



NSW Police Force

**The use of Audio Visual Link (AVL)
for Witnesses & Non-Court Purposes
from within a NSWP Station/Location
Standard Operating Procedures**

**NSW Justice Cluster AVL Consolidation Project
Police Prosecutions Command**

The use of Audio Visual Link (AVL) for Witnesses & Non-Court Purposes

This document is a guide for NSWPF employees who use AVL witness suites from within a NSWPF police station/location. This document will detail responsibilities of employees when utilising an AVL suite for witnesses, themselves and for any other non-court related purpose.

Essential Summary

AVL suites have now been installed in 137 police stations/locations state-wide. AVL can now be utilised as a way for police to bring their witnesses or -corroborative police witnesses before the court to give evidence from these sites. This option is intended to offer a range of benefits, such as time efficiency, financial savings, the saving of block rostered shifts for first responders as well as keeping specialist police at their work venues to allow for better productivity. Additionally, it will support victims in the sense that they will not have to face the accused person or family and friends of accused persons. Witnesses may provide evidence to the court via AVL instead of travelling long distance such as interstate or overseas. For a witness or for police to appear before the court via AVL the following circumstances must exist:

- The relevant police station is equipped with an AVL witness suite,
- Notice/application (as required by the court) has been made and no objection raised and upheld,
- AVL suite at the relevant police station has been secured via the online booking system,
- It is appropriate in all of the circumstances for the witness to give evidence via AVL.

Having these suites also offers an additional benefit specifically for police. Provided the device is not needed for court purposes, police may use the device for non-court related purposes, such as, and not limited to, the taking of statements, victim follow up, staff welfare checks, meetings, training, conferences and the use of interpreters. However, it should certainly be noted that court bookings will take precedence over all other suggested use.

Document Control Sheet

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Terminology

Accused detainee	A person who is being held in custody in a correctional centre, detention centre , police station or other place of detention and includes, in relation to a proceeding for a summary offence, a defendant who is so being held.
AVL	Audio Visual Link. S.3 of the Act defines AVL as: “facilities (including closed-circuit television) that enable audio and visual communication between persons at different places.
BTS	Business and Technology Services. The internal IT branch for the NSWPF.
CLA	Court Listing Advice. A document completed by the defence which indicates which witnesses are required for cross examination in a defended hearing and an estimate of how long the hearing is expected to take.
CMO	Chief Magistrate’s Office.
GAW	Government Agency Witness as per S.5BAA(5) of the Act. which defines a GAW as: a) a member of staff of the Government Service or the NSW Health Service, or a person employed in or engaged by any government agency, who has provided an expert’s report for use in evidence in proceedings or proposed proceedings or who is called as an expert to give opinion evidence in proceedings, b) a member of the NSW Police Force called to give evidence in proceedings to corroborate evidence in chief given by another member of the NSW Police Force for the prosecution, c) any other witness of a class prescribed by the regulation.
NSWPF	New South Wales Police Force.
OIC	Officer in Charge of the police case.
Participating State	Another state (or territory) in which provisions of a law in terms substantially corresponding to Parts 2 and 3 of the Act are in force.
PMM	NSWPF PPC initiative where a police prosecutor is allocated a police case at the mention stage and follows that matter through to finality.
PN	A Practice Note is a court generated document that provides practitioners and litigants with detailed guidance on how the court manages certain procedures. Practice Notes complement legislative and regulatory provisions to specifically set out the steps practitioners and litigants are expected to take.
PPC	Police Prosecutions Command.
Prosecutor	NSWPF Prosecutor or sworn member of the NSWPF appearing on behalf of the OIC.
Prosecutor File	Manila folder containing the charge papers, facts sheet and other associated paperwork for the police case that is before the court.
SOP’S	Standard Operating Procedures.
VMR	Virtual Meeting Room. The virtual meeting place both AVL users dial into to allow a connection.
WLU	Witness Liaison Unit.

1. Purpose/Scope

1.1 Purpose

This document will detail how police can use an AVL witness suite that is contained within a police station/location. Despite the name, the suite can be used for both court and non-court related purposes. The suite will be a suitable room with the relevant hardware, currently being a Cisco DX-80 AVL device. This device is a computer monitor complete with speakers, telephone capability and a web-cam.

