



SUMMARY REPORT OF INITIAL FORUM · MARCH 2026

Utilising Remote Participation in Criminal Proceedings:

Challenges and benefits for defendants facing barriers
to participation, including neurodivergence and disability

Te Herenga Waka Centre for Justice Innovation



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Please note that the views expressed in this report are those of Te Herenga Waka Centre for Justice Innovation and do not reflect those of the Michael and Suzanne Borrin Foundation or the Ministry of Justice.



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Overview

1. Te Herenga Waka Centre for Justice Innovation has received funding from the Michael and Suzanne Borrin Foundation and the Ministry of Justice to explore the use of remote participation within Aotearoa New Zealand’s criminal courts. An early focus for our research is assessing the suitability of remote participation for those with disabilities or neurodivergence. Whilst this stage of the project primarily focuses on defendants, many of the insights gathered will apply to complainants, victims, witnesses and other court participants.
2. As part of this research, the Centre hosted a preliminary forum in March 2026. The objective of the forum was:

“For there to be a greater understanding of what the challenges and benefits of remote participation are for those with disability or neurodivergence and how we might identify those for whom audio-visual link (AVL) is or isn’t suitable”.

3. Representatives from the following organisations or professions attended¹:

- Aotearoa Disability Law
- Autism New Zealand
- Department of Corrections*
- Fetal Alcohol Spectrum Disorder - Care Action Network (FASD-CAN)
- Judiciary*
- Legal Professionals*
- Ministry of Justice*
- New Zealand Police*
- Office of the Chief Justice
- Talking Trouble*
- The FASD Centre
- Whaikaha – Ministry of Disabled People

** Representatives from this organisation are also on the Remote Participation Implementation Group, which was established to monitor the implementation of the Protocol for Remote Participation by the Defendant in Custody in District Court Criminal Proceedings (“District Court Protocol”).²*

¹ We acknowledge that there are a range of impairments, developmental or acquired conditions, or other illnesses that may impact an individual’s ability to participate in court proceedings, and that participants in the forum do not represent all groups impacted by the implementation of remote participation.

² The protocol can be found at www.districtcourts.govt.nz/statutory-protocolsguidelines/avl-protocols

4. The following questions were used to guide the conversation:
 - What makes engaging with court over a remote mechanism (e.g. audio-visual link) challenging for people with neurodivergence or disability, and what might help alleviate these challenges?
 - What makes engaging with court over a remote mechanism beneficial for those with neurodivergence or disability?
 - How might we identify the individuals for whom remote participation is a help or a hindrance in terms of participation in the proceedings
5. This report will thematically discuss the findings of the forum, before posing some next steps for the Centre's research, and for the implementation of remote participation within the criminal courts. The report is not intended to be comprehensive, rather it will present a preliminary discussion of the considerations when utilising remote participation with communities who face barriers to accessing justice.³ There may be insights from the report that are applicable to more than one group of individuals. We do not report here about the experiences of those who were not represented at the forum, or about intersectional experiences which were not raised there. However, we acknowledge the importance of considering the underlying features of an insight (e.g. difficulties understanding a court proceeding) and how this may apply to a range of court users, and this will be reflected in the wider project work and publications.

³ Where this report refers to the wording of the *District Court Protocol* we will use the terms *vulnerabilities and vulnerable people*. Otherwise, we will refer to communities and individuals *who face barriers to accessing justice* or *who face barriers to participation*. We have chosen to change this language to acknowledge that individuals with neurodivergence or disability are not inherently vulnerable, rather this vulnerability arises from environmental, social and systemic barriers that fail to accommodate them. We note the importance of understanding vulnerability as a product of systems rather than disability, and the responsibility of organisations to design services better, remove barriers and make reasonable changes.

