

Akwesasne Court: Court Without Borders

Akwesasne Court Video Conferencing Policy

This Policy is based on the “open courts” principle, which requires transparency and accountability in the judicial system to foster public confidence in the administration of justice. This policy does not govern the Justices, the court staff, Prosecutor, Duty Counsel or Defence Counsel on a particular matter.

However, for the purpose of maintaining order, a policy is required to be adhered to.

This Policy applies to all persons attending or participating in a public court proceeding in the Akwesasne Court, conducted by video conferencing.

Video conferencing will be utilized for the following circumstances;

- a) Travel Restrictions;
- b) Health or safety of the Justice;
- c) Health or safety of a client;
- d) Inclement weather;
- e) Building closure;
- f) Border issues;
- g) Directive of a Justice; or
- h) Unforeseen or special circumstances;
- i) Providing Court Services to all First Nation Communities.

Community Member access to video conferencing

Zoom webinar allows community members to view public court proceedings. If authorization is granted, the community Member will not have access to audio or video.

Audience non-participating people

Request for access to the public court proceedings will be on a first come first serve basis. Authorization to become an audience to the public court proceedings will be open to the first 20 community Members.

The Court Administrator will send a Video Conferencing access authorization form to the requestor. The requestor will complete the form in its entirety by the non-participant, including a signature and date of the requestor. The Court Administrator must receive the form within the required timeframe.

Form requests to view the court proceedings will be sent by the non-participating person 24 hours prior to the day of the court proceedings. The forms are email to: CourtAdministrator@akwesasne.ca. This authorization ensures only Members of Akwesasne have access court hearings. Due to limited Akwesasne Court staffing, **only** email requests will be honoured.

Should the request be approved, a reply will be given to the non-participating person(s) with the meeting ID and passcode to enter.

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Non-participant request of the video conferencing will be provided for the ability to view courtroom proceedings in a specific case. Court Proceedings are not allowed to be recorded or distributed. Any violation of this prohibition will subject the participant to a Contempt of Court proceeding. Furthermore, access privileges may be revoked temporarily or indefinitely by the Court Administrator.

The authorization to view court proceedings by video conferencing is a one-time use only. Any subsequent proceedings must be re-authorized. This is important to allow other persons to view public court proceedings.

Defendant

A defendant can request video conference 24 hours prior to court proceedings for unforeseen circumstances and shall be approved by the sitting justice.

Notification

Notification of Zoom Webinar will be issued by the Court Clerk and/or Court Administrator.

Media Request

If the Justice has not placed a media ban on the court proceeding only local media will be allowed access. Any outside media requests will be at the discretion of the sitting justice.

Outside media request will require a local reporter to sit in on their behalf and report for the outside media.

Request for copy of public court proceedings

A person may request a copy of the public court proceedings. If the Akwesasne Court Justice has not issued a ban on the proceedings, a fee will be required, payable before the video is released.

A written request shall be submitted to the Akwesasne Court Clerk with the day, time, parties to the case and/or case number. This fee is established for an individual case.

A copy of the proceedings will be providing on a USB and a fee will be collected in accordance with the following schedule:

Up to 1 hour of recording time	\$25.00
2 hours of recording time	\$50.00
3 hours of recording time	\$75.00
4 hours of recording time and over	\$100.00

Amendment

This policy may be amended when necessary.