



Procedural information for traffic ticket hearings. Hearings of municipal bylaw offences and other tickets may use similar procedures.

## **When you arrive at the courthouse**

Arrive at least 30 minutes early. Allow plenty of time to travel and find parking.

If the police officer in your case has not arranged to testify by telephone, they may be there early. If you have not already asked them for information about your case, you can ask them to tell you what evidence they have and what witnesses they intend to present during your trial. You can also ask them to tell you if they would consider other options to proceeding with the charge on your ticket and the indicated fine amount.

To make the best use of court time, many hearings will be set for the same time. Be prepared to wait, sometimes for up to two or three hours. Cases will generally be dealt with in the order they appear on the court list; however, brief matters like a guilty plea or request to adjourn will be called before the hearings. Sometimes the oldest cases are heard first.

## **Courtroom conduct**

- Leave food and drinks outside of the courtroom, except for water.
- Turn your cell phone off for the entire time that you are in the courtroom. If you need your phone during the hearing, ask permission to use it.

## **How to dress for court**

- Dress neatly in clothing that is appropriate for an office workplace or a job interview
- Do not wear shorts, tank tops or sandals
- Do not wear clothes with disrespectful pictures or slogans

- Remove sunglasses, chewing gum, and baseball caps or other hats before going into a courtroom (except for religious headwear)

## **How the hearing begins**

When your name is called, go to the front of the courtroom and stand to the left of the table at the front.

A judicial justice usually conducts traffic court hearings in BC Provincial Court. The proper way to address them is “Your Worship”. You should stand when you are speaking to the justice or when they are speaking to you.

The justice will read the charge to you and ask for your plea. If you agree that you committed the offence and want to ask for a fine reduction or time to pay, plead guilty. If you want to dispute the charge, plead not guilty.

At any point during the hearing, if you do not understand something, you should ask the justice to explain it.

## **If you plead guilty**

The procedure is the same as if you are found guilty at the end of a hearing. See the section on Penalties, below.

## **If you plead not guilty**

If you plead not guilty, the hearing will start.

The justice will explain the procedure to you. You can ask questions about anything you do not understand, but they cannot give you legal advice. Do not interrupt the justice when they are speaking, as there are certain things they need to explain to you.

To get legal advice, talk to a lawyer before your hearing.

## **The evidence against you**

The police officer will present their case first. They will swear an oath to tell the truth or make

a solemn affirmation. They will tell the justice about what they saw and why they gave you the ticket. Sometimes, police officers appear by telephone rather than in person. They may also present other witnesses to describe what happened.

Intersection Safety Camera Violation Tickets may proceed differently as the presenting officer is permitted to enter and rely on a package of evidence to prove their case against the registered owner of the vehicle.

The reason the police officer goes first is that you are presumed to be innocent and they must prove their case beyond a reasonable doubt. If they do not provide enough evidence to prove beyond a reasonable doubt that you committed the offence you are charged with, you will be found not guilty.

You have the right to cross examine and ask questions of the police officer and their witnesses after they finish.

## **A “mini-hearing” about anything you said to the police officer**

The police officer may want to tell the justice what they believe you said at the traffic stop. Because the police officer is a person in authority, the police officer must prove beyond a reasonable doubt that when you spoke to them, you spoke voluntarily.

The officer must convince the justice that they did nothing that made you think things would go better for you if you spoke to them or things could go worse if you did not speak to them.

If you do not believe you spoke voluntarily or you want the officer to attempt to prove it, the justice will conduct a mini-hearing to determine if the police officer can prove beyond a reasonable doubt that you spoke voluntarily. The legal term for this mini-hearing is a "*voir dire*". If you wish, you can testify in the mini-hearing and tell the justice what you saw and heard the officer say and do and how that made you feel.

If you agree that you spoke voluntarily to the officer, no mini-hearing is necessary. The officer will tell the justice what they believe you said.

If the officer proves you spoke voluntarily, what they state that you said will be part of the evidence. The justice will consider this in the hearing on your traffic ticket.

If the officer does not prove you spoke voluntarily, the justice will ignore all the testimony in the mini-hearing, including what the officer states you said.

## Your evidence

When the police officer's case is finished, you must decide whether you want to testify yourself and/or present witnesses.

You do not have to present witnesses or be a witness yourself because you are presumed to be innocent. If you do testify or call witnesses, the police officer can question you or the witnesses, the same way that you were able to question the police officer and their witnesses.

**Being a witness yourself or calling other people as witnesses is the only way the justice can consider your side of the story. You must decide for yourself whether to testify and/or present witnesses.**

Witnesses must come to court. The justice will not usually consider letters or written statements as evidence in the hearing.

A subpoena is a court order that requires someone to attend court. You can obtain a subpoena at the court registry to require your witnesses to come to court. This provides them with a document to show their employer, if they need one.

If you want the justice to consider photos, make sure you print them. Three copies are ideal, but one copy will do. You should show the photos to the police officer when you question them during their testimony. Ask them questions to identify what the photos show.

## Summing up

After all the witnesses have been questioned, you have the right to summarize the case and make a closing argument. You should describe the weaknesses in the officer's case and explain why the justice should accept your evidence. The police officer may also sum up their case.

## The decision

Usually, the justice will make a decision immediately after the closing arguments. If the police officer has proven the case beyond a reasonable doubt, you will be found guilty. If not, you will be found not guilty.

## Penalties

If you are found not guilty, that is the end of the matter. No fine will be imposed by the court and no penalty points will be assessed.

If you are found guilty, the justice will then decide on the appropriate penalty.

It's important to know that:

- The police officer can tell the justice about your driving record, if you have one. It can be used to ask for an increased fine or support a driving prohibition after a finding of guilt
- You may ask for a lower fine at this point. The justice may be able to set a fine lower than the one shown on your ticket. Explain why the circumstances of the offence and your circumstances justify a lower fine
- For some offences, the justice cannot reduce the fine below a minimum set by law
- The justice may also decide that you should be prohibited from driving for a specified period. This may happen if you have a bad driving record and/or the facts of the case show you made dangerous driving decisions. If losing your driver's licence would affect your job, you might want to ask the justice to give you time to consult or hire a lawyer to speak for you on this issue
- Penalty points are set by regulation. The judicial justice does not impose penalty points and so cannot reduce or increase them. If, however, there is a finding of guilt or a guilty plea to a lesser or different charge, there may be fewer or no points associated with the lesser or different charge.

## **Notices, policies, practice directions**

Find notices (including Notice 28 Current Court Operations), policies and practice directions.



### **What to expect**

What to expect at a traffic court hearing. Listen to the podcast.



## **Finding a lawyer or getting legal advice**

Information about getting a lawyer and how to get legal advice and legal assistance.



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