

When the Court system

Yall herp something?

Overall introduction

A scheme or method of appeal which is supposed to rule out bias and impose community favorability. This has been a hot topic of conversation with me (windows xp), pastor and many other members within the server especially #meta-talk. It is actually quite simple, if a banned or dumbassed user meets the criteria, he/she is able to request a court hearing. This scheme is strictly for removing bias from the original moderation, In the event of discovering bias within the court system it MUST be handled with and removed accordingly.

This process is quite new, we will work on reviewing/perfecting this system. DM windows xp or baljeet any suggestions.

The court

A different server would be dedicated in handling this system. It would be introduced with a court room consisting of prosecution (moderator who acted), defence (user), jury (selection of server users) and a Judge (Admin, or in some cases a moderator). There will be specific rooms (channels) set for each stage of the hearing. Click here (when server is released) for the invite to the second server.

Jury/Jury duty

Jury duty should be a mandatory process. If you are unable to make it to your juror duty, you must let an admin know. Being The jury panel will be decided randomly with 4 Top retards, 4 Impractical jokers and 4 weed squad members. In the event that a user from a role is not available or eliminated, a blurname juror may be appointed (decided by the judge). If a juror is being a porchmonkey and taking the hearing as a joke during the meeting than a random user will be appointed and according moderation will be taken against that user. The Jury panel will be decided by a random decider. STAFF ARE BLACKLISTED FROM JURY DUTY. The Jury would only be present in indictable offences. A summary offence will be heard by a Judge only. Participation in Jury duty will make you more likely to receive promotions, special provision/consideration upon moderation.

Courtesy rules

Once the user has requested a hearing, The prosecution and the defendant must follow a strict set of rules in which will be listed.

[a] The accused or defendant are not allowed to contact anyone within the server under any way about the fact of requesting a case or any other information regarding a hearing or their original punishment in which they are appealing.

[b] All the evidence that you wish to provide that may help with your case to the trial must be submitted to the judge (you will be notified of who the judge is) so they can give it to the opposing council. Such as screenshots, video or audio recordings, witnesses you wish to summon. This is called discovery.

[c] Arguments are strictly prohibited. It will be formal, civil, and respectful. An argumentative defendant or prosecution will be asked by the judge to quiet down, and if it is not followed, further action may be taken against them

[d] After the hearing, parties are not allowed to discuss the verdict or facts of the case to any users. However, the defendant is allowed to question the facts and outcome of the case to the Judge of the case.

[e] You are **NOT** allowed to take any form of screenshot, photos or recording of the hearing under any circumstance. This will be seriously punished if found by moderators. In extension of this, do not joke about taking or having taken photos of the hearing as it will be punished the same way.

[f] The prosecution must not contact the defendant or any other party of the case in any form. This will count against them in court.

[g] Any sign of false evidence, witness tampering and your case will be thrown out.

[h] Conspiring with other parties, jurors, members or witnesses will not be tolerated. In this case, the case will be dismissed and the involved individuals will be punished accordingly.

[i] You don't have to refer to the Judge as "your honor" however you must be completely formal during a hearing. Absolutely no joking should be present, this will count against you and if it gets too far the case will be dismissed.

Server rules

You are in this server as a way to get back into the main when the. In addition to the rules you must follow as a party in the court system. You must uphold all rules that are present in #info. Please note that rules are subject to change and it is your responsibility to follow the current/updated rules. As always, listen to staff because our goal is to maintain a fair trial and to uphold the rules of WhenThe.

Criteria to apply for hearing

To have the ability to appeal you must adhere to this criteria.

[a] your offence should not be against ToS. If it was, there is a strong chance we reported you to discord anyways. (eg. if you are under 13 you cannot appeal)

[b] If you have been banned for doxxing a user or staff member. You must get evidence of them forgiving you for your actions.

[c] If you have been banned due to sending NSFL, you must have a hearing and appeal to show that you have truly changed for the better.

[d] If you were banned due to leaving with angel, you do not fit the criteria.

[e] Your account must be alt verified (connected accounts)

[f] By requesting a hearing with the when the team, you understand that this does not ensure your unban, roles ext.

[g] You must wait 48 hours from your ban before requesting a hearing.

Process of a hearing

(a) 24 hours prior to a hearing you will be notified of

[1] your role in the hearing

[2] defendant, prosecution and Judge

[3] Charge/offence the defendant is appealing

[4] Time the hearing will begin (don't worry if your timezone doesn't match up, more details below)

(b) The Judge will call on the prosecution and defendant to display specific information, it is your responsibility to keep up with, or review all important information. Pins in the channel will guide you to understand the situation on a deep level. If you have any questions ask the Judge of the case directly, they will be able to guide you through any questions or uncertainties you have.