Technological challenges

1. An early insight from the forum was that the standard of technology required to enable fair remote participation is not yet commonplace.
2. If the infrastructure improved and the technology was of a higher standard, it was thought that remote participation may benefit those who require an interpreter. The availability of a centralised interpreter service would enable prompt access to this service, even in remote locations or where there is a limited workforce (such as in the case of sign language interpreters). Currently, there are concerns that the available technology is inadequate to ensure equitable participation. We heard that lawyers struggle to communicate with their clients, and individuals on the screen can find it difficult to communicate with those in court. Participants may be reluctant to interrupt to seek clarification or add information even when attending in person. Some participants reported that such reluctance is thought to increase when attendance is remote.
 - 2.1. Several issues with sound quality were highlighted, with reports of feedback and difficulty hearing what is happening within the courtroom. This can have flow on effects for those facing barriers to participation. For example, concerns were expressed that the concentration required when sound quality is poor may reflect adversely on the demeanour of those who are deaf; and it was reported that when an individual with Fetal Alcohol Spectrum Disorder (FASD) was trying to work out what was happening with a sound quality issue, their frustration eventually led to perceived aggression.
 - 2.2. Participants also raised concerns about the frequency of visual glitches such as lagging or freezing, as these can impede non-verbal cues. These challenges are exacerbated for those using New Zealand Sign Language (NZSL).

Identifying who is suitable can be a challenge

1. The general consensus within the forum was that all those working in the criminal justice process, from arrest to appearance in court, require more training to be able to identify those who have a disability or face other barriers to participation. For example, although criminal justice professionals are broadly aware that FASD exists, fewer professionals understand how it manifests and what it means for individuals.
2. Without a greater understanding, there is a risk that the behaviours of individuals with neurodivergence will be misinterpreted, or in the worst case, the outcome of the proceeding may be unfair.

3. Currently, the District Court Protocol⁴ requires Police or Corrections staff (with support from the individual’s lawyer) to identify when someone is too vulnerable to participate via remote participation.⁵
 - 3.1. It was suggested that there could be designated individuals within custodial spaces (Police and Corrections) who have greater expertise and can determine who is not suitable for remote participation. Currently, there is a reliance on staff having adequate knowledge, which may not in fact be the case.⁶
4. When an individual enters Police custody, they will undergo an assessment which may identify mental health concerns and alcohol or other drug usage. However, there does not appear to be any specific requirement during this process for Police to inquire if the individual has a disability. Although disabilities or neurodivergence may be raised at this stage, they are potentially not explicitly referred to.
 - 4.1. We heard that even if an individual has a diagnosis (e.g. FASD), they may not inform criminal justice staff of this. They may not be aware that the diagnosis is relevant, or that they should therefore mention it.
 - 4.2. Participants emphasised the importance of neurodivergence being raised as early as possible so that any additional needs can be addressed from the beginning of the criminal justice process.
 - 4.3. It was acknowledged that the Police system will flag any vulnerabilities identified for those who have previously been in their custody.
 - 4.4. It was suggested that a system like that employed in Northern Ireland, where there is a Forensic Nurse in every Police station, would be a positive implementation in Aotearoa New Zealand.
5. When an individual enters Corrections custody, the Corrections Receiving Office (which includes health staff) will complete an initial health check.

⁴ District Court of New Zealand *Protocol for Remote Participation by the Defendant in Custody in District Court Criminal Proceedings* (July 2025) at 3[14]

⁵ This varies slightly in the High Court. The Protocol for remote participation by the defendant in custody in High Court criminal proceedings, outlines a preference for the judicial officer to meet the defendant in person in court [12], however, where this is not possible a Corrections Officer will make a face-to-face assessment about whether they are suitable for remote participation. This will involve input from the defendant’s lawyer, who “will have engaged with the defendant over AVL or audio” [14].

⁶ See Rebecca Jacobs “Addressing inherent inequalities for those with ASD and ADHD in police suspect interviewing” (LLB (Hons) Dissertation, Te Herenga Waka Victoria University of Wellington, 2022) at 20-21 for a discussion on the lack of neurodiversity training within the New Zealand Police.

