



CJSN Newsletter

A project of the Intellectual Disability Rights Service Inc.

July 2005

Victim Support

A focus of CJSN work recently has been to further develop our approach to supporting victims. A Victims Roundtable was held to inform the refinement of our support role, identify ways to overcome the barriers experienced and increase access to networks and resources. Some of the outcomes of this process include the development of a training module for volunteers to access to increase their skills in this support role, identifying significant points in the process and where gaps exist.

CJSN Sydney

There has been a trend in the Sydney region recently for referrals for support for victims. 17 of the 50 supports provided this year in Sydney have been to victims.

Vivien's Day(s) in Court

Vivien is a woman who has been sexually assaulted by a member of her extended family. She had not told anyone of the assaults but reluctantly went to the police when a friend pushed her to explain why she was so unhappy and anxious.

Vivien made a statement at the police station over several hours. The police were patient and supportive in taking her statement and took her complaint very seriously. Further investigation supported the complaint and the family member was charged. The rest of

the family were very angry and rejected Vivien for doing this. Her feelings swung many times from feeling proud that she had taken action to wishing she had never gone to the police. The police remained actively supportive and encouraging to her. Just before the trial was due to start it became too much and Vivien had to be admitted to a psychiatric treatment unit for a while.

The Witness Assistance Scheme of the DPP asked CJSN to help them to support Vivien. Some of the ways we were able to support her in the lead up to the trial were to:

- help with communication in meetings with the Crown Prosecutors;
- to read to her the statement she had made to the Police almost 2 years before because she was unable to read this herself;
- to help her prepare for court, to understand the roles of the various people in court, the oath and generally what to expect;
- and importantly to wait with her for many anxious hours waiting for her turn to give evidence.

Fortunately, due to her disability, the court permitted Vivien to give evidence by CCTV so she didn't have to see anyone except the judge and the barristers in the court. Vivien had several days of giving evidence. The CJSN support person sat with her throughout the time. She coped well with the questions of the Crown Prosecutor who was careful to ask questions in a way she could understand. The

judge offered her regular breaks when her concentration flagged. The Defence Barrister asked questions in a way that was very confusing to her, she became very frustrated and at times very angry as she struggled to deal with this. Support to stay calm, to say when she could not understand, to keep focused and encouragement not to give up was very important. Vivien felt very disappointed with how confused she became during this questioning.

Following the trial, CJSN and a pro bono solicitor have helped Vivien to apply for Victim's Compensation – a process she could not have managed on her own. Vivien has begun counselling but is still finding it very difficult, and is still in frequent contact with CJSN.

The person who assaulted Vivien was convicted and will be in prison for several years. CJSN provided 39 hours of in person support to Vivien up till the end of the trial and further support has been provided since regarding Victim's Compensation.

Law Week

Law Week was an opportunity across regions for CJSN to focus promotion and awareness raising towards lawyers.



CJSN Lawyers Information Kit

A Lawyers Information Kit was developed and launched as part of the opening of Law Week at Wollongong Court House. Folders were produced with artwork and personal story from a client who was supported to channel her artistic abilities as an outcome from a Youth Justice Conference where support was provided. She also exhibited with fellow Aboriginal artists at the Law Week Art Exhibition, sold many of her works and received further orders. The Kit contains information about intellectual disability, communication tips to assist with taking instructions or statements, information about CJSN support and a paper on Section 32 examples from IDRS Principal Solicitor, Peter McGhee.

The Lawyers Info Kit was also distributed in the Hunter region through Law Week Information Days at Newcastle Court. Presentations were made to Newcastle Legal Aid resulting in an immediate referral for support. The CJSN booth also generated interest from experienced people wishing to be trained as volunteers, including lawyers for the after hours advice roster.

In Sydney, the Women Lawyers' Association, Lawyers Reform Association and CJSN supported a seminar on Mental Health Issues in the Criminal Justice System facilitated by Tania Evers, and able to highlight the differences between intellectual disability and mental illness, the support available and many serious issues that remain unmet. This was well attended, generated interest and was another opportunity to distribute the information kit.

The Lawyers Information Kit is available from any of the CJSN offices and will soon be on the website.