(c) After the defendant finished their case, The hearing channel will be locked. It is the responsibility of the foreman to guide all the Jurors into coming up with a verdict. The vote must be unanimous, if after many tries it isn't tell the foreman to notify the Judge. It is okay if your timezone doesn't match up with the case date. The jury room channel will be open for discussion until a verdict has been sent through. The foreman is in charge of organising all the Jurors and asking questions, however the Judge can assist or implace someone to assist the Jurors or the foreman. Once the final verdict has been decided the foreman must send the verdict in #verdict. THIS MUST BE DONE RESPONSIBLY, ANY MISUSE AND YOU WILL BE PUNISHED. it must be sent as: [user#0000 : guilty/not guilty] (eg. windows xp#0001 : guilty]

(d) The verdict does not result in action. The Judge will make the final decision, however the verdict will guide the Judge in a fair decision making.

Responsibility / role of the Jury

The Jury must:

[1] Listen / review all evidence presented

[2] Rule out personal feelings towards parties and create a verdict based on the facts.

[3] piece the evidence together and decide whether the accused is guilty or not guilty.

It is the judge's role to explain the law to the jury. The jury considers the evidence with respect to the law and makes its decision.

Jury guidelines

[1] Respect each other's opinions and value the different viewpoints each juror brings to this case

[2] Be fair and give everyone a chance to speak in the deliberations

[3] It is okay to change your mind

[4] Listen carefully to one another, do not let yourself be bullied into changing your opinion

[5] Do not rush into a verdict to save time. The people in this case deserve your complete attention and thoughtful deliberation

[6] Do not make your own inquiries about the case or defendant. Do not research/question/inquire about the hearing on your own terms.

[7] If you are unable to attend the hearing for a sensible/suitable reason please let a staff member know so we can disqualify you from the jury pool.

The foreman

The foreman will be selected by appointing the first Juror that is selected from the random name generator, unless someone volunteers as foreman. The foreman can switch between a Jury discussion if two individuals are willing to switch (notify the Judge if you both decide to change). The foreman is the representative and spokesperson for the Jury, they will notify the Judge of the verdict and guide the Jury into coming up with a verdict. They will treat each Juror fairly and with compassion. They will call for votes using either dyno or just normally asking. They will ask questions, and give their opinion on the case.

Jury organisation suggestions

There are no rules or correct way to communicate with other Jurors, but here are suggestions on how you can Jumpstart the conversation.

- [1] Go around to each juror, one by one, to talk about the case
- [2] Have jurors speak up at any time, when they have something to say
- [3] Try to get everyone to talk by saying something like: Does anyone else have something to add?
- [4] Do not be afraid to speak up and express your views
- [5] Show respect for the other jurors by letting them express their points of view and carefully consider their opinions

Juror voting

When should we take the first vote?

There is no best time. But if you spend a reasonable amount of time considering the evidence and the law and listening to each other's opinions, you will probably feel more confident and satisfied with your eventual verdict than if you rush things.

Is there any correct way to take the vote?

No, any way is okay. If you feel more comfortable, the foreman can start a poll using the dyno command ?poll

What if we cannot reach a verdict after trying many times to do so?

This could result in a hung Jury If the vote does not become unanimous after many tries. If a unanimous vote is not reached, tell the foreman to inform the Judge. The Judge can analyze the current vote and act from there or impose a conciliator to enter and help come on with a verdict

Jury elimination

Before the trial has begun, Both parties have the option to eliminate jurors that they believe wont be in their favor. The defendant has first pick on eliminating Jurors, then the revised Jury list is shown to the prosecution and the prosecution may eliminate Jurors. Each side will be able to eliminate up to **3** Jurors without reason. If the parties wish to eliminate any Jurors after their initial 3 eliminations they will have to give a suitable reason to the Judge.

Requesting a hearing

When requesting a hearing, you must send your request in this format to a staff member.

[1] Discord username / old name you were recognised by

[2] why were you banned

[3] who banned you (its okay if you don't know)

[4] Did you read the criteria to make sure you are applicable to request a hearing?

[5] on what grounds are you requesting a hearing? eg. bias, I've changed (a lot) or other reasons

[6] have you read the rules that you must follow upon requesting a hearing?