The purpose of this document is to outline the procedures and responsibilities of police when using these suites for witnesses to appear in court (corroborative police witnesses, expert witnesses and civilian witnesses) and the use of these suites for other operational needs.

AVL use from a police station/location has been initiated by the Justice AVL Consolidation Project to provide the option for evidence to be given from a police station/location. Evidence can be given in this fashion in the Local Court or any other jurisdiction.

1.2 Scope

This document applies to all employees within the NSWPF who utilise AVL technology within a NSW station/location.

1.3 Supporting Legislation

Evidence (Audio and Audio-Visual Links) Act (NSW) 1998
Evidence (Audio and Audio-Visual Links) Regulation (NSW) 2015

1.4 Use of AVL for purpose of using an accredited/certified interpreter

In accessing AVL for the purpose of using an accredited/certified interpreter it is important to note:

- Use of AVL where officer and interviewee are at same venue and interpreter is off site,
- Use of AVL where interpreter and officer are at same site and interviewee is off site,
- Use of AVL where officer and interviewee are at same location; Interpreter is at a second location and the Court room is the third location.

2. Power to use AVL from a NSWPF Police Station/Location

Section 5B and Section 5BAA, *Evidence (Audio and Visual Links) Act* (NSW) 1998 http://www.austlii.edu.au/au/legis/nsw/consol_act/eaavla1998324/s5ba.html (*the Act*) provide for evidence to be given by a witness via AVL.

Section 5B of the Act relates to a non-GAW and Section 5BAA relates to a GAW.

A non-GAW is simply one that does not fall into the category of a GAW (defined in the Terminology section of these SOP's)

Section 5BB of the act allows for an accused detainee to appear via AVL in another person's matter, i.e.: the accused detainee is bail refused or serving a term of imprisonment, but is a witness/victim in a separate matter.

Section 5B of the Act

5B Taking evidence and submissions from outside courtroom or place where court is sitting—proceedings generally

(1) Subject to any applicable rules of court, subsection (2A) and section 5BAA, a NSW court may, either on its own motion in, or on the application of a party to, a proceeding before the court, direct that a person (whether or not a party to the proceeding) give evidence or make a submission to the court by audio link or audio visual link from any place within or outside New South Wales, including a place outside Australia, other than the courtroom or other place at which the court is sitting.

(2) The court must not make such a direction if:

(a) the necessary facilities are unavailable or cannot reasonably be made available,
or

(b) the court is satisfied that the evidence or submission can more conveniently be given or made in the courtroom or other place at which the court is sitting,
or

(c) the court is satisfied that the direction would be unfair to any party to the proceeding,
or

(d) the court is satisfied that the person in respect of whom the direction is sought will not give evidence or make the submission.

(2A) A court must not make a direction under this Part in relation to the giving of evidence or making of a submission by audio visual link by any accused detainee in any criminal proceeding in relation to the detainee concerning an offence alleged to have been committed by the detainee. However, this subsection does not prevent the making of such a direction in relation to an accused detainee in any other proceeding to which this Part applies.

Note. Part 1B of this Act contains provisions with respect to the appearance of accused detainees who are in custody in criminal proceedings.

(3) In a proceeding in which a party opposes the making of a direction for the giving of evidence or making of a submission to the court by audio link or audio-visual link from any place within New South Wales other than the courtroom or other place where the court is sitting, the court must not make the direction unless the party making the application satisfies the court that it is in the interests of the administration of justice for the court to do so.

Section 5BAA of the Act

5BAA Taking evidence of government agency witnesses from outside courtroom or place where court is sitting—proceedings generally

(1) Subject to any applicable rules of court, a government agency witness must, unless the court otherwise directs, give evidence to the court by audio link or audio visual link from any place within New South Wales.

(2) Subsection (1) does not apply unless the necessary audio links or audio visual links are available or can reasonably be made available.

(3) The court may make a direction under subsection (1) on its own motion or on the application of a party to the proceedings.

