



CJSN Newsletter

A project of the Intellectual Disability Rights Service Inc. December 2005

CJSN Volunteers Win Award



The 2005 Law and Justice Volunteer Award

As an eventful year for CJSN comes to a close, the biggest Christmas present that the CJSN team can give to all its volunteers is a big CONGRATULATIONS !!! for being awarded the Law & Justice Foundation's 2005 Law and Justice Volunteer Award at the Parliament House, Sydney in October this year.

The Award recognises the role that CJSN support workers and lawyers have performed in ensuring that the rights of people with an intellectual disability, during police interviews and court and legal appointments, have real meaning.

Sean's Section 32 Application

Sean is a young man with an intellectual disability who was living with his father and going to TAFE. A disability worker contacted us when Sean told her that he had been charged by the police for assaulting his father.

Sean's father was handling all of Sean's finances and the alleged assault was apparently caused by a dispute over money. Sean had never been in trouble with the law in the past.

After the incident Sean went to live with his mother.

At court Sean's case was adjourned for 6 weeks for an application under section 32 of the Mental Health (Criminal Procedure) Act to be put together. During this time control over Sean's money was taken from his father. Sean also started getting involved in some leisure activities in his local area.

The next court date came up in 6 weeks time. Sean's solicitor was not at court as expected nor was his legal aid file: his case was adjourned again for 2 weeks. The report that was to be prepared by the psychologist at Sean's TAFE had also not been submitted by that court date. Sean and his mother were very stressed by this.

A CJSN volunteer support worker was able to talk to another solicitor at court and sort things out. The CJSN Regional Coordinator then chased up this report to ensure it would be there at the next hearing.

At the next court date the section 32 application was put to the court and the charges against Sean were dismissed. Without the involvement of CJSN it is possible that the charges against Sean would not have been successfully dismissed under section 32, or that the matter would not have been dealt with as soon as it was.

An Inside Look at Volunteering with CJSN

By Margaret Jennings, CJSN Sydney Volunteer

After retiring in July last year I was looking for some volunteer work which would be different, a bit of a challenge, and use some of the skills I had developed over the years working as a social worker in the health area. As a Christian I wanted to make a contribution to my community in some way too.

When my daughter received an email at her work about CJSN she sent it on to me. It interested me because I was already involved in some volunteer work at my local court with Prison Fellowship where we provide morning tea to people coming to court. And from this work I had observed how anxious most people are at court even as witnesses because it is such a strange environment. How much more difficult must it be if you have an intellectual disability.

CJSN also appealed to me because I feel that working with people with intellectual disabilities is in some way a little tribute to my sister who died last year. She was

intellectually disabled following meningitis when a toddler. So, for all these reasons, I decided to investigate what this CJSN was all about by attending an information meeting at the beginning of the year!

The court work interested me most so I did the training which I found very stimulating, learning a great deal and meeting others who were also planning to do this work. We were provided with comprehensive notes and a folder of information about resources and other material to help us. I wondered how I would go working by myself at a court I was not familiar with, but I have found that the information given prior to the day is always sufficient and you can always ring in during the day for assistance so you are well supported.

I have been to court about 6 or 7 times now and it has been a real eye-opener for me. One CJSN client I supported at court recently who was a witness was really given a hard time, I feel, by the offender's solicitor. For example, the solicitor would repeat a particular idea endlessly, not accepting the client's statement that this was not correct, until the client began to doubt himself.

I feel that being cross-examined like this is inherently unfair for a person with an intellectual disability because he or she is less able to see what the solicitor is doing. I had role-played with the client what might happen and encouraged him but it was extremely difficult for him. The client did very well not letting the solicitor change his mind about the main points, but he was distressed and overwhelmed by it all. He was upset that he had made some mistakes, but the police were very supportive and made an effort to come out

of court while the case was still proceeding to tell the client how well he had gone.

My most recent day at court involved supporting a CJSN client with an intellectual disability and hearing impairment. He had been to court previously and no adjustments had been made for his disabilities. Unable to understand what was going on, he had become very frustrated and "mucked up" in some way. How surprising!

This time I was to help him understand what was happening in court. There was not a lot I could do except let him know who was talking so he could turn and look at them and check with him that he was following the proceedings, but my presence in court helped the various people remember that he was trying to lip read. His behaviour in court was good although he was not entirely happy with the outcome.