CJSN Outreach Work

An Outreach Worker has been employed to focus on promotion of the 1300 Support Line Statewide and capacity building in other regional areas.

Leonie Kirwan has been welcomed to the team in this capacity, and brings with her many years experience working with people with intellectual disabilities and also with service promotion in rural and remote areas.

Leonie has already visited Bateman's Bay to present at a forum on Indigenous Issues in the Criminal Justice System, provided 2 days of training in Moruya and visited Albury with IDRS staff for training. Interest has also been received from Mudgee/Gulgong and Tamworth.

CJSN Down South

Karen has been busy co-ordinating 20 individual supports over the past 3 months.

Relationships have also been formed with Aboriginal support services in the Shoalhaven region, particularly with regard to referrals for support with Circle Sentencing, and is starting to generate interest from Koori people willing to be volunteers. The new Mental Health Liaison position at Nowra Court, through Corrections Health, has also been a new contact point.

Rodney's Story

*The Legal Aid Lawyer said that in ten years, she's never seen anything like it!
The Magistrate said "This is ridiculous! A waste of the court's time! "*

Rodney is in his fifties and lives alone. He mows lawns for a disability supported workplace 3 days pw, for which he is paid \$17. He receives some support services to help him manage his money. In February, Rodney came home from visiting his family interstate to find his neighbour on his doorstep. "The Police are after you. What did you do?" Rodney had no idea. He thought it must be a mistake but he was scared.

Soon after, the Police returned. He was arrested in relation to outstanding charges of stealing and failing to appear at court on the same matter and taken to the local Station for processing. His support worker contacted CJSN.

The stolen goods were a chocolate bar worth 30c, shoplifted from a supermarket in Dubbo in 1989, which when caught at the door he returned but he was still taken to the Police station and charged. Rodney swears that he attended Court in Dubbo and describes the experience in detail. He is terrified that he will go to gaol.

Rodney was checked off the court list first thing. The support person enquired about Rodney with Legal Aid at 11.30am when his name hadn't been called but was advised that his file must be with the other lawyer. The support person enquired again at 2pm when he still hadn't been called or seen. The file could not be found and Legal Aid assumed that he was not eligible.

After considerable persistence from the support worker, explanations about what

happened at the Legal Aid interview and producing copies of all his documents the lawyer requested that another application form be completed.

Legal Aid informed Rodney that they were not prepared and an adjournment would be requested. He was devastated.

Fortunately, after the break the lawyer had a quick look at the file and thought the case could be argued. At 3.20pm Rodney was finally called into Court, he was very stressed by all the confusion and in pain as his medication had worn off.

The Magistrate said "This is ridiculous!". He became visibly angry and suggested there was a case for legal recourse, the Police Prosecutor was astounded, and both charges were dismissed.

The Legal Aid Lawyer strongly suggested that Rodney pursue compensation from the Attorney Generals Dept. The issue was discussed with Rodney later, and he decided to follow up with a civil case. Legal Aid now have his file and CJSN is supporting him through this matter.



Law Week: Sally Chopping, Hunter Regional Coordinator (left)

CJSN Hunter welcomes Sally Chopping

CJSN was very sad to farewell Kylie Gersbach as Regional Co-ordinator in the Hunter region. In her 9 months, she established a very solid base for CJSN in the Hunter with well trained volunteers providing support to a rapidly increasing number of referrals. St. Kylie, as she had become known in the Hunter, is now utilising her extensive skills and experience as a Forensic Caseworker with DADHC's Behaviour Intervention Service, and so is still working closely with CJSN.

We welcome Sally Chopping to the Regional Co-ordinators position in the Hunter. Sally's extensive background in law and with a variety of Tribunals, including the Guardianship Tribunal, is already proving valuable to clients. Sally's enthusiasm and commitment has resulted in a seamless transition in services. She has been extremely busy introducing herself to existing contacts and establishing many new ones. This has occurred whilst managing 41 individual supports to clients over the past 3 months.

Sally has also conducted 2 Orientation sessions and 2 days of Court Support training, with 10 new expressions of interest from potential volunteers.

3 lawyers have also received training that will assist them to undertake some pro bono work, and also to be part of the CJSN after hours legal advice roster. It's very positive to have interest and expertise growing in our regions.