



**ACTING CHIEF DISTRICT COURT JUDGE FOR NEW ZEALAND
TE KAIWHAKAWĀ MATUA O TE KŌTI-Ā-ROHE
Judge John Walker**

EMBARGOED until 9am Wednesday 14 August 2019

**Sexual Violence Court Pilot:
Evaluation confirms model reduces trial lead-up times and trauma**

An evaluation of New Zealand's first sexual violence court has confirmed that the approach taken in the judge-led pilot considerably reduces the time that cases take to reach trial.

Pilot cases are proceeding to jury trial about a third faster on average than previously. The evaluation also finds that most complainants feel the pilot's trials are managed in a way that does not cause them to feel retraumatised by the process.

The Acting Chief District Court Judge, John Walker, says the pre-trial intensive and proactive case management by specially trained jury judges, supported by dedicated case managers, is shown to produce shorter timeframes for those involved in a serious sexual violence trial.

Judge-designed best-practice guidelines for case and trial management, alongside associated measures to ensure a gentler process such as secure waiting areas, are also reducing risk of further trauma.

The pilot has been running in the District Court at Auckland and Whāngārei since December 2016 for all serious (Category 3) sexual violence cases to be heard by a jury. The pilot set out to reduce pre-trial delays and improve the court experience for participants.

The evaluation by Gravitass and the Ministry of Justice released today covers the first two years of the pilot. It includes quantitative analysis of timeframes and qualitative analysis of stakeholder experiences. The latter was gathered through face-to-face interviews and focus groups with a sample of people involved in the pilot, including complainants, defence counsel, prosecutors, court staff, victims' advisors and judges.

Former Chief District Court Judge, Jan-Marie Doogue, established the pilot with the support of the Ministry of Justice in response to a 2015 Law Commission report which recommended

a specialist sexual violence court to improve the way the justice system responds to victims of sexual violence. Until her recent appointment to the High Court, she chaired a governance board of senior judges and Ministry of Justice officials overseeing the pilot.

“We knew from continuous monitoring that the intensive case management by judges, the focused work of designated case managers and the cooperation of defence counsel and prosecutors were having an impact on pre-trial timeframes,” Judge Doogue said before she joined the High Court bench.*

“Cases are allocated firm trial dates much earlier in the process and this has given all parties more certainty. Long wait times to give evidence in sexual violence trials is known to exacerbate what for many is a distressing experience.”

The evaluation shows that overall, the time to reach trial for cases entering the pilot (at the case review stage) has reduced by 30% or 110 days on average in Auckland; and by 39% or 201 days on average in Whāngārei. This means average time to trial from case review is 8 and 10 months in those centres respectively. Prior to the pilot it took an average of 12 months in Auckland and 17 months in Whāngārei.

Judge Doogue stressed that these are average figures and that for most participants the timeframes are even shorter. For example, latest data spanning the entire length of the pilot till 23 July 2019 shows that more than half of all cases filed are completed within nine months.

Key evaluation findings include that:

- Pilot cases progress more efficiently, faster and with fewer delays overall;
- Stakeholders perceive that trial quality has improved, with fewer adjournments and better quality evidence;
- Complainants are generally better prepared for attending trial, reducing anxiety;
- Judges are more alert to unacceptable questioning and intervene more frequently;
- Judges are more actively involved with cases from an earlier stage, and case review hearings are considerably more thorough and comprehensive;
- Giving defendants firm trial dates earlier is resulting in more and earlier guilty pleas;
- Dedicated case managers are critical to success; and
- There is unanimous support among stakeholders to roll the pilot model out nationally.

Judge Doogue said the governance board would be making recommendations to government on the pilot’s future but any further rollout was dependent on extra resources, which were beyond judicial control.

However, given the pilot’s clear success, Judge Doogue while still Chief Judge determined that the pilot would become a permanent feature in Auckland and Whāngārei at least. All District Court jury judges now receive the enhanced training designed for the pilot, and both she and

Judge Walker expected all jury trial judges to adopt the pilot's guidelines. They also consider it desirable that lawyers avail themselves of education and training in this area, noting that the Solicitor-General has developed new guidelines for prosecutors in respect of prosecuting sexual violence cases and the Undersecretary for Justice has recently outlined plans to fund specialist training for defence counsel on best practice in sexual violence trials.

In time they hoped that in centres with enough judicial and case manager resource, and courtroom and counsel availability, the pilot's practice of setting firm dates in dedicated courts would become business as usual, and sexual violence trials would not be scheduled as stand-by or back-up cases when another matter did not proceed.

Judge Walker has noted the fears expressed by some defence counsel in the evaluation about insufficient case-preparation time for their clients under the pilot's tighter timeframes. "Observing Bill of Rights fair trial rights was a paramount consideration both when designing and during the pilot, and the guidelines that judges have worked to were based on extracting best practice from within existing law," Judge Walker stressed.

Both Judge Doogue and Judge Walker thanked all those who took part in the pilot and the spirit of goodwill and cooperation toward improving the District Court's response to sexual violence proceedings.

The full report is available on the District Court website.

**Judge Doogue will be formally sworn in as Justice of the High Court on 19 August*

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