

**TRAFFIC  
COURT  
EVIDENCE &  
COURTROOM  
TESTIMONY**



# TRAINING OVERVIEW

- Welcome and Introductions
- MS Teams Overview
- Traffic Court Evidence Presentation
- Courtroom Testimony
  - Testimony tips
  - Sample case
- Questions

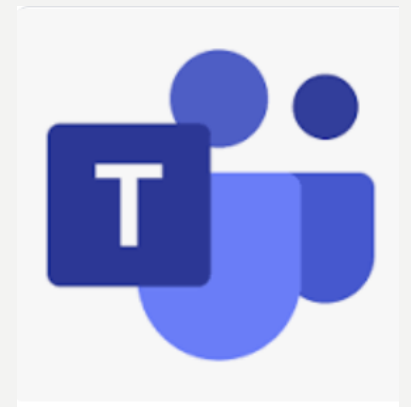


# INTRODUCTIONS

- Name
- Title
- MS Teams Experience?
- Evidence presentation in traffic court?
- Questions to be answered?

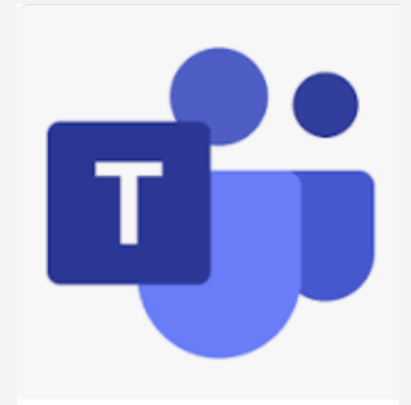


# MICROSOFT TEAMS



- Court System has moved virtual for everything, including jury trials since March 17, 2020
- All the Courts use Microsoft Teams
  - Preliminary Hearings
  - Evidentiary Hearings
  - Traffic Court
  - Jury Trials

# MICROSOFT TEAMS



## Accessing MS Teams


- CVPD-2 rooms
- DA's Office



# MICROSOFT TEAMS





South County Courthouse - Department 9 Video Hearings



### Choose your video and audio options


 Your camera is turned off


  Background filters 


 Computer audio

PC Mic and Speakers 

 Phone audio

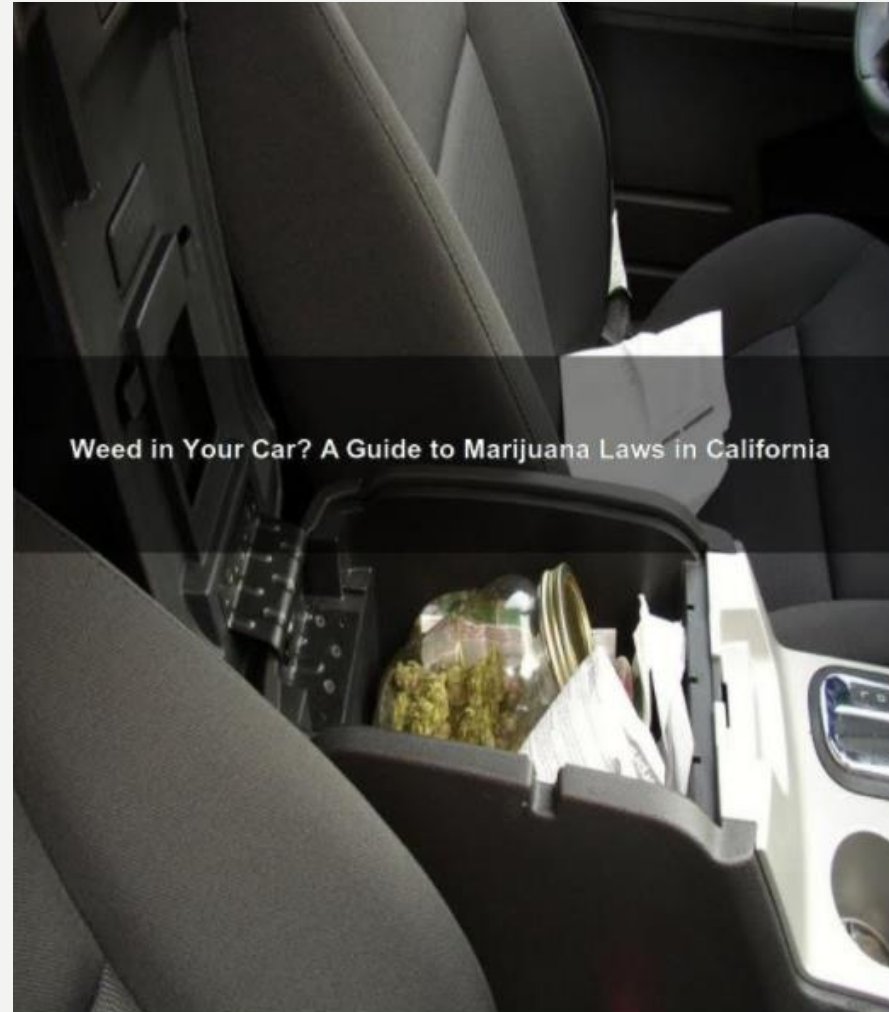
 Room audio

 Don't use audio

# TRAFFIC COURT: INTRODUCING EVIDENCE

Why?

Case Example



# MICROSOFT TEAMS – TRAFFIC COURT

9. All evidence to be reviewed and considered by the judge/commissioner hearing your matter must be submitted and received by the Court at least two (2) Court days before your scheduled hearing date. DO NOT SEND ORIGINAL DOCUMENTS. Evidence will not be returned.

## Procedures During the Hearing

1. At the beginning of a calendar being called, the judge/commissioner will set forth guidelines for the proceedings. Listen carefully for further direction.
2. Hearings may be called out in case of an emergency order or by phone names, so be sure to pay attention as the calendar is being called. You will need to answer "present" at the appropriate time.
3. All participants shall place their cell phones on mute unless they are speaking or wish to make an objection.
4. All efforts shall be undertaken to interrupt other speakers during the hearing unless it is necessary to assert an objection. Please do not interrupt when another party or the judge/commissioner is speaking. Please keep in mind that the proceedings are being electronically recorded by the Court so speak clearly and slowly.
5. If an interpreter is necessary, all participants shall speak slowly, in short, complete sentences or questions, and allow time for translation. No one shall respond to a question posed by another participant until the question has been translated.
6. If an objection is made, all participants must stop speaking and wait for the Court's ruling on the objection. An attorney or self-represented party can ask to be heard on the objection after it is made. The Court may also request a response to an objection.
7. Where an objection is made, and discussions are required in the absence of the witness, the witness may be asked to mute their computer or otherwise be virtually ejected from the meeting space, and invited to re-join the meeting when the objection has been addressed.
8. All participants are required to identify anyone who may be observing the proceedings with them. This is essential to ensure the credibility of testimony.
9. All evidence to be reviewed and considered by the judge/commissioner hearing your matter must be submitted and received by the Court at least two (2) Court days before your scheduled hearing date. DO NOT SEND ORIGINAL DOCUMENTS. Evidence will not be returned.
10. The Court will hold all hearings to a strict time estimate. Thus, participants are encouraged to not to repeat arguments included in their written pleadings already submitted to the Court.
11. Once the Court has heard from all parties, the matter will be submitted for decision. Once submitted, the Court will make a ruling, and no further argument shall be considered.
12. Participants SHALL NOT record the video conference or teleconference. ADVISORY: The virtual hearing MAY NOT be photographed, recorded (audio or video), or rebroadcast without prior written judicial authorization consistent with California Rules of Court, rule 1.150, and San Diego Superior Court General Order of the Presiding Department, Order No. 010120-02. Please be advised that any unauthorized recording, photography, or rebroadcast without prior written judicial authorization may be a basis for a citation for contempt of court or an order imposing monetary or other sanctions as provided by law. (Cal. Rules of Court, rule 1.150(h).)

## Guidelines for Participants

1. For the purpose of this guidance, a participant includes a party, an attorney, or a witness.
2. This information is provided as guidance. The conduct of the hearing remains a matter for the presiding judicial officer. Participants should follow any direction given by the judicial officer.
3. The behavior, manner, and presentation of a participant should be the same as if they were attending the Court hearing in person. This includes addressing the Judge/Commissioner correctly as "Your Honor" and addressing Counsel politely and courteously.
4. The participant will ensure that there will be no interruptions or distractions for the duration of their appearance at the hearing.
5. If participants are unable to give uninterrupted evidence, they should advise the courtroom clerk or their attorney as soon as practical.
6. A participant should have a copy of all pleadings and documents necessary for the hearing.
7. A participant that plans to examine a witness must ensure the witness has a copy of documents to which they may be referred.
8. Participants are not permitted to use or access their phones during the hearing except to communicate with their attorney of record or as required to participate in the hearing or as permitted by the judge/commissioner.

## Safety in virtual hearings

Participants should be mindful of their personal safety when participating in virtual hearings, including by considering the following:

1. If joining the hearing using video, consider turning on background blur, or sitting in front of a neutral background such as a blank wall, window blinds or door.
2. If there are safety concerns about appearing with video turned on, the Judge/Commissioner may permit a party to participate in the hearing using only audio.
3. If joining a Microsoft Teams hearing by telephone, participants may switch caller ID off before dialing the conference number. If the caller ID is on, participants should be aware that their phone number will be displayed in the Microsoft Teams meeting to others participating using the desktop app, web browser version, or smartphone app (but will not be visible to other participants also dialing in on the telephone). Switching caller ID off means that only a random 9-digit number will be shown.
4. Be sure to set aside time to participate in the hearing distraction-free and without children present.

## Technology tips

1. Use a headset or headphones that have a microphone (such as most headphones that come with smartphones), to avoid echo and increase audio quality. Ensure you select the headphones in the settings for 'Devices' as the microphone and speaker. If you have the volume turned up and audio coming through the speakers of your device, it may be picked up by your microphone and create an echo. If other participants are complaining of echo and you cannot hear any echo, it is likely that you are the cause.
2. Ensure you are in a quiet, distraction-free location with good lighting and minimal background noise.
3. Participants should have their microphone muted, and cameras switched off when they are not speaking or not required to be seen, as directed by the Judge/Commissioner.
4. If appearing by telephone, do not place the Court on hold. Speak directly into the phone or headset. Do not place the phone on speakerphone, as it will decrease audio quality.
5. Ensure devices are fully charged before the hearing and have chargers nearby. Videoconferencing can drain the battery of devices.

## Final word

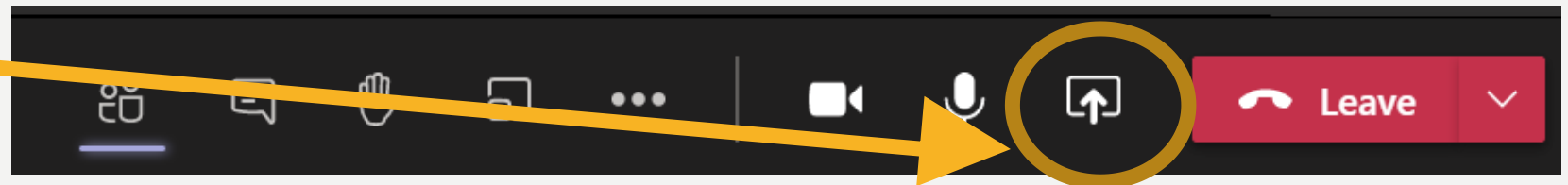
We recognize that these are new procedures and challenging times for everyone. We are here to help and do our best to make sure your case is timely heard. With practice and patience, we will all become more proficient with the new technologies and platforms. Thank you.