- 5.1. Soon after this, the medical team will complete a subsequent, more comprehensive check. The timeliness of this assessment is dependant on the risk assessment completed in the receiving office.
6. Within the court system, there are no screening tools used to identify neurodivergence. However, as part of the Young Adult List at Porirua District Court, the Ministry of Justice, in collaboration with the judiciary have developed a participation questionnaire that seeks to identify some memory, communication and sensory concerns. This is currently being trialled in the Youth Court at Manukau.⁷
7. Legal professionals are some of the first people to have a detailed conversation with a defendant and are in the best position to communicate with the court about a defendant's needs.

Therefore, forum participants believed that we need to equip lawyers with the right tools to be able to identify barriers to participation.

- 7.1. We were told that this conversation can be delayed given the time it takes for a lawyer to be assigned through legal aid. This may mean that the screenings completed by the Police and Corrections provide the preliminary considerations regarding barriers to participation.
- 7.2. Although some lawyers have an increasing awareness of FASD and how it manifests, participants felt that many legal professionals are still limited in their knowledge.
- 7.3. Some participants reflected that many lawyers take potential warning signs of FASD, such as persistent breaching of bail conditions, at face value. Where such signs are not questioned further, the underlying issues remain unidentified and unaddressed.
8. We were told that many people will not have a diagnosis, and it is therefore important for all those working within the sector to recognise how conditions may present. Further, there needs to be a greater understanding of relevant cultural presentations, and how disabilities and any accommodations may be regarded by those involved.
9. It appears that whānau are often not consulted about the needs of justice involved individuals or any barriers to participation. Involving whānau could help to identify what people need to achieve their fair participation in the criminal justice process.

⁷ See Jonathan Derbyshire and others "Enabling participation: the development of a neurodiversity-affirming screening process for real-time adaptations in court" (2026) 4 Neurodiversity 1 for an overview of the tool's development.

Questions about accessibility and fairness

1. Generally, there was a sentiment that whilst some events can occur remotely, these should not be critical parts of the legal process (such as where dispositive decisions are being made) where remote participation may disadvantage individuals or increase the risk that they lack understanding of the outcome. Participants made it clear that remote participation should improve accessibility, rather than impede it.
2. Broadly, the current remote participation judicial protocols reflect this, having a default of remote participation for **procedural** matters, and a default of in-person for **substantive** matters. If a defendant is considered vulnerable, they will always appear in person by default. The judiciary have indicated that further work is required in this area, acknowledging that the current setting is blunt given the complexity.
 - 2.1. During procedural matters, a defendant will appear remotely, however, they will not be particularly active during the hearing. The defendant should have discussed the matter with their lawyer before the hearing. When weighed up against other factors, short procedural hearings may be more suitable to conduct remotely, as they eliminate the general discomfort and disruption of appearing in person.
3. For Deaf⁸ people, having an New Zealand Sign Language (NZSL) interpreter available is a legal requirement under section 7 of the New Zealand Sign Language Act 2006. There are limited NZSL interpreters across the country, which can result in Deaf individuals waiting longer for their court hearing whilst an interpreter is sourced. Remote participation could be used to utilise sign language interpreters from across the country where there is no local resource available. However, it was made clear to us that to improve levels of fair participation in this way, the technology will need to improve.⁹
 - 3.1. Difficulties in securing an NZSL interpreter, coupled with the need for all parties to travel to court may mean that appearing remotely may be a better option when a hearing is short.
 - 3.2. Variation in local resources may indicate regional differences in the benefits and challenges of using remote participation.
 - 3.3. Beyond procedural or substantive matters, it was suggested by some participants at the forum that the seriousness of the offending should be a consideration when

⁸ Within this report, we have used *deaf* to refer to audiological deafness, including people who were born deaf or hard of hearing, and those who become deaf later in life, and *Deaf* to refer to individuals who identify as a Deaf person, and who use NZSL to communicate. See *New Zealand Sign Language Strategy 2026-2036* at 11.