(4) The court may make such a direction only if it is satisfied:

(a) that the evidence to be given is likely to be contentious,
and

(b) that it is in the interests of the administration of justice for the government agency witness to give evidence by appearing physically before the court.

(5) In this section:

expert, in relation to any issue, means a person who has such knowledge or experience of, or in connection with, that issue, or issues of the character of that issue, that his or her opinion on that issue would be admissible in evidence.

expert's report means a written statement by an expert (whether or not an expert witness in the proceedings concerned) that sets out the expert's opinion and the facts, and assumptions of fact, on which the opinion is based and includes a hospital report.

government agency witness means the following:

(a) a member of staff of the Government Service or the NSW Health Service, **or a person employed in or engaged by any government agency**, who has provided an expert's report for use in evidence in proceedings or proposed proceedings or who is called as an expert to give opinion evidence in proceedings,

(b) a member of the NSW Police Force called to give evidence in proceedings to corroborate evidence in chief given by another member of the NSW Police Force for the prosecution,

(c) any other witness of a class prescribed by the regulations.

hospital report means a written statement concerning a patient, made by or on behalf of a hospital, that the party serving the statement intends to adduce in evidence in chief at the trial.

3. Process:

Using the Witness AVL Suite for Court Matters

3.1. Prosecutors Role

- When checking charges, mark on the prosecutors file any obvious AVL witnesses, e.g.: facts suggest that a witness lives a distance from the local court (particularly interstate or overseas victims and witnesses), is a backpacker, etc, etc.
- When a CLA is filed at the mention, check if any of those witnesses can be flagged as AVL witnesses. If so make a verbal application/notice and deal with any objections,
- Perform 'Triage role' notifying OIC of all AVL suitable witnesses as set out in the MOPS Guidelines- Minimisation of Police Shifts (MOPs) at Practice Management Model (PMM) Local Area Commands (LACs) and SOP's for Police Prosecutions PMM. Links for both, available below
http://intranet.police.nsw.gov.au/law/police_prosecutions/prosecutors/practice_management/model
- Deal with any objections re: AVL witnesses,
- Where applicable, lodge any additional written notices/applications for GAW and non-GAW,
- Assist with enquiries and provide advice to frontline and specialist police.

3.2. OIC's Role

The ultimate responsibility for ensuring witnesses (whether they are police or civilian) are prepared and put before the court via the witness AVL suite rests with the OIC or his/her delegate.

Civilian Witnesses and Experts (non NSWPF employees)

Confirm with the prosecutor that a civilian witness/expert (non NSWPF employee) is a candidate for using a witness AVL suite and then:

STEP 1: Arrange for a police officer from within their command to manage witnesses who will be present at the police station/venue where the AVL device will be used. If the station/venue is not the location the OIC is attached to, consult the Local Area Commander/Equivalent/Delegate at the owning LAC to ensure a suitable police officer is appointed for this purpose. Police managing witnesses will generally be expected to remain outside the room to preserve the integrity of the evidence being given, however this will be decided upon on a case by case basis. For example, some witnesses may not be suitable to be left alone. In any event police will obtain prior permission from the court, in the event that it is deemed necessary that a police officer remain with a witness whilst they are providing evidence to the court.

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STEP 2: Consider the risk and appropriateness of having the witness present within a NSWPF Police Station/Location, i.e.: criminal record, intelligence, improper associations, health, disabilities, etc. If any risks are identified consult the Local Area Commander/Equivalent/Delegate who has ownership of the AVL device. The final decision to accommodate a witness will rest with the owning Local Area Commander/Equivalent/Delegate.

STEP 3: If a witness cannot give evidence from within a police station/venue the witness should ordinarily attend court in person. Under certain circumstances it is possible for the witness to provide evidence to the court via a remote AVL appearance where the witness will use their mobile device to dial into the court. For more information on a remote AVL appearance, contact the Witness & DPP Liaison Unit on 02 8835 6796, E/N 29786, email #LSWL or refer to the SOP's link below.

http://intranet.police.nsw.gov.au/_data/assets/file/0006/526803/Update_Dec_14_Remote_Witness_via_AVL_Guide_FINAL.pdf

