



CHIEF DISTRICT COURT JUDGE FOR NEW ZEALAND
TE KAIWHAKAWĀ MATUA O TE KŌTI-Ā-ROHE

Judge Jan-Marie Doogue

Judicial Protocol

Audio Visual Links Procedure for Prisoner Appearances in Courts

Background

1. The purpose of this Judicial Protocol is to provide guidance to judicial officers and Registrars when determining whether court to custody Audio Visual Links (AVL) should be used for the purpose of a prisoner appearance. The Protocol has been developed for AVL prisoner appearances between the District Court or Senior Courts and remote locations including Corrections facilities and forensic and psychiatric units. The prisoner will hereafter be referred to as the participant for the purposes of this protocol.
2. The protocol should be read in conjunction with the Courts (Remote Participation) Act 2010. The revised Protocol came into force in June 2012 and applies until superseded by any subsequent protocol.

Protocol

3. This Protocol applies to any judicial officer or Registrar making a determination for a criminal appearance.
4. When a determination is made that AVL be used for the appearance of a participant the judicial officer or Registrar should state the following:
"You are remanded in custody and directed to appear by audio-visual link at (time) on (date)"
5. The judicial officer or Registrar should note the particulars of the direction on the court file.
6. When the judicial officer or Registrar presides over a hearing where AVL is used for an appearance of a participant he or she should:
 - a. Introduce themselves to the participant
 - b. Satisfy themselves that the person appearing by AVL is the person directed by an earlier judicial officer
 - c. Confirm either:
 - i. no-one else is present within the remote facility (this is the expectation for all criminal appearances held in adult prison facilities unless an application has been made due to safety concerns and approved by a judicial officer); or

- ii. where the remote facility has staff present, for example during Mason Clinic appearances or following an approved application as above, they are not permitted to coerce or influence the participant during the hearing and must be in view of the camera at all times.
 - d. Satisfy themselves that the participant is able to see required parties to comply with legislation, such as:
 - i. the judicial officer / Registrar
 - ii. the prosecutor
 - iii. defence counsel
 - iv. co-accused where the co-accused appears in the dock / witness / allocated seating in the public gallery and that they can hear all the participants
 - e. And that they can hear all the participants
 - f. State the specific purpose of the hearing, for example, bail application
 - g. State that the participant may if necessary speak with defence counsel in a private communication
- 7. At the conclusion of the hearing ensure that the participant has understood what has occurred by requesting verbal confirmation of understanding from the participant, or by direction to defence counsel to do so after the conclusion of the hearing.



Jan-Marie Doogue
Chief District Court Judge
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