⁹ See *Technological challenges* and *Questions around fairness* for further discussion of these points.

determining if a Deaf person can have a remote interpreter. If the crime is lower level, it may be acceptable to have a remote interpreter, however, when the crime is more serious, the interpreter should be co-located with the defendant.

4. Some concerns were raised about accessibility and fairness in hybrid hearings, with a sentiment that parties need to be *either* all in person or all online.
 - 4.1. Generally, having a lawyer in a different location to the defendant can make it harder to ensure the defendant is keeping up with the proceeding and understands the outcome. One participant suggested that the judge could adequately appear remotely, so long as the defendant, their lawyer and the support team around them are co-located.
 - 4.2. Communication assistance often requires side conversations, or for things to be shown to the individual (e.g. drawings, infographics) to help them to understand the proceedings. This is more challenging when they are not in the same physical space. Virtual breakout rooms can and have been used to facilitate these side conversations but are not considered to be as effective. Communication assistants need to be involved in the time before and after a court hearing, to help the individual get settled, discuss matters with the lawyer and to ensure they understood the proceedings. This is easier to facilitate when they are sharing a physical space with the individual.
 - 4.3. We were told that for individuals to adequately understand court proceedings, other parties in the environment need to communicate in a way that will work for the individual. However, this is not always easy to remember when you are not in the same physical space.
 - 4.4. Participants reflected that when an interpreter is booked remotely, there is no opportunity for them to meet the individual or to receive background information prior to the proceeding. The Deaf participant will therefore be appearing in court without having had the chance to talk (through an interpreter) to those involved in their hearing. When an interpreter is physically present with the Deaf person, there may be a chance for them to talk after the hearing (even if they haven't been booked for this time), however, with remote participation, the connection may be cut off before this can occur, preventing post-hearing debriefs. Some deaf individuals will have had poor experiences in the education system, which may have resulted in lower literacy skills. This impedes their ability to understand written documentation (especially the legal "jargon"), and means they require more time with their lawyer and interpreter to adequately understand the proceeding or outcome.
 - 4.5. Even if the NZSL interpreter is in the same room as the defendant, there are challenges with the hybrid approach. The interpreter may struggle to continually identify who is speaking within the courtroom so that the Deaf individual knows who is speaking. Further, this relies on those in court identifying themselves every

time they speak, a process which does not usually occur.

- 4.6. If a hybrid approach is employed, it is important that the Deaf person and the interpreter can see each other clearly. Therefore, the screen itself, and the video frame on the screen both need to be of a suitable size and in an adequate location. Everyone appearing remotely can be positive for Deaf individuals and the NZSL interpreter (if the screen and frame are adequately sized) as they can see all the parties in the same place. However, this still relies on the technology operating well.
5. Securing an NZSL interpreter can pose some unique challenges in the fast-moving space of the criminal justice system. Court hearings are either **scheduled** (case is already progressing in the system) or **unscheduled** (case is new; individual has just been arrested). As scheduled appearances are set in advance, there is an opportunity to ensure an interpreter is available and booked, however, this is not the case for unscheduled appearances.
 - 5.1. The Police will organise an interpreter for the individual whilst they are in their custody, but this can take time. Participants raised the importance of the Police refraining from questioning an individual until an interpreter is present. If the technology was adequate, this was considered a good situation for remote participation to be used to draw on interpreters from further afield.
 - 5.2. However, a concern was raised about the use of remote interpreters, as the serious circumstances may result in interpreters being hesitant to engage remotely without having had adequate preparation or training. The structure of court language, and the “jargon” used in criminal proceedings can be challenging to translate into NZSL, therefore, an interpreter is going to need additional time to ensure the participant has understood, and this is not always possible with remote services.
6. More education is required so that those working within the court better understand the accommodations available for individuals with disability or neurodivergence.

For example, the procedures for requesting an interpreter can vary depending on the language. Lack of knowledge about communication assistance was also raised as a barrier. It was suggested that the procedures around court accommodations need to become more streamlined, and easier to access.

- 6.1. A further challenge for the deaf community is when assumptions are made about the accessibility accommodations they may need. NZSL is not used by everyone, therefore, court staff and lawyers need to be aware of the alternative options (e.g. audio-enhancing headphones).
7. It was also noted that many individuals with neurodivergence would require a communication assistant. Communication assistants can only be appointed under section 80 of the Evidence Act 2006. This means that although they are occasionally

utilised at the Police interview stage, their primary involvement comes within the court process. This poses a legislative barrier to their ability to support those with additional needs at earlier stages of their criminal justice involvement.

8. The booths themselves are another important consideration when discussing accessibility within remote participation. There are often few of these booths in the courthouse or custodial environment, meaning that lawyers or defendants cannot remain in the booth past their allocated slot. This limits the pre- and post-hearing conversations that parties can have. The booths often tend to be small, which can impede the ability of communication assistants to do their job well, as they require enough space to be able to complete functions of their role (i.e. drawing things).¹⁰
9. The court can be an intimidating environment, which makes it challenging for individuals to raise any concerns they have during a hearing. This means that issues such as poor audio quality, or an inability to hear, may not be communicated to court staff, communication assistants or the judge.

People do not want to be seen as making a fuss, regardless of whether their experience is impaired. This raises fairness concerns, as individuals may be unable to fully participate in their hearing.

- 9.1. Further, disabled individuals may generally feel unsafe to raise any issues. Therefore, it is important that criminal justice professionals work towards making them feel safe to do so.
10. The information presented in a court hearing may appear to be short and simple but unpacking this can be time consuming. For example, bail conditions may seem simple, however, it is important to take the time to explain these to an individual to prevent unintentional non-compliance. Although individuals are provided with a written summary of their court-imposed conditions, many won't be able to make sense of these. Further, it was suggested that when a defendant has appeared remotely, there is nobody available to verbally explain these conditions after a hearing.
11. There is a concern with remote participation that an individual will go through their court proceeding, not understand what happened, and then return to their cell confused.
 - 11.1. Generally, individuals can look like they understand much more than they do. Further, people may mask or hide their disabilities within the court space. For example, some people may echo a conversation without actually understanding the meaning of it. Further, deaf people may automatically nod as a default response to a question, even when they haven't understood what was said.

¹⁰ See *Behavioural and emotional impacts* [13] for a discussion regarding the ability for remote participation booths to adequately convey the seriousness of a court hearing

- 11.2. We were told that individuals with FASD may mask their lack of understanding and state that they are aware of what is happening when this is not the case. Asking yes or no questions will often illicit untrue responses, therefore, it is important to check understanding with open questions about what is happening (e.g. what decision was made today?). There is a risk that individuals with FASD may not understand court proceedings regardless of whether they are appearing remotely or in person. It is therefore important to identify those who have FASD, otherwise they essentially become a bystander in their case. There is a risk that it will be more difficult to identify when an individual isn't following along when they are appearing remotely, because other cues are removed.
- 11.3. One participant reflected that internationally, judges may try to assess the comprehension of individuals by asking them questions during their hearing. It was suggested that care needs to be taken when doing this, to avoid inadvertent shaming.
12. It is not always clear to individuals when they will be appearing remotely. For example, a lawyer reportedly told their client with FASD "*see you in court*", which because of the concrete thinking associated with FASD, the individual took literally. This resulted in their family going to the courthouse expecting to see them in person, and the individual was unable to see their whānau clearly through the camera.
 - 12.1. There don't appear to be any generally available resources explaining what remote participation is for defendants. However, communication assistants can develop personalised resources for individuals they are working with to explain its utilisation.
 - 12.2. It is important to note that even if generic resources were available, some individuals may become overwhelmed with the number of resources they are provided, and that there is not going to be a one-size-fits-all solution.
13. A concern was expressed that, if accessibility challenges are not addressed adequately when remote participation is utilised, there is a risk that the defendant cannot fairly participate or may be unfit to stand trial.

Behavioural and emotional impacts

1. The use of remote participation may result in greater misunderstandings about the behaviours of individuals who face barriers to accessing justice.
2. Forum participants expressed that not everyone has a diagnosis, and some individuals won't be aware of their neurodivergence. This has flow on effects for how their behaviour is interpreted in the criminal justice system, and for the supports they are offered to

ensure equitable participation.

- 2.1. For example, the body language and mannerisms of Autistic people may be misinterpreted by those working in the criminal justice process. Further, they can experience challenges in complying with court orders (including bail), especially when these involving making appointments. Without adequate education, this can be misinterpreted as defiance by those in the system.
 - 2.2. We were told that individuals with FASD do not tend to think about the consequences of their behaviour and will make decisions based on trying to get out of the process faster (e.g. pleading guilty). These decisions may stem from a lack of understanding of the consequences or that they are living in the moment, and want to get on with their life without a court hearing hanging over their head. Further, people with FASD are at a higher risk of experiencing anxiety and having lingering court proceedings is likely exacerbating this experience. This way of thinking may make the process challenging for lawyers.
3. Remote participation removes the individual from the court space, which prevents them from getting a true indication of the room's energy or tone. Young people are particularly familiar with online communications, and thus the gravity or tone of the court appearance may not be adequately conveyed to them during a remote hearing. This is concerning, as the young person may not be aware of how they are presenting to the courtroom, and the serious consequences of this presentation. Further, they may simply be unaware of the gravity of the situation they find themselves in, which may have implications further into the court proceedings.
 - 3.1. The design of remote participation booths is beginning to consider the need for it to be a distinct space, with signs that say you are entering the court, a court crest being visible and the furnishings being softer than the rest of the custodial environment.
 4. The use of remote participation can also be depersonalising, which may impact how those with neurodivergence, including FASD and Autism, are perceived by criminal justice professionals. The medium of the screen may further mask the participation difficulties that they are experiencing.
 - 4.1. Appearing remotely can result in disengagement, or disembodiment for individuals. This may be heightened for those with FASD due to their "concrete thinking", and these individuals may not feel like a court proceeding has occurred at all. The physical disconnect from the people making decisions about their lives can be frustrating and may result in displays of aggression.
 - 4.2. A further concern is that remote participation will exacerbate existing communication difficulties for Autistic individuals, particularly when there are technological issues.

5. The perception of those appearing remotely was a key concern for forum participants. The following examples of this were given:

- 5.1. Individuals with Autism may have their social or visual cues misinterpreted when these are viewed through the medium of a screen. One study has shown that Autistic people are more likely to be charged with serious offending,¹¹ however, it is unclear whether this reflects a pattern in the offending, or if these individuals are being charged more severely due to their behaviours being perceived as a lack of remorse (i.e. body language, fidgeting, speech). Remote participation may introduce an additional element of depersonalisation that exacerbates this effect.
- 5.2. Individuals with speech difficulties may be perceived poorly if the visual cues indicating this are removed or impeded by remote participation.
- 5.3. Individuals with Attention-Deficit Hyperactivity Disorder (ADHD) may miss the social cues within the courtroom. Further, they may struggle to focus during a remote appearance, resulting in boredom.
- 5.4. Individuals who are deaf may experience excessive fatigue from concentrating during the court hearing. This may result in physical manifestations (e.g. yawning) which can be misinterpreted by those within the courtroom.
- 5.5. Neurodivergent individuals may be overwhelmed by the court hearing, resulting in stimming or an inability to concentrate.
- 5.6. Individuals appearing remotely from maximum security prison units may be handcuffed before and after their remote participation event. They are also escorted by multiple Corrections Officers to get to the remote participation booth. These factors can result in agitation and emotional dysregulation before a hearing has begun, thus adversely impacting how these individuals present to the court.