STEP 4: Complete, serve on the defence and submit to the court, and the prosecutor the notice/application re: witness using AVL form (click on link below, copy available for viewing on page 21).

http://www.localcourt.lawlink.nsw.gov.au/agdbasev7wr/_assets/localcourts/m40155115/application_for_witness_to_give_evidence_via_avl.pdf

This form must be filed no less than 10 days before the date of hearing – as per Local Court Practice Note Crim 1, Part 7.2

http://www.localcourt.justice.nsw.gov.au/Pages/Practice_procedure/practice_notes.aspx

The defence have the right to lodge an objection to the witness appearing via AVL. Monitor the progress of the form by regularly contacting the court and if the notice/application is refused by the magistrate, notify the prosecutor and seek further advice.

NOTE: If this form is not served the witness may not be permitted to provide evidence to the court via AVL.

STEP 5: If the use of a witness AVL suite is appropriate, book out the suite utilising the 'Lotus Notes/iNotes/IBM Notes' software. This can be done by:

Open Lotus Notes Icon -> click on arrow immediately right to the word 'new' -> click on meeting -> in the subject field type 'AVL Suite for court name' -> select relevant date and book out from 0800 for 8.5 hours -> go to resource field and select AVL Suite/location from drop down box and hit add, followed by okay

Add into the 'details' section at the bottom left of screen:

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- *Name of Witness, phone number, email, CNI number*
- *Court house they are to appear in*
- *OIC name and contact details*
- *H number*

Add any relevant info uncovered from Step 2 as well as the details of the approving Local Area Commander

NOTE: Commands may choose to supplement the Lotus/Notes booking system by utilising local arrangements such as a hard copy diary, SMACBOX or other means to book witness AVL suite use. There is no objection to this being done, so long as LOTUS NOTES is regularly updated by the Command to reflect what is contained in the local booking arrangements.

STEP 6: Make contact with the witness, issue a subpoena (non-NSWP witnesses) and ensure they know which police station/location they need to attend. Provide them with a copy of their original statement.

STEP 7: On the day of hearing ensure the witness attends the police station/location no later than 9:00am so they can be appropriately briefed.

STEP 8: Prior to 9:30am, conduct a test call on the device by dialling into the relevant VMR number for the court (number either provided or on directory)
This can be done by:

- *Tap the CALL icon on the Home screen to open the keypad or keyboard functions,*
- *Switch between the Keypad or Keyboard functions at any time by tapping on the respective name at the top of the screen,*
- *Enter the phone number by tapping on the required numbers using the onscreen Keypad and tap the green call button,*
- *To disconnect yourself from a call, tap the screen to bring up the options bar then simply tap the red End icon.*

STEP 9: When suitable to the court, the magistrate will call for the next witness to appear via AVL. This will be communicated to the appointed 2IC at the police station. Once they are made aware of same, they are to dial into the VMR on the code specific to that court location. The connection will be instantaneous.

NSWPF witnesses (sworn and un-sworn NSWPF employees)

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The OIC of a court matter will confirm with the prosecutor that a fellow NSWPF employee is a candidate for using a witness AVL suite, and then:

STEP 1: Notify the employee of:

- Date of Hearing
- Location of the Suite they will be giving their evidence from
- Surname and H number of the Accused
- Name of Court House

STEP 2: Follow STEPS 4 and 5 as set out in the procedures for civilian witnesses (Pages 11 and 12).

STEP 3: Contact the prosecutor and ensure they are aware of the police station/location the employee will be giving evidence from. Provide the prosecutor with the contact details for the employee so the employee can receive the 'be ready' call from the court prior to giving evidence.

STEP 4: Follow STEP 8 as set out in the procedures for civilian witnesses (Page 12).

STEP 5: Wait for the magistrate to call for the next witness to appear via AVL. This will be communicated to the employee at the police station/location by the OIC of a court matter or person nominated by the prosecutor/court. Once they are made aware of same, they are to dial into the VMR on the code specific to that court location. The connection will be instantaneous.

