



**CHIEF DISTRICT COURT JUDGE FOR NEW ZEALAND  
TE KAIWHAKAWĀ MATUA O TE KŌTI-Ā-ROHE  
Judge Heemi Taumaunu**

***Friday 6 March 2020***

*Statement from the Chief District Court Judge*

**Auckland District Court to streamline court processes for mentally impaired**

The Auckland District Court is to start holding dedicated hearings for defendants whose sanity or fitness to enter a plea may need to be determined.

The Chief District Court Judge, Judge Heemi Taumaunu, says a Criminal Procedure (Mentally Impaired Persons) Court will start on 18 March and will be led where possible by the same District Court Judges to ensure continuity.

The court will sit fortnightly and involve defendants from North Shore, Waitakere and Auckland courts who may have a fitness issue and those who are likely to plead not guilty on the basis of agreed insanity.

Chief Judge Taumaunu said the hearings were in effect an aggregated list of these types of cases, brought together through a streamlined process.

“It is not a specialist court but a dedicated list of cases that have been referred after preliminary assessment. The streamlined approach should reduce the time the CP(MIP) process takes, reduce the number of adjournments and avoid people being subject to Section 38 (psychiatric reports) unnecessarily,” Chief Judge Taumaunu said. “Unnecessary delay is an impediment to accessing justice, and the new approach promises to reduce that delay for some of the most vulnerable people who come before the District Court.”

Under the streamlined process developed by Judge Pippa Sinclair and Judge Claire Ryan, when fitness is raised in court – usually at first appearance - a forensic nurse will make an assessment. If fitness is found to be a potential issue the defendant will be remanded to the CP (MIP) Court in Auckland for a more in-depth assessment by a forensic nurse in liaison with a forensic psychiatrist.

This will provide the presiding judge more information to decide whether to trigger the full process under the Criminal Procedure Mentally Impaired Persons Act 2003. If the process is

triggered, the defendant will remain in the CP (MIP) Court and if not, they will return to their original court to be dealt with under the Criminal procedure Act in the usual way.

At the moment, these defendants tend to appear in the middle of busy list court sessions where it is difficult for judges to adequately address the complexity of their situation in a brief single hearing, resulting in cases being adjourned.

The CP (MIP) court will have a transitional phase and is expected to take two months from its start date to be operating fully. Chief Judge Taumaunu will bless the court's opening session on 18 March.

He thanked the Judge Sinclair and Judge Ryan for their work in designing the court, and also the Ministry of Justice and court professionals for their support for the initiative.

*...ends*

*Media contact Marie McNicholas 027 88 22 225 [marie.mcnicholas@justice.govt.nz](mailto:marie.mcnicholas@justice.govt.nz)*

You can read more [background](#) on the process for establishing fitness to stand trial on the District Court website