Wellbeing and support

1. For complainants and witnesses, remote participation can be beneficial. It can improve confidence and (when the space allows) enables easier access to a support person.

¹¹ Nicholas Bowden and others “Criminal justice system interactions among young adults with and without autism: a national birth cohort study in New Zealand” (2022) 26 *Autism* 1783 at 1788, 1790

2. Going to court can be a challenging experience, involving lots of time waiting around for an appearance in an environment which can be intense or emotional. Remote participation can remove the need for this exposure and prevent individuals from experiences such as being handcuffed.
3. Similarly, individuals who face barriers to participation may benefit more from a remote participation than attending in person, as it prevents the need for lengthy transport and sitting in poor quality cells, especially when the hearing is short. This may improve how a defendant appears during their appearance.
 - 3.1. For example, remote participation may positively impact those with Autism, as it can reduce anxiety and increase certainty.
4. Young people may experience additional setbacks when attending court in person, as a result of their routine being disrupted, or having to see the victim or whānau. It is important to talk to young people about remote participation and the context of the court hearing, and to take into consideration their feelings when determining whether a remote appearance is suitable.
5. However, some may find that the remote participation booth itself is scary, as it can feel like a small cell. Further, appearing remotely means that those in custody cannot see or communicate with their whānau, as they would during an in-person appearance (albeit from afar).
6. Individuals may require additional support to attend a hearing in person. For example, if an individual is transient, their offending may not have occurred in the same location as they are now living. This can present challenges as they must travel further to attend court hearings, and they require time, resources and planning to achieve this. Although an in-person appearance may be more suitable for the individual, they will require a lot of support to be able to participate.
 - 6.1. When individuals do travel a long way to get to an in-person hearing, the cost, inconvenience and effort expended by them and their supporters is not always acknowledged by the court.
7. Attending in person can also improve the supports available to the defendant. In one case, an individual had the option to attend their court hearing remotely, however, they would have been alone. Attending in person enabled them to have their lawyer, a communication assistant and an FASD expert present.

Summary

1. The forum canvassed the potential benefits and challenges of remote participation for communities who face barriers to accessing justice, with a particular focus on defendants in custody.
2. Participants identified some potential benefits of remote participation, including an ability to draw on NZSL interpreters from across the country, reduced discomforts associated with physically attending court (e.g. lengthy transport, long wait-times, being handcuffed) and improved wellbeing for some parties (including complainants).
3. However, questions were raised about the quality of the current technology and infrastructure, and about the ability of criminal justice professionals to identify defendants who face barriers to participation.
4. Participants were concerned that remote participation may reduce accessibility and fairness for those with disability or neurodivergence, and result in defendants being unable to present to the court as well as they would have in a physical appearance. Finally, some concerns were raised about the supports available to remote defendants, and the impacts of appearing remotely on their wellbeing.
5. The group agreed that the issue remains complex, with many individual factors impacting whether appearing remotely will be fair or effective for any given person.

Next steps

1. Te Herenga Waka Centre for Justice Innovation will continue with the next stages of their research, including:
 - 1.1. Surveying and interviewing professionals about their experiences of remote participation in criminal proceedings
 - 1.2. Conducting focus groups with disability, neurodivergence and youth justice advocates about the impact of remote participation on communities who face barriers to accessing justice.
 - 1.3. Observing court hearings where remote participation is being utilised, from both a psychological/legal and forensic linguistic lens
2. Some of the insights shared in this report will apply to those in custody, others will apply to those in the community, and some may be shared between both groups. As this project progresses, we will continue to explore where these similarities and differences arise.
3. The team will continue to communicate with forum participants about the project, with the group planning to come back together later in the year for further discussions about solutions



Ngākau nui ki te tangata - placing people at its heart