I am still learning all the time about ways to be more helpful: we have to return to court and next time I will be game enough to interrupt if the solicitor forgets again to allow me to go over and stand with him right from the start.

I find this volunteer work very satisfying because you are able to make things a little easier for a person with an intellectual disability going to court.

Launch of Police Rights Kit Rescheduled



Photo from CJSN Police Interview Process Photo Booklet, to be included in the CJSN Police Rights Kit

In the last edition of the CJSN Newsletter we informed readers that the CJSN team was planning to launch the CJSN Police Rights Kit in November this year. The launch of the Police Rights Kit has now been rescheduled for February 2006. The Police Rights Kit consists of the CJSN Police Interview Video/DVD resource, Police Interview Photo Booklet, animated CD on Bail Conditions and Training Materials. For further inquiries please contact:
The Criminal Justice Support Network
Suite 2c, 199 Regent St
Redfern 2016
Ph: (02) 9318 0144
Fax: (02) 9318 2887
Email: cjsn@idrs.org.au.

Visit the Website and Access our Online Resources

CJSN fact sheets and information resources are now available online, including the CJSN Lawyers Information Kit and CJSN Newsletter. Visit the IDRS website at <http://www.idrs.org.au/cjsn/index.html> and scroll down to the section on "Resources and Publications" to access the practical and informative material we have developed on issues involved with advocating for the rights of people with an

intellectual disability in contact with the criminal justice system. Resources from our Police Rights Kit will also be posted to this section of the website.

CJSN in the Hunter – Sally Chopping

Supports and Referrals

It's been another very busy record two months for the Hunter Region with 47 supports (40 court and 7 Police) provided. Referrals are coming thick and fast from many different directions including: Chamber Registrar's, local state member of Parliament for Newcastle, several referrals from DADHC, Legal Aid, Gosford Public Guardian office, "Many Rivers Legal Service" at Singleton and Maitland. Each of these referrals relate to court appearances.

Most resources this month were directed to providing support, and coordination for a client charged with murder which required support in legal interviews, visits to gaol in Sydney for court preparation, clothing for court, and constant liaison with family members who were not able to be in court. Considerable time has also been spent providing continuing support to clients and their families involved in cases which have had many adjournments, support for a District Court trial, and support for clients in custody awaiting reports.

Networking

In addition to organising supports clients have also been out and about informing others of the service that CJSN offers including Complex Needs Working Party, (Newcastle Network and Hunter Interagency Network), Hunter Integrated Care at Muswellbrook; Court Forums in Maitland and Newcastle. Training was also given to 15 Custody Managers on the

Central Coast on identification and communication issues concerning intellectual disability

The Newcastle University Legal Centre has accepted a referral from CJSN for a client in Toowoomba hospital with an outstanding warrant for non appearance in court in Grafton. The Centre will represent the client and his family in seeking to get the result of the last hearing annulled (because he was in hospital at the time) so that he can return to Newcastle to visit his family. The inquiry to CJSN initially came from the social worker at the hospital. She was referred by Law Access.

Lawyers

3 Hunter solicitors are currently participating in the CJSN after hours roster for lawyers.

CJSN Hunter has farewelled five Law students who have finished their studies and moved on from being volunteers. We wish them well in their chosen fields and thank them for the support they have given to CJSN.

Thanks also goes to our supportive Lawyers in the local area:

- **Bronwyn Anne Ambrogetti**, Solicitor, Many Rivers Aboriginal Legal Service.
- **Peter Cleaves**, Solicitor.
- **Mansell Laidler**, Solicitor, Armstrongs Solicitors, Toronto.
- **James Wallace**, Solicitor, Rutter Morgan Solicitors, Toronto and Wallsend.
- **Amy Clarke**, Solicitor, Rutter Morgan Solicitors, Toronto and Wallsend.

In addition to this generous support we also have great support for our clients from our Legal Aid solicitors.

CJSN Hunter are fast gaining recognition for the service provided by the volunteers in local courts and building a rapport with the court staff in many areas. We find that this is beneficial in getting results.

A recent example of this involved a duty solicitor needing a psychiatric assessment which was sent to the courthouse prior to the day but could not be located in the court office. The volunteer called the CJSN office to ascertain if a copy of the report had been sent to the Regional Coordinator, this was not the case so the volunteer was able to get help from the court officer in having a new copy of the assessment faxed through for the Solicitor who was able to hand up the report resulting in a 12 month bond. Without CJSN intervention the case would have resulted in yet another adjournment.