3.3 Local Area Commanders Role (Equivalent/Delegate)

The Local Area Commander/Equivalent/Delegate is responsible for providing approval for civilian witness and government expert witnesses to utilise AVL equipment within their LAC. The LAC Commander/Equivalent/Delegate is responsible for ensuring that appropriate risk assessments are completed prior to the witness/government expert witness utilising the AVL equipment. The decision as to whether risks assessments will be in writing and where they will be stored will rest with the Local Area Commander/Equivalent/Delegate.

3.4 Showing documents to a witness

The legalities surrounding this are dealt with under Section 20E of the Act. The ability to show documents is built into the AVL devices themselves.

If documents need to be shown from the court end, this will be managed by court staff.

If the AVL witness suite is equipped with a Cisco DX-80, the witness will place the document down directly in front of the device and tilt the camera down. The image will flip and focus on the document and proceed from this point.

Complex matters may involve annotating documents. It is possible for documents to be transmitted to the AVL suite from the court, annotated, re-scanned and transmitted back, however in instances such as this; prosecutors should give serious consideration to whether an in-court appearance is more appropriate.

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If a document is in a language other than English or has been translated from that language to or from English, this too can be shown via AVL to the interpreter and witness.

3.5 Playing Video Evidence during an AVL Session

ICV, BWV, DVEK, CCTV etc, should be played from the court end.

3.6 Recording of an AVL Sessions

The witness AVL suite is considered an extension of the court room, thus normal court rules apply and the evidence giving process will be recorded as per usual in-court evidence. Only an audio recording is taken.

3.7 Oaths and Affirmations

The Act allows for Oaths or Affirmations to be administered via AVL from the court end to the AVL suite or remote location.

3.8 Multiple Witnesses and Different Locations

Where matters involve multiple witnesses at one location or multiple witnesses at different locations, the OIC will take instructions from the prosecutor, in order to best manage timings and instructions. If multiple witnesses are at the one location, the OIC will utilise the same approach as they would if the witnesses were actually present at court, to ensure the integrity of the evidence – i.e. witnesses are told that they are not to discuss the evidence in which they are expected to give an in appropriate cases witnesses kept separate.

3.9 Allowing another Law Enforcement Agency's witness to use the Witness Suite

NSWPF employees may receive a request to use a witness AVL suite from an interstate or an international law enforcement agency. They may be asking that one of their witnesses, who are present in a NSWPF jurisdiction, use the suite to give evidence into a foreign court house, for example - Scotland Yard Police request the NSWPF to accommodate a witness who resides in Taree, NSW. They ask that we allow the witness to give evidence from the witness suite in Taree, back into a court room in the UK. In these circumstances, priority should be given to any NSWPF prosecutions unless exigent circumstances exist. The decision to accommodate this request rests with the Local Area Commander/equivalent/delegate. Any cost for shifts required to manage the suite and mind the witness for this purpose should be negotiated between the owning LAC and the external agency.

4. Policy for using Suites for Non-Court Purposes/Contact details for NSWPF devices

4.1 Using the Witness AVL Suite for Non-Court Purposes

It is entirely appropriate to use the witness AVL suite for non-court purposes provided it is not needed to facilitate a court appearance. Court use, unless exigent circumstances exist, will always take precedence over any other suggested use.

Police may use the device for a range of operational needs, such as, and not limited to,

- the taking of statements,
- victim follow up,
- staff welfare checks,
- meetings,
- training,
- live video sitreps,
- conferences and
- use of language and AUSLAN interpreters where those interpreters cannot be accessed or are unavailable face to face.

Members of the general public are not to use the device for non-court purposes, e.g.: member of the public requests to contact her partner who is serving a term of imprisonment. Local Area Commanders/Delegates must approve AVL use by members of the general public outside of these guidelines on a case by case basis.

An example of use of the AVL suite by a member of the general public for non-court purposes may include providing support to a police witness being interviewed at a distant location that has AVL facilities.

Accredited/certified Interpreters

It is also important to note that use of AVL for accessing accredited/certified interpreters will add value in a further range of activities including:

- Where distance is an issue,
- Where consent is required,
- Out of hours when an interpreter is unable to be at the same venue,
- Where languages of limited diffusion and smaller language pool require,
- Access to an interpreter in another state or even from overseas.

