



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

**Judge Jan-Marie Doogue**

**Architectural and Courtroom Transition Protocol**

**Camera Views**

1. The remote defendant should have a similar sensory experience of the courtroom that they otherwise would have in person.
2. AVL installations / trolley units should be employed / implemented to facilitate the remote defendant's ability to see and hear the:
  - a. judicial officer;
  - b. bar table;
  - c. other participants; and
  - d. public gallery.
3. The booth camera should be placed in a manner that fosters a fair impression of the remote defendant, at a face-on angle with the defendant being the focal point of the image.
4. AVL installations in booths ought to substantially replicate eye contact with the presiding judicial officer to the greatest extent practicable.
5. AVL installations in courtrooms and trolley placement in courtrooms ought to substantially replicate eye contact with the remote defendant to the greatest extent practicable.
6. Camera angles should frame the head to mid-torso of the remote participant to enable non-verbal gestures to be visible from the courtroom.
7. If, in accordance with the Judicial Protocol, another person is in the booth with the defendant (e.g. an interpreter), that person **MUST** be situated in the line of sight of the camera at all times.

**Ability to Provide Instructions**

8. If the defendant expresses a desire to speak to their defence counsel during proceedings, defence counsel should be able to take instructions from the defendant in a setting that ensures the discussion remains confidential.
9. During proceedings, defendants must have the means to effectively alert their defence counsel of their desire for consultation that they feel comfortable using in addition to gesture or verbalisation by the defendant to indicate that desire.
10. AVL booths should be soundproofed at a level that:

- a. prevents someone outside the booth hearing the defendant inside speak; and
- b. prevents sound from outside the booth disrupting proceedings occurring or instructions being communicated within the booth.

### **Access to Evidence**

11. Appropriate provision should be made to facilitate the remote defendant's access to evidence (if this is not adequately done then defendants ought to be required to appear in person for judge-alone trials, jury trials, or any other matter where evidence is called).
12. Adequate provision should be made to facilitate the remote defendant's understanding of documents that they may be required by a judicial officer to acknowledge, including by way of signing those documents, on a case-by-case basis.
  - a. Documents dealt with under this clause must, at the end of a proceeding, be returned to the Court and thereafter dealt with in accordance with the District Court (Access to Court Documents) Rules 2017 unless a Judge directs otherwise.

### **Booth Design and Transition**

13. The design of the booth must provide a clear visual distinction from the facility within which the defendant is based which makes it clear that the defendant is transitioning into the courtroom.
14. Where practical, AVL booths located within Prisons and Police Cells ought to include design cues of the courtroom, including:
  - a. A removable sign on the door to the booth itself that reads "Courtroom", as a cue to the defendant that they are crossing the threshold from Corrections or Police custody, to the custody of the court.
15. Prior to the defendant entering the AVL booth for a court appearance, the remote defendant must be briefed by booth end staff on the following:
  - a. That they are entering the custody of the court;
  - b. What to do if they experience a technical fault, including that they may raise their hand or use other means to bring this to the attention of the court; and
  - c. That they are able to talk to their counsel during proceedings, and how they might go about alerting their counsel of their desire to do so, including that they may raise their hand or use the solution arising from clause 9.
16. To ensure that it is clear the defendant that the AVL booth is a part of the distributed courtroom, processes of entering and removing a defendant from a booth should replicate those in a courtroom, where possible.

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Jan-Marie Doogue  
Chief District Court Judge  
May 2018