

25 February 2022

TO THE LEGAL PROFESSION AND ALL JUDICIAL OFFICERS OF THE DISTRICT AND HIGH COURTS

Tēnā koutou,

ARA POUTAMA AOTEAROA'S PROCESS FOR ASSIGNED COUNSEL CONTACTING CLIENTS IN CUSTODY PRIOR TO TRIAL

Ara Poutama Aotearoa is committed to the health and safety of all those at our prison sites, including people in our care, staff, contractors, and visitors. With the rapidly increasing prevalence of Covid-19 in our communities, Ara Poutama Aotearoa has had to impose restrictions on in person visits to our sites. This supports our intention to reduce the risk of transmission of Covid-19 in our prisons, while also supporting the operational pressures that Covid-19 protocols and health order requirements place on staff.

The Chief Judges of the High and District Courts, Justice Thomas and Judge Taumaunu raised concerns on behalf of the Judiciary and legal profession that restricting in person visits for counsel may have a negative impact on the preparation required for some trials. As such, Ara Poutama Aotearoa has made some amendments to our processes to improve access to clients for assigned counsel.

At a high level and at present, Ara Poutama Aotearoa's processes for contact with clients prior to trial are:

- **Phone Contact**
 - This can be booked through the current process of contacting the prison directly.

- **Audio-Visual Link**
 - This can be booked through the current process of contacting the prison directly.
 - To further support the preference that counsel use remote methods to contact their clients, a share screen option may be available. This will allow counsel to show their client any images or CCTV footage as part of preparation. Counsel must advise when they are booking that they will be sharing their screen and confirm only images and documentation relating to the trial will be shared.

- **In Person Visits**
 - In person visits for counsel may be available prior to a Judge-Along or Jury trial by exception.

- There may be instances where an in-person visit is required, such as when there is late disclosure or a large amount of disclosure, the case is complex, or the client has comprehension difficulties.
- In these cases, counsel can seek confirmation from the court that in the circumstances the judge considers that an in-person visit is needed. This confirmation will then be provided to Ara Poutama Aotearoa by the Ministry of Justice in the form of a judge's minute.
- The minute should be provided to Ara Poutama Aotearoa with at least one week's advance notice before the visit is intended to occur. Counsel should consider this when seeking confirmation from the court.
- Ara Poutama Aotearoa will then contact counsel to obtain the details of the requested visit and ensure that counsel is aware of any entry requirements of the prison.
- Ara Poutama Aotearoa will undertake all the tasks required to confirm the booking and will advise counsel of the booking details.

If counsel have any difficulties with their bookings, contact can be made with prisonercontact@corrections.govt.nz who will do their best to assist in making suitable arrangements.

In order to support the health and safety measures in place in the prison, we may request that counsel undertake a Rapid Antigen Test (RAT) prior to entry. The team from Ara Poutama Aotearoa can assist in arranging for this to occur as part of the booking process.

Ara Poutama Aotearoa will work to try and accommodate counsel's preferred time, date and method for the interview to take place; however, we ask that at this time there be some consideration for flexibility where required. There may be instances where, in order to maintain the operational health and safety inside our prisons, we need to cancel or amend a current booking. Ara Poutama Aotearoa will work with counsel to try and accommodate another booking suitable to all parties.

Ngā mihi nui,

Dan Giles

Programme Manager