



## **SERVICE COURTS AT BULFORD AND CATTERICK**

### **SENTENCING BY ZOOM**

### **PROTOCOL**

**This protocol is available to view on the MILITARY COURT SERVICE website  
(see [www.gov.uk/guidance/the-military-court-service](http://www.gov.uk/guidance/the-military-court-service))**

#### **Before the Hearing**

- MCS will act as administrator throughout and invite all parties to join meeting by sending link by email;
- Any party with material they wish to share at the hearing (eg CCTV/antecedents/references) must inform the Court Officer at least 3 days in advance and have the material available in a suitable format. Parties should make themselves familiar with screen-sharing technology;
- At the beginning of each Assize each Board member will receive an individual stationery package including notebook and pens as well as a Bible and affirmation/oath card for their use and theirs alone. At the end of the Assize this package will be returned, notes destroyed and items placed in a secure and sterile environment for no less than 72 hours before being available for re-use;
- All parties must have with them a mobile phone (having provided the number of the same to MCS in advance of the hearing) in the event that MCS staff need to establish off-screen contact at short notice;
- Unit to ensure that escorts are present in the event of a custodial sentence being passed.

## The Hearing

- All parties, less Judge, will join 10 minutes before allocated time;
- MCS administrator will place all parties in the Zoom 'waiting room' and will release parties into the hearing approximately 5 minutes before the allocated hearing time to enable brief discussions to take place;
- MCS administrator will then warn parties that Judge and Board about to enter Court and direct all parties to activate their respective 'mute' buttons;
- MCS administrator informs Judge and Board by mobile phone that Court is ready;
- Judge and Board enter Court via separate entrances and take allocated seats (no salutes);
- Judge and Board join the Zoom meeting;
- Headdress removed;
- Judge makes introductions and delivers opening remarks which include:
  - Explaining that the proceedings are not being recorded using technology on the Zoom platform but by the usual court recorders and a direction that no one else should attempt to record any aspect of the proceedings.
  - Explaining that the hearing is a public hearing and the press and public have access to the hearing by attending court.
  - Requiring that a party who wishes to speak must raise a hand and use the space bar or equivalent in order to override mute;
  - Confirming the identify of each participant (Prosecution; Defence Counsel etc and, with each person, confirming that they can clearly hear and see all other parties);
  - Identifying the Defendant and confirming that s/he can clearly hear and see proceedings;
  - Confirming with the Defendant that s/he has had opportunity to speak with and provide instructions to his/her Counsel/Lawyer and explaining that Defendant and legal representative will have the opportunity to confer if requested;

- Explaining what will happen in the event that one or more parties lose remote contact [all other parties will remain on the call but muted; there is to be no communication between the parties until contact is restored; the Judge will activate both mute and video and await confirmation from MCS staff that contact has been restored. In the event that contact cannot be restored, the judge will make suitable directions
  
- Each Board member is then individually invited by Judge to identify themselves using the Judge's laptop camera;
- Defendant is asked whether he has any objections to any Board member;
- If not, each Board member is sworn in (again using Judge's laptop camera);
- The Hearing then proceeds as normal;
- After mitigation, MCS administrator will place everyone back into the 'waiting room' and will vacate the Courtroom him/herself taking with him/her the MCS laptop;
- As an added precaution the Judge will activate 'mute' and de-activate 'video' on his/her laptop;
- The Judge will notify MCS administrator when deliberations have been concluded by text or Courtroom buzzer;
- MCS administrator will return to Court and bring in all participants back into the hearing;
- Headdress on;
- The Judge will deliver sentencing remarks;
- The President of the Board will formally pass sentence using the Judge's laptop camera;
- At the conclusion of the hearing, the Judge and Board will leave the Zoom meeting and will then leave the Court via their respective entrances without delay;
- No other party should terminate the call until requested to do so by a member of MCS Staff in order to allow for any administrative matters to be dealt with.

- If the Defendant receives a custodial sentence, the unit is to ensure that s/he is transported to MCTC immediately following the conclusion of the hearing;

## **Dress**

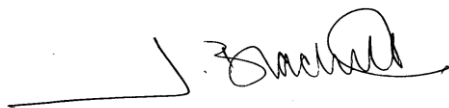
The following dress requirements apply to sentencing hearings conducted via remote platforms:

- The Judge will be robed;
- Board Members will wear service dress;
- Advocates are to be robed;
- Defendants and DAOs should wear service dress;
- Civilians to wear suits or smart civilian attire.

*The Court recognises that, due to current CV-19 pandemic constraints, it will not always be possible for Advocates; Defendants and other Court users to ensure that they are correctly dressed and will be considerate and flexible in its interpretation of the above (for example, in a number of cases mtp may be a suitable and acceptable alternative to service dress).*

## **Reviews**

- This document will be reviewed weekly by the Resident Judge and Court Officer in each court centre and the date of review shown on the MCS website.



HHJ Blackett  
Judge Advocate General

Dated: 17<sup>th</sup> June 2020