[7] At this given moment, is there any evidence you wish to supply or use in the hearing? (all evidence that you wish to use must be submitted)

The Judge

The Judge will be chosen by random from the staff list. Only in very extreme and rare cases will there be no judge or a user as a Judge. In the case that this happens we will set boundaries and assistance for the individual. A Judge must and will guide any questions/inquiries that any party of the case has. They must act impartially and be just. They will summon witnesses, call on parties to present their case and facilitate the discussion between all parties. The Judge will keep track of evidence, witness testimony, objections and act fairly and disregard any uninformed evidence, false testimonies, and sustain/overrule any objections. Upon receiving the verdict, the judge must make a decision (see possible punishments). After their punishment has been emplaced, only Baljeet or Realist can override, reverse this. Once a decision has been made, all parties in the case will be notified of the result. After the decision, questions about the case can be directed to the Judge of the case, baljeet or realist. Any discussion, about the case, is prohibited. This restriction extends to DM's and any other platform/place.

Terms you should understand

Statute law

Law made by staff; also known as legislation or Acts of Moderation (eg. server rules)

Common law

Law made by judges through decisions made in cases; also known as case law or judge-made law (eg. case decisions, vote-results, previous WIAB's)

Supremacy of Administration

The concept that the final law-making power rests with Administrators, which can repeal and amend its own statutes and pass legislation to override common law.

Indictable offence

A serious offence generally heard before a judge and a jury. These types of offences are generally the most serious in its nature. If you were banned/prebanned without warning or any other moderation, chances are your offence was indictable. If you plead guilty, a Jury would not be present.

Summary offence

A minor offence, generally heard by a Judge only. If you were restricted, warned or even muted and want to remove it from your record (WIAB) you can request a hearing.

Verdict

A verdict or decision where all jury members are in agreement and decide the same way (eg. they all vote guilty). This is called a unanimous verdict. If there is a hung Jury the Judge may take the majority verdict where they act in favor of the majority vote.

Denunciation

The act where a Judge imposes a sanction to display disapproval to the community (eg. If someone posts mild NSFW, the Judge may place a harsh punishment to show to the community that this is now what we stand for)

Good behaviour bond (GBB)

A good behaviour bond is a type of punishment alteration that the Judge can impose for those defendants who may have good potential. A good behaviour bond dictates that a user must not receive any sort of punishment for a set amount of time. If a good behaviour bond is broken, this is a breach of order. A defendant who breaches an order may be summoned to court for another hearing/re-sentencing. After a good behaviour bond's period has expired, you will be punished for rule breaking like any other user.

Possible outcomes/punishments

The Judge and the Jury must understand that there are not only bans and unbans. Our server provides us with a variety of choices which can be tailored to the defendant. If the defendant pleads not-guilty and is found guilty, their case will be thrown out and their appeal will be much harder to approve upon second review. However if the Judge wishes to override/unban or alter any sort of punishment, here are a list of suggestions or possibilities the Judge can choose from.

[1] unban the user under the agreement of a good behaviour bond for a set amount of time

[2] return the user to the server but keep them as an angel. This would boost our angel count and it would allow the defendant to have access to our emotes without harming any real users.

[3] ban for a set amount of time. If you believe that the defendant is too hot headed right now, the judge can impose a time set ban. (eg ban spewing user for 1-2 weeks) after the time is up, it is the responsibility of the user to remind a staff member. The defendant will not need to appeal after a time set ban and they can return to the server normally.

[4] unban and return all activity roles. If the jury and judge believe a mistake had occurred, the user can come back, and have their activity roles returned to them as they did not do anything initially.

[5] The defendant can come back to the server and have them muted for a set amount of time. This is to help ease the step back into the server. The user can have knowledge of chat, see unfunny shit that prod will post, and slowly return to their original place as a user.

[6] The defendant can return but must be Jailed for a set amount of time, then they must verify. This is for new users that are being a pest while being in jail they are in the server and can use emotes outside of the server, and they must verify to show their desire to return to the server, and to express their validity as a user (as not everyone now is alt verified)

[7] Allow the defendant to return as part of the dumbass role. This would minimise their permissions, and still allow them to interact with the community. The Judge can give a certain time frame before their dumbass role can be removed. The people that are dumbassed through common law are blacklisted from the dumbassacre and do not need to appeal. To have the role removed they must simply wait until the set time by the judge expires.

Extra/miscellaneous

[1] normal cases/ hearings will be archived for 1-2 months, in case of rehearing or analysis reason. After the time the channel and all other conversations will be deleted. Unless it is flagged. If a case is flagged it will never be deleted.



“Source!?”