CHAIR



SPEAKERS

Louise Sziranyi, Thomas Dewar Sziranyi Letts, Lower Hutt

Louise specialises in criminal law and youth advocacy and is the managing partner at TDSL. She has experience acting as a lawyer for clients dealing with mental health issues and is also a District Inspector for Mental Health.



Kerryn Beaton KC, Walker Street Chambers, Christchurch

Kerryn is a criminal barrister, and is currently appointed as counsel assisting the Royal Commission into Abuse in Care. She has worked as a Crown prosecutor, Public Defender, United Nations legal officer, and is now a barrister sole. Kerryn co-founded Walker Street Chambers in 2018 which employs eight junior criminal barristers.



Grant Burston, Luke Cunningham Clere, Wellington

Grant has worked as a Crown Prosecutor since 1985 and was appointed Crown Solicitor of Wellington in 2008. In his work as a Crown Prosecutor, he has conducted the prosecution in numerous cases in which the defence of insanity was raised, and is experienced in taking such cases through to disposition.



Donna-Maree Cross, Lorne Street Chambers, Auckland

Maree is a specialist in criminal litigation. She holds an LLM (graduating as a Scholar) from Columbia University, New York, was previously junior to David PH Jones KC, and appears regularly in the jury trial jurisdiction. Maree is Convenor of a New Zealand Law Society Standards Committee in Auckland.



Dr Oliver Hansby, Te Korowai Whāriki – Regional Forensic and Rehabilitation Services, Mental Health, Addictions and Intellectual Disability Service, Wellington

Oliver is a consultant forensic psychiatrist at Health New Zealand's Central Regional Forensic Service. He provides expert testimony to the courts, forensic risk consultations to other mental health providers, and leads the care of a range of people within forensic mental health units. In providing expert testimony, he explores the psychiatric aspect of issues ranging from fitness, insanity, name suppression, disposition, and sentencing. Oliver is also associated with the University of Otago, Wellington, where he is involved in mental health teaching and research.

SPEAKERS



Robin McCoubrey, Meredith Connell, Auckland

Robin is a partner in Meredith Connell's Crown Specialist Group. He appears for the Crown in the District Court, High Court and Court of Appeal. Robin is entrusted with the prosecution of the most serious and complex criminal matters in the Auckland warrant area. His cases frequently include mental health issues.



Ian Murray, Harbour Chambers, Wellington

Ian is a highly experienced litigator who has predominantly represented the Crown for over two decades. His experience covers a wide spectrum of litigation through the entire hierarchy of courts and tribunals. Ian has also provided legal opinions on a wide range of topics.



Emily Pike, DAO – Te Korowai Whāriki – Forensic Community and Justice Liaison Nurse, Mental Health, Addictions and Intellectual Disability Services, Wellington

Emily has worked with the forensic community service for seven years in a variety of roles. Currently, she provides cover and support to the Wellington regional courts and prison in-reach team.

CONTENTS

In session order

Section 38 reports – the interface between psychiatry and criminal law				
This session has no paper1				
Dr Oliver Hansby				
Therapeutic justice in the criminal courts				
Therapeutic justice in the criminal courts				
Donna-Maree Cross				
Case strategies				
Case strategies and pathways through the CPMIP legislation				
Kerryn Beaton KC and Ian Murray				
Insanity defence best practice – prosecution perspective				
Insanity defence best practice – prosecution perspective				
Grant Burston and Kate Kensington				
Forensic community and justice liaison nurse insights				
This session has no paper				
Emily Pike				
Case law update				
Case law update				
Robin McCoubrey				

CONTENTS

Alphabetical by author/presenter

Author		Title	Page
Beaton KC	Kerryn	Case strategies and pathways through the CPMIP legislation <i>Joint paper with Ian Murray</i>	19
Burston	Grant	Insanity defence best practice – prosecution perspective Joint paper with Kate Kensington	47
Cross	Donna-Maree	Therapeutic justice in criminal courts	3
Hansby	Oliver	This session has no paper	1
Kensington	Kate	Insanity defence best practice – prosecution perspective Joint paper with Grant Burston	47
McCoubrey	Robin	Case law update	67
Murray	Ian	Case strategies and pathways through the CPMIP legislation Joint paper with Kerryn Beaton KC	19
Pike	Emily	This session has no paper	65

CONTENTS

SECTION 38 REPORTS – THE INTERFACE BETWEEN PSYCHIATRY AND CRIMIN	AL LAW 1
THERAPEUTIC JUSTICE IN THE CRIMINAL COURTS	
INTRODUCTION	5
THE TRADITIONAL APPROACH	
THE RISE OF MENTAL HEALTH ADVOCACY	7
SPECIALIST COURTS	
TE AO MĀRAMA	
Conclusion	
CASE STRATEGIES AND PATHWAYS THROUGH THE CPMIP LEGISLATION	19
INTRODUCTION	
PART 1 – HOW WE TALK ABOUT DISABILITY AND MENTAL HEALTH IN COURT	
PART 2 – HOW TO RECOGNISE FITNESS ISSUES	
PART 3 – THE UNFITNESS PROCESS	
PART 4 – THE INSANITY PROCESS	
PART 5 – SENTENCING IF FOUND FIT AND NOT INSANE	-
CONCLUSION	45
INSANITY DEFENCE BEST PRACTICE – A PROSECUTION PERSPECTIVE	47
WHEN WILL THE CROWN BECOME INVOLVED	49
CROWN APPROACH TO UNFITNESS	49
SECTION 20 INSANITY FINDINGS – CROWN CONSIDERATIONS	54
NAME SUPPRESSION	
VICTIMS	62
FORENSIC COMMUNITY AND JUSTICE LIAISON NURSE INSIGHTS	65
CASE LAW UPDATE	67
INTRODUCTION	
(UN)FIT TO STAND TRIAL	
INSANITY	