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STAR is a state-wide independent community based advocacy organisation that advocates for people with an intellectual disability and their families. We recognise the importance of this current inquiry into access to and interaction with the justice system by people with an intellectual disability and their families and carers. Although much could be written about this issue, we will present our submission in point/paragraph form so as to highlight some of our key areas of concern. We would appreciate any further opportunities to discuss this issue as a follow-up to this written submission.

- The over-representation of people with an intellectual disability in the prison system is of great concern. This situation needs addressing through further research so as to identify reasons for this over-representation and to develop and employ effective strategies to reverse this situation. Research should also focus on factors relating to future reconviction and the nature and availability of support available to those with an intellectual disability when released from prison. Justice Plans for offenders with an intellectual disability can be compromised in their planning and implementation due to lack of availability of desirable programs and services. This situation needs urgent attention.
- The vulnerability of people with an intellectual disability when in gaol needs careful consideration. Once again, it is important for legal practitioners at all levels to have access to training and education about the challenges faced by people with an intellectual disability and their families and carers when they become involved with the justice system. This will help to ensure more just and appropriate sentencing and treatment options for those with an intellectual disability in the justice system. Funding should be given a priority so that these more just and appropriate options become a reality.
- The families and carers of people with an intellectual disability who may become involved with the justice system in a variety of ways need emotional and specific, practical support to assist them negotiate the best outcome for their family member. It can be a minefield trying to identify what approach to take and what assistance to seek. Such support for families and carers needs to be readily available because it can be an extremely stressful time for all involved; especially when dealing with many in the police or broader justice system who may have little knowledge about the challenges that people with an intellectual disability and their families and carers may

face on a daily basis, and particularly when they are interacting with the justice system.

- There is a need for more units within police training courses which educate police cadets in practical ways about identifying people with an intellectual disability when they are accessing or interacting with the justice system. This is imperative as the police are often at the coal-face of this interaction. The way that the initial interaction is handled by police frequently sets the pattern for what follows and has an immediate and/ or long-term impact on the quality and level of justice that people with an intellectual disability may obtain. Professional development training of this nature should also be available and compulsory for those already employed in the police force as it is essential that all members of the police force have an increased understanding and knowledge of this important area.
- Whilst there is still some debate about the rationale behind and effectiveness of specialized courts, there is a need for this option to be fully explored even if modifications have to be made along the way with specialized court structures in order to achieve best possible outcomes for people with an intellectual disability and their families and carers interacting with the justice system. Such courts could be a step in the right direction to ensure that the justice system is adaptable and flexible. However, more research needs to be conducted about the ways to maximize the effectiveness of specialized courts. If research supports their further expansion, the government should be committed there establishment so as to redress the existing imbalances and disadvantages that people with an intellectual disability and their families and carers face when accessing and interacting with the justice system.
- Accessing suitable legal practitioners and obtaining appropriate legal advice and support can be fraught with problems because, once again, many of the contacts and professionals within the justice system have limited knowledge about interacting with people with an intellectual disability and their families and carers. While Legal Aid is frequently engaged in legal matters involving people with an intellectual disability, it faces difficulties due to lack of funding and limited resources. However, the biggest problem when accessing legal support, even from Legal Aid, concerns the lack of legal practitioners who have training and experience regarding the issues faced by people with an intellectual disability when accessing or interacting within the justice system. These limitations are even greater in rural areas and frequently result in very unsatisfactory outcomes for people with an intellectual disability and their families and carers trying to gain just outcomes. More training and increased mentoring opportunities for legal practitioners to encourage increased knowledge when working in this area is required to address these inequities.
- Initiatives such as the Independent Third Person Program, designed to assist people with an intellectual disability in their interactions with police and the justice system (e.g. as victims or perpetrators of an offence), are worthwhile. However, the quality of their implementation can depend very much on the knowledge about the program by the police officers involved. This can be particularly so in rural areas where the availability of an Independent Third Person may be restricted. This situation can result

in compromises of justice for the person with an intellectual disability. Funding and education about the program is essential for its on-going success and for families and carers of those with an intellectual disability to have and maintain trust in it.

Broader Factors that need to be considered in this inquiry as they have a direct bearing on access to and interaction with the justice system by people with an intellectual disability and their families and carers:

- The issue of Homelessness has received important coverage in recent times and is on the political radar. The risk of homelessness for people with an intellectual disability is compounded if there is a dual disability, substance abuse or mental health issues. Where possible, families and carers need to be and should be allowed to be involved in the establishment of support structures for those with an intellectual disability so as to minimize their risks of becoming homeless. Often legalistic constraints, while very important, can also sometimes work to the detriment of ensuring the best outcomes for people with an intellectual disability in regard to their right to lead a secure and independent life. Families and carers can be so restricted in what they can do, or in the information that they can access, that the quality of life of the person with an intellectual disability is often compromised. This can mean an increased risk of the person with an intellectual disability becoming homeless, thus increasing their risk of becoming involved with the justice system in a variety of negative ways.
- Often there are little or very fragmented connections between different agencies meant to establish and maintain support structures for those with an intellectual disability to ensure they live as independently as possible. This jeopardizes the rights of these people. While it may be an organizational problem within and between different agencies and different government departments, it is frequently the families and carers of those people with an intellectual disability who pay the price. They are 'on call' and there to pick up the pieces when a crisis may eventuate, sometimes due to lack of communication between agencies and departments. Efforts to improve communication at this level should receive priority. Without this improvement at an administrative level, increased risks for people with an intellectual disability becoming involved with the justice system are compounded as their lives disintegrate around them. Once again, the correlation between the quality of life that exists for people with an intellectual disability and their degree of interaction with the justice system needs to be considered.

Thank you for the opportunity to participate in this inquiry in the form of lodging a written submission. As stated above, we would appreciate any other available opportunities to contribute to this very important inquiry.

Yours Sincerely

Esther Harris
Executive Officer