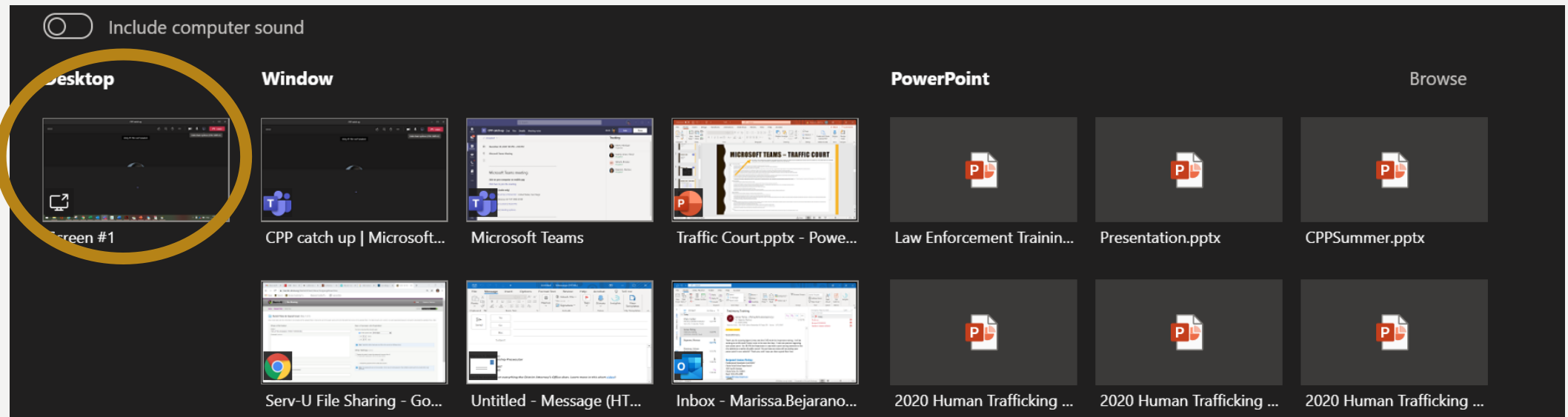
# TRAFFIC COURT: INTRODUCING EVIDENCE

How?

- After testify regarding incident
- Advise court you were wearing bwc, it was on, you have reviewed the bwc, it is accurate
- “Your honor, this is a copy of my body worn camera footage from [Date] it is a fair and accurate depiction of what occurred on that date. At this time, I would like to move my Body Worn Camera footage into evidence as Exhibit I.”
- Share screen.

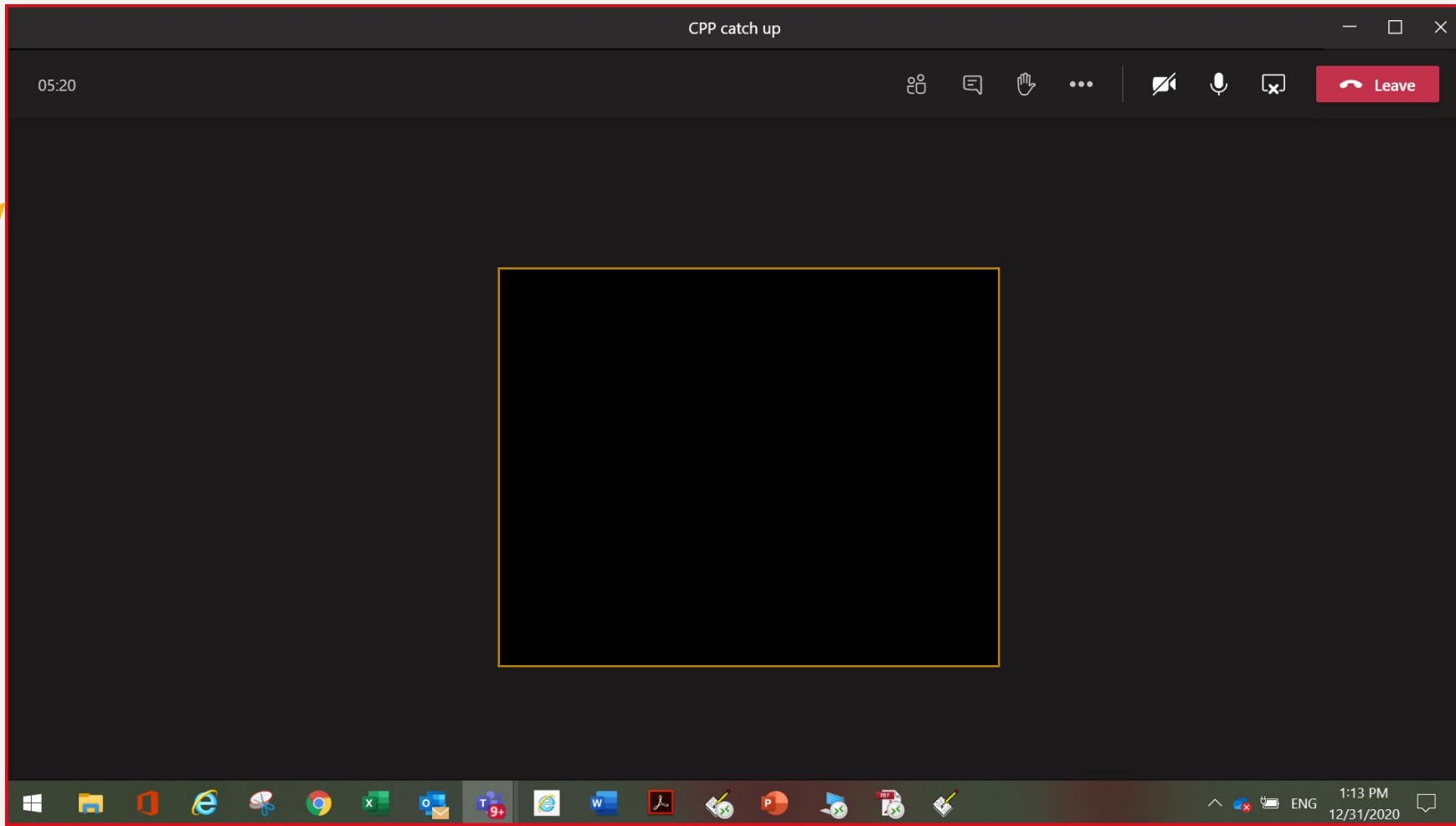


# TRAFFIC COURT: INTRODUCING EVIDENCE



Once you click desktop, will see a red frame around the screen and you will be able to access all files/programs.

