

# Inclusive, contextual, human rights-based

Designing a resource to improve justice and support outcomes for people with disability in criminal justice system of Victoria



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**PaperGiant**

 **RMIT**  
UNIVERSITY

Centre for  
Innovative Justice

## The facts

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33% of women and 42% of men in Victorian prisons have been found to have an Acquired Brain Injury (ABI), compared with 2% in the general Australian community.

Corrections Victoria Research Paper Series (2011) Paper No. 4

## Why is this resource necessary?

- Disability is often hidden and not recognised
- People do not receive the right supports or respect in the justice system
- Lawyers are not trained to recognise the signs of disability, and are not aware of supports available
- There is rarely enough time for meaningful communications to establish people's needs



## The resource

# SupportingJustice.net

Practical resources to support people with disability in the criminal justice system.

- Facts to help court and legal professionals recognise the signs of disability
- Practical guides and downloads for navigating justice and disability support services
- Service and program contacts for referrals
- Stories from people with disability and lived experience of the criminal justice system



# Preparing for court: client form

- Designed with lawyers, support workers and people with disability to help lawyers recognise the signs of client disability.
- Intended for supporters or carers to complete with people with disability charged with an offence, at a time and in a place that suits them best, outside of the pressured court environment.

## Preparing for court: client form

### Instructions to support workers, carers and family members

#### Preparing for court: client form

Ask someone you trust to help you fill out this form. This could be your support worker, carer or someone in your family.



#### About this form

If you have been charged with an offence and have a court date, this form is for you.



This form has been designed for you to get help from a lawyer before you go to court.

#### What to do

##### Step 1. Before going to court

If you have been charged with an offence and have a court date, the first thing you should do to prepare for court is get legal advice from a lawyer.



Go to [supportingjustice.net/resources/for-support-workers-carer-people-with-disability/prepare-for-court](https://supportingjustice.net/resources/for-support-workers-carer-people-with-disability/prepare-for-court) to find out how to prepare for court, including how to get legal advice.

are supporting or caring for, who  
please ensure that the person's  
care has with their lawyer  
port or care is appearing  
e Question 7), these reports should  
ted form  
-for court to find out how to  
vice for the person in your support

tails

he answers provided?

# Effective communication with people with disability

- A guide to what to do and what to avoid when communicating with people with disability.
- This guide has been designed for reference when preparing for or conducting meetings, or in courtroom settings.

Example 3: Explaining an order	
Who: Magistrate to the defendant	
Scenario	Analysis
<p><b>What might be said:</b></p> <p>"Today the sentencing you to an <b>adjourned undertaking</b> of 12 months.</p> <p>This undertaking has the following conditions:</p> <ul style="list-style-type: none"> <li>• Firstly, you agree to be of good behaviour for</li> </ul>	<p>Uses jargon - 'adjourned undertaking'</p> <p>Rushes complex concepts</p> <p>Does not engage the person in the sentence</p>
	<p>Explains jargon in plain language</p> <p>Checks understanding and slows down the delivery of information</p> <p>Question checks understanding</p> <p>Explains clearly what person will need to do next</p> <p>Explains clearly what the person will need to do next</p> <p>Question checks understanding</p>
	<p>This guide has been specially designed to help legal and court professionals have better communication with people with disability.</p>

## Effective communication with people with disability

**Key considerations**  
Everyone in the criminal justice system has a right to understand and exercise their rights.

**Effective communication with people with disability is critical to:**

- Ensuring they feel recognised, respected and supported
- Building trust and rapport
- Uncovering and identifying their support needs
- Protecting a person's right to a fair hearing
- A person's understanding of their legal options and making informed decisions about how to proceed

Better communication throughout court processes may also result in less restrictive sentencing options and reduced likelihood of recidivism.

If a person understands and is an active participant in the justice process, research suggests that they will see the process as fair, and be more likely to comply with court orders and the law. Lawyers, judicial officers and other court professionals have an obligation to adjust their practices to ensure proceedings are fair.

**What to do**

- 1. Ask** the person how they would like to receive your communication and communicate with you. A person may want you to write down what you are saying, use **easy English** communication styles or have another person sit in at meetings or in court.
- 2. Listen**, speak to and make eye contact with the person with disability - not another person in the room. Make reasonable adjustments to the way you work. Explain why you can't make adