

Australian Capital Territory

# Corrections Management (Court Room Etiquette) Operating Procedure 2021

Notifiable instrument NI2021-103

made under the

Corrections Management Act 2007, s14 (Corrections policies and operating procedures)

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**1 Name of instrument**

This instrument is the *Corrections Management (Court Room Etiquette) Operating Procedure 2021*.

**2 Commencement**

This instrument commences on the day after its notification day.

**3 Operating Procedure**

I make this operating procedure to facilitate the effective and efficient management of correctional services.

Jon Peach  
Commissioner  
ACT Corrective Services  
23 February 2021



<b>OPERATING PROCEDURE</b>	<b>Court Room Etiquette</b>
<b>OPERATING PROCEDURE NO.</b>	<b>S4.209</b>
<b>SCOPE</b>	<b>Court Transport Unit</b>

## **PURPOSE**

To inform CTU staff and visiting staff about expected behaviours whilst producing a detainee in a court room or being required to attend a courtroom for another reason.

Courts are very formal places that require respectful adherence to the rules and procedures of a courtroom setting. Everyone in court, including witnesses, defendants and the public, must conduct themselves according to the court's rules.

## **1. RESPECTING THE JUDGE OR MAGISTRATE**

1.1 The judge or magistrate is in charge of the court and officers must show them respect. This includes:

- Standing whenever the magistrate or judge enters or leaves the courtroom—the court administrators will call 'all rise';
- Bowing your head to acknowledge the magistrate or judge every time they enter or leave the courtroom;
- Calling the magistrate or judge 'Your Honour'.

## **2. PROCEDURES**

2.1 At minimum, officers will demonstrate appropriate court etiquette including:

- Sit quietly—don't talk, comment or make noise;
- Don't laugh or joke with the detainee (remember there may be victims in the public gallery);
- Don't allow the detainee to have physical contact or communicate with family or friends within the public gallery;
- Don't stand with hands in pockets;
- Don't slouch in the chair;
- Don't eat, drink or chew gum (you are allowed to ask for water which you can drink whilst in the courtroom);
- Don't make any audio or visual recording of proceedings;
- Don't speak to jurors if it is a jury trial.

2.2 There are also certain procedural behaviours that must be observed as follows:

- Remove handcuffs from Detainee before entering the courtroom and apply cuffs after exiting. The only exception is with prior approval from the presiding Justice or in the event of controlling a situation;
- Look into the courtroom before entering, to ensure it is ready for you. If the Magistrate is attending to another matter stand and wait outside until the bench is free to sit the detainee at before entering;
- While in court, all talking is to be kept to a minimum. Ensure keys are not jingling, radio earpieces must be used at all times;
- Seat the detainee at the Bar table next to his/her legal representative;
- One officer is to be located immediately behind the detainee at the bar table, the other at the public entry/exit point. Be seated in a posture that is ready to react quickly, not with legs crossed or arms folded and remain alert;
- When officers have a detainee in custody, they must not handle legal paperwork i.e. passing from the bar table to the associate. The only focus is the safety and security of the detainee;
- If the detainee is to give evidence, one officer will escort him/her to the witness box and stand behind detainee;
- NEVER walk between the bar table and the bench;
- Keep vigilant at all times, particularly with interactions between the detainee and legal representatives;
- Monitor surrounding and member of the public. Prevent contact between members of the public and detainees. Do not allow the passing of any items and be mindful of distractions created to facilitate an escape;
- If a detainee is agitated and aggressive move water jugs, glasses, or any item that could be thrown. Wherever possible this should occur before the start of proceedings;
- Listen to the presiding Justice for details of court outcomes.

## **RELATED DOCUMENTS AND FORMS**

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ACT Corrective Services  
1 February 2021

## Document details

Criteria	Details
Document title:	Corrections Management (Court Transport Unit - Court Room Etiquette) Operating Procedure 2021
Document owner/approver:	Deputy Commissioner Custodial Operations, ACT Corrective Services
Date effective:	The day after the notification date
Review date:	3 years after the notification date
Responsible Officer:	Director CTU
Compliance:	This operating procedure reflects the requirements of the <i>Corrections Management (Policy Framework) Policy 2020</i>

Version Control			
Version no.	Date	Description	Author
V1	Jan - 21	First Issued	J Taylor-Dayus