CJSN Contributes to Policy and Law Reform

CJSN has been an active contributor to criminal justice policy and law reform initiatives this year.

In August, Lloyd Babb, Chair of the Criminal Justice Sexual Offences Taskforce, wrote to IDRS seeking its advice on:

- the policing and investigation of sexual assault cases involving people with an intellectual disability;
- the giving of evidence in court by people with an intellectual disability;
- specific sexual offences under the Crimes Act and their impact on people with an intellectual disability; and

- the monitoring service providers in residential settings for people with an intellectual disability.

CJSN contributed to the response by providing input about CJSN's involvement with these issues based on its support work and first hand experience in Courts.

On 30 August, Judy Harper, CJSN Project Manager, and Linda Rogers, IDRS Senior Solicitor, presented oral evidence to the Inquiry into Community Based Sentencing Options conducted by the New South Wales Legislative Council Standing Committee on Law and Justice. The Inquiry focused on the question of whether it is appropriate and in the public interest to tailor community based sentencing options for rural and remote areas in NSW and for special need / disadvantaged populations.

In September IDRS made a written submission in response to the Review of the Uniform Evidence Acts Discussion Paper, a joint discussion paper of the Australian Law Reform Commission, NSW Law Reform Commission and Victorian Law Reform Commission. The submission focused on the proposals for reform that affected people with an intellectual disability, particularly the proposals in relation to the cross-examination of defendants and witnesses with an intellectual disability in court. CJSN contributed to the submission by providing Vivien's Days in Court, reported in the July 2005 edition of the CJSN Newsletter, as a case study of the barriers faced by people with an intellectual disability giving evidence in court as a victim of sexual assault.

This month's volunteer article by CJSN Sydney Volunteer, Margaret Jennings, illustrates some of the difficulties faced by a

witness she supported while he was giving evidence in court. Providing evidence in court can be extremely distressing for people with an intellectual disability, especially when they are subjected to rigorous cross-examination by a lawyer whose job it is to prove that the person with an intellectual disability cannot be relied upon to give credible evidence in court.

As CJSN continues to advocate for the rights of people with an intellectual disability on an individual basis through the provision of individual cases of support, we continue to develop our knowledge about the systemic barriers faced by our client base. Our contributions to government and non-government inquiries allow us to use our work to advocate for the rights of people with an intellectual disability as a whole when they come into contact with the criminal justice system.

External Evaluation Complete

An external evaluation of CJSN has now been completed by Westwood Spice. The evaluation was to assess the impact and operational effectiveness of CJSN, and sought to identify: the nature of support requested; what services individuals received; how well the service was provided; and whether the clients of CJSN were better off as a result.

The results of the Evaluation were overwhelmingly positive and were recently presented to DADHC as our funding body. The first recommendation is that DADHC continue to fund CJSN after June 06. The Evaluation results will soon be available via our website.

Up to Speed with the CJSN Team

CJSN is pleased to say that we now have a full complement of staff for the first time since the project was established.

Terri Rosenthal will be job-sharing the Sydney Regional Coordinator position with Jane

Thomson, Terri continues to work part time with Citizen Advocacy while she undertakes the duties of the Regional Coordinator. She has also recently completed a Masters Degree in Criminology. We look forward to the boost of knowledge and enthusiasm she is able to contribute to CJSN.

Janene Cootes has now resumed the CJSN Educator's position.

Ushan Wickremanayake is the new Information and Resources Coordinator. With his background in IT, Ushan will assist with the development and distribution of our resources and the support systems required for managing Statewide services.

Holiday Arrangements

CJSN offices will be closed from Friday 23rd December until Tuesday 3rd January 2006. However, 24 hour services will continue to operate through 1300 665 908.

Volunteer with CJSN

Fax to: 02 9318 2887
Mail to: Suite, 2c 199 Regent St,
Redfern, NSW 2016

I am interested in (please tick):

- Keeping in touch with the CJSN
- Finding out about becoming a CJSN Volunteer
- I am a Solicitor and I am interested in assisting the CJSN

Name:

Address:

..... Post Code

Phone: (w) (h)

(mob)

Email: