative as required during the bail hearing.

ACT Corrective Services will ensure that detainees are available for hearings at the time required.

ACT Corrective Services will process successful bail applications in a timely manner and consistent with the requirements on the Bail Policy.

Responsibilities of the AMC Officer-in-Charge (OIC) of the Video Conferencing studio

The officer in charge (OIC) is the AMC CO2 of the admissions area.

The OIC of the video conferencing studio will:

1. ensure that the two Court Transport Unit (CTU) officers are at AMC to assist in AVL proceedings.
2. ensure that all legal retainers have been received by the CTU and AMC.
3. ensure that staff facilitating the AVL have been provided with the names of the detainees scheduled to attend the AVL.
4. check that all detainees scheduled to attend court via the AVL are present in the AMC admissions area prior to the commencement of the court hearing (that is, by 9am on the morning of the hearings) and arrange attendees if there are not.
5. conduct a visual inspection of the AVL studio.
6. ensure that the AMC AVL studio contains clear instructions for the operation of the Tandberg AVL system.
7. ensure that a bible, telephone and the appropriate wording on cards as to an oath or affirmation are present in the AVL studio.
8. ensure that a detainee awaiting the use of the AVL studio is identified and held in accordance with his/her appropriate classification.
9. ensure that at the end of the bail hearing the detainee is returned to their accommodation area if the bail application is unsuccessful.
10. ensure that any successful bail applications are processed in a timely manner in accordance with the AMC bail policy and procedure.

The OIC must ensure that AMC officers email back to the Supreme Court email box, the signed bail form to enable the Court to comply with its reporting requirements as soon as possible after the bail has been granted.

The OIC must ensure that AMC officers return the original signed bail form to the Court by the following working day after the day it is signed.

Court Proceedings via Audio Visual Link

The AMC AVL studio is considered part of the Court and as such officers and detainees alike will conduct themselves in an appropriate manner during bail hearings. In addition, before the commencement of the proceedings, staff at the AVL studio will inform all detainees that:

- an AVL studio is considered to be a court room;
- they can be heard by the court once they have entered the AVL studio; and
- they are being monitored by the officer present within the AVL studio.

The Supreme Court will dial the AMC AVL studio at 09.00am on Friday's to establish the AVL. This will be a test of equipment and once the AVL is established it is not to be turned off until all bail hearings have been finalised.

If there is any malfunction of equipment the AMC OIC of the AVL studio will inform the Supreme Court at the earliest opportunity. Other AVL equipment may be used to allow the bail hearings to continue.

If a malfunction of equipment occurs during a Supreme Court proceeding it will be the Supreme Court Justice's decision on how the matter will proceed.

Evaluation and Monitoring

The overall responsibility of monitoring and evaluation of the AVL rests with the CTU Deputy Superintendent.

The OIC of the AMC AVL studio is required to:

- submit all reports of any incident including equipment malfunction to the CTU Deputy Superintendent; and
- conduct a review of the AVL processes and procedures within 6 months of the trial start date.

Forms and templates

Notification and Explanation of Bail Conditions

Bail Formal Direction

Bail Discharge Checklist

Bail Application by Accused Person

Bail Application – Notice of Motion

Discharge Checklist

Related policies and procedures

Bail Policy

Bail Procedure

Discharge Procedure