# TRAFFIC COURT: INTRODUCING EVIDENCE

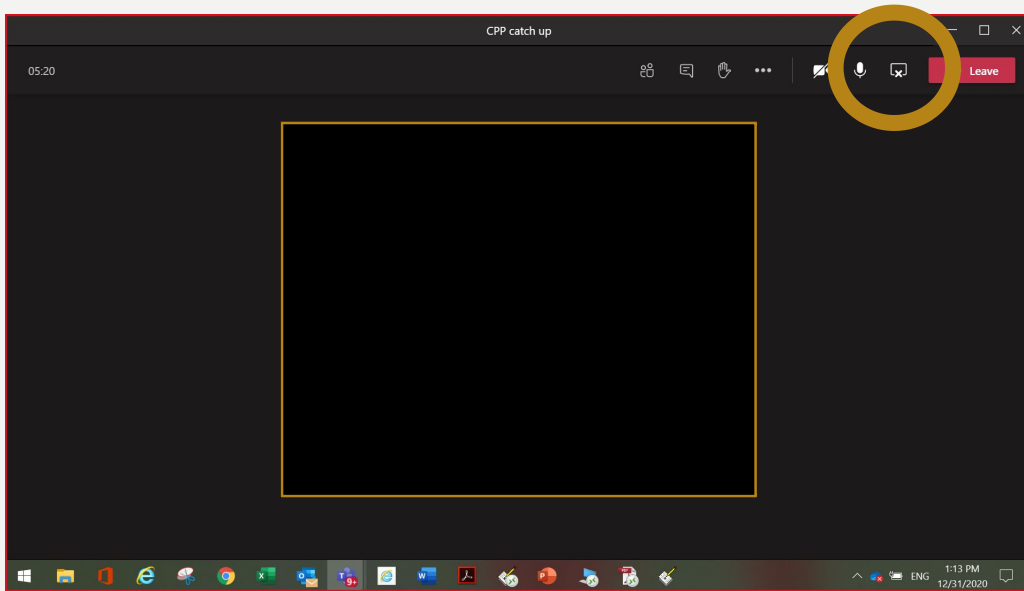





# TRAFFIC COURT: INTRODUCING EVIDENCE

Play footage. Helpful to pause the footage and explain what is happening.

- “Your honor I am pausing the footage at time 23:40 in the upper right/2:30 minute mark into the video. At this point you can see Mr. Smith doing XYZ”
- “For the record playing the video again...”
- May not need to show bwc, still images from bwc may suffice

# TRAFFIC COURT: INTRODUCING EVIDENCE-STOP PRESENTING



Presenting... Give control   Stop presenting 

# TRAFFIC COURT: INTRODUCING EVIDENCE, LIVE IN COURT

- Bring department issued laptop or iPad;
- Evidence downloaded on device;
- Establish foundation-wearing bwc, it was on, you have reviewed, accurate;
- Mark as exhibit;
- Play clip of the BWC for court to see;
- Narrate for the court.
- \*If possible, while waiting for case to be called show defendant the clip of the video ahead of time. When you do, you can advise the court before you play the video.



# **COURTROOM TESTIMONY**

# TYPES OF PROCEEDINGS

Communication is key

1538.5

- No Prop 115 testimony

Preliminary Hearing

- Prop 115 permitted

Jury Trial

- Prop 115 not permitted



# BEFORE THE PROCEEDING

1

Communicate  
with DDA

2

Review report

3

Review BWC

4

Review photos

# TESTIFYING VIA MS TEAMS

- Link from DDA/paralegal
- Start on MUTE
- Start with CAMERA OFF
- No one may be in the same room
- People may not appear on screen until they speak
  - May have to PIN people
  - May ask the DDA to share their screen
- Refreshing your recollection, must ask before reviewing report



**SAMPLE 1538.5**  
**TESTIMONY**