4.2 What are the contact details for devices in NSWPF stations/venues?

The contact details for AVL devices in NSWPF Police Stations/Locations can be found by clicking on the link below:

http://intranet.police.nsw.gov.au/law/police_prosecutions/operational_police/avl_project/phase_1_trial_roll-out

5. General Considerations and Professionalism

- Ensure there are no distractions in camera view. Be aware of what will appear in the background of any dial-in you make, i.e.: sensitive or inappropriate documentation/images on the walls within the room.
- When a call is underway, look directly at the camera when speaking.
- Be aware of any actual or potential audio or visual distractions and take steps to eliminate/reduce them.
- Be aware that by law, the room from which the dial-in is made is regarded as an extension of the court room. Normal court rules are enforceable, and normal court etiquette applies (See Section 5C of the Act).
- Dial-ins should not be placed to courts unless the call is expected, otherwise you may appear on-screen in a courtroom unexpected.
- Ensure that it is clear to other employees at the NSW Police Station/Venue the AVL suite is occupied and in use. A display sign should be erected on the witness suite door to indicate the room is in use/not in use.
- Ensure the integrity of the evidence is maintained at all times.
- Witness expenses for witnesses who appear via AVL will be claimed in the usual way, the same as if a witness had actually attended court in person to provide evidence.
- When using AVL and accredited/certified interpreters, please ensure that guidelines for the use of interpreters (as per the Code of Practice C.R.I.M.E) are adhered to including the following considerations:
 - Check Interpreter identification,
 - Invoke code of ethics and confidentiality,
 - Brief and debrief interpreter,
 - Speak through the interpreter to the victim witness or offender,
 - Ensure the use of checking techniques.

In summary, all NSW Police Force staff **MUST** use professional accredited/certified interpreters and translators to communicate with people who are not able to speak or understand English or who have a speech or hearing impairment. This should also apply in cases where AVL will be utilised and the party in question does not speak English. Given the above considerations we recognise there are some situations where it is appropriate to use the language assistance of someone who is not an accredited professional, who is bilingual and who is accessible. It is endorsed that accredited professionals must be used in operational situations where information being received or given is relevant to an investigation, a legal proceeding or will have an impact on someone's legal rights. LACs with questions regarding specific processes or procedures for utilising an interpreter with AVL can contact the Cultural Diversity Team on Ext 34727 or Ext 34737 or email #CDT if you require any assistance with using interpreters.

6. Compliance Requirements/Costs

6.1 Officer Safety and WHS with a Civilian Witness using the suite

In addition to conducting CNI checks on non-NSWPF witness, NSWPF staff will remain cognisant of general officer safety guidelines as well as the principles set out in ALERT – Concept of Operations. Where a suite is contained within the inner working section of a police station, NSWPF employees will consider any risk this poses to the NSWPF employees and the witness themselves. The cost involved in utilising staff to supervise witness movements before, during and after the court process, rests with the Local Area Commander or his/her equivalent/delegate for matters originating from their LAC. For requests emanating from other LACs or organisations for witnesses to utilise AVL facilities, it will be the responsibility of the owning LAC Commander to resolve with the requesting LAC/organisation.

A state-wide Health and Safety Risk Assessment re witness suites has been completed and endorsed by the senior executive of the NSWPF. In addition, Commanders/equivalent/delegates will ensure that a local HSRA is completed regarding witness AVL suites located within their commands.

6.2 Costs involved

There is no specific monetary cost involved in using a witness AVL device/suite. Data and electrical use is the only burden to the user.

7. System Tests and Troubleshooting

7.1 What do I do if they AVL Device doesn't work?

- Ensure the device is plugged in, turned on at the wall and that all cords are properly connected
- Ensure the unit itself is turned on (button above the right leg of the device)

NB: When not in use, the system will switch to standby mode after a period of time. The power button will display a red illuminated circle around the power button and the display will turn off when the device is in standby mode – touch the monitor to reactivate it
If the system has been turned off it will generally take 1-2 minutes to start up and establish a connection to the Police network.

Powered and Active (white circle) Vs Standby Mode (red circle)



System is Off (no colour around circle)



- Ensure volume is turned up (lower right side of unit)
- Ensure device is not on mute (directly above the volume controls and has a red indicator light which illuminates when the device's microphones are muted. (Number 2 below). Note: The mute button will only work when a call is in progress
- See 7.2

7.2 Troubleshooting

Check DX80 User guide for a list of common problems and for troubleshooting information http://intranet.police.nsw.gov.au/law/police_prosecutions/operational_police/avl_project/resources, or depending on the problem, contact any of the following:

AVL HelpDesk
Ph: 02 8759 1955 or E/N: 46155

Multi-Media Services (MMS) HelpDesk
between 7.30am and the conclusion of court
02 8688 7800.

BTS
02 8835 5555 or E/N: 55555 or email #RASP

7.3 System Tests

The devices should be audited/tested on a monthly basis as part of CMF by the LAC/venue in which it is placed. On the day of hearing the device should be checked prior to 9:30am by dialling into the appropriate VMR assigned.

To audit/test the device - check that the device is on, that in the left side of the home bar there is the local information for the video phone – i.e.: the eaglenet number and the device name.

Test call - call the local VMR (allocated to the police location) and ensure that a successful connection has been made. A test call can be deemed successful if the video phone returns an image from the camera attached to the device, and an audio message of 'you are the first participant to join the conference' can be heard.

8 Further Advice

8.3 Further Advice in relation to SOP's

For further advice on the application of these SOPS please contact:

- AVL HelpDesk
EN: 46155
- Police Prosecutions Support Unit, PPC
EN: 26727

Application for Witness to Give Evidence via Audio Visual Link or Telephone

Evidence (Audio and Audio Visual Links) Act 1998

Note: This application will be dealt with in Chambers unless there is good reason for it to be listed before a Court, which must be indicated at the time of lodgement. This application, together with all relevant information, should be submitted in writing not less than 10 days before the hearing date.

You will be advised of the outcome of the application.

Part A (Applicant to complete)

In the matter of:

Hearing date:

Court location:

Offence(s):

Application lodged on behalf of:

Prosecution / Defence

I consent to this application being dealt with in Chambers: Yes / No

(If 'No') I submit it is in the interests of justice for this application to be determined in court because:

Method of giving evidence: Audio Visual Link (AVL) (*preferred*) / Telephone

Name of witness:

Interpreter required:

Yes / No

If yes - language required:

- The witness is:
- a Government Agency Witness (*pursuant to s 5BAA*)
 - an expert in relation to (*specify, if applicable*):
 - required to give corroborative evidence
 - otherwise required for (*specify, if applicable*):

Estimated time of witness evidence:

Minutes / Hours / Days

Confirmation: AVL facilities are available at the following location from which the witness is able to appear to give evidence:

- Nature of facilities:
- | | |
|--|---|
| <input type="checkbox"/> Jabber (<i>preferred</i>) | <input type="checkbox"/> Commercial videoconferencing facilities |
| <input type="checkbox"/> Skype | <input type="checkbox"/> Telephone |
| <input type="checkbox"/> Facetime | <input type="checkbox"/> Other (<i>specify, if applicable</i>): |

I submit it is in the interests of the administration of justice for the court to grant the application for the following reason/s:

Name of applicant:

Signature:

Date:

(Informant / Government Agency Witness / Representative)

Address:

Email:

Phone:

Fax:

Part B (Other party to complete – a faxed or emailed copy is sufficient)

I **agree** to this application: Yes / No

I **do not agree** to this application for the following reason/s (s 5B(2)):

- The evidence can more conveniently be given in the courtroom, because:

- The direction would be unfair to a party to the proceeding, because:

- The person in respect of whom the direction is sought will not give evidence, because:

- Other:

I consent to this application being dealt with in Chambers: Yes / No

(If 'No') I submit it is in the interests of justice for this application to be determined in court because:

Name of other party:

Signature:

Date:

(Informant / Defendant / Representative)

Address:

Email:

Phone:

Fax:

Part C (Magistrate/Office use only)

AVL facilities are available: Yes / No

Registrar / List Clerk of the Local Court at:

Signature:

Date:

Magistrate decision: Application Granted / Refused

Magistrate:

Date:

Copy to: Registry / Prosecution

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