

## JUDICIAL PROTOCOL

### AUDIO VISUAL LINKS PROCEDURE FOR REMAND PRISONER APPEARANCES IN DISTRICT COURTS

#### **Background**

1. The purpose of this Judicial Protocol is to provide guidance to judicial officers and Registrars when determining whether Audio Visual Links (AVL) should be used for the appearance of a remand prisoner or presiding over an AVL hearing. The Protocol has been developed to support the initial testing of AVL for remand prisoner appearances between Auckland District Court and Mount Eden Auckland Central Remand Prison.
2. The Protocol should be read in conjunction with the Courts (Remote Participation) Act 2010. The Protocol comes into force on the 30th of July 2010 and applies until superseded by any subsequent protocol.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 to be scheduled at Auckland District Court.
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 also 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 the appearance of a participant he or she should:
  - Introduce themselves to the participant
  - Satisfy themselves that the person appearing by AVL is the person directed by an earlier judicial officer as being needed to be linked
  - Ask the participant to confirm that there is no-one else present within the remote facility
  - Satisfy themselves that the participant is able to see
    - (a) the judicial officer / Registrar
    - (b) the prosecutor
    - (c) defence counsel
    - (d) 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

- State the specific purpose of the hearing (ie bail application)
  - State that the defendant 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, either by explanation from the judicial officer or Registrar, or by direction to defence counsel to do so after the conclusion of the hearing.



**RJ Johnson**  
**Chief District Court Judge**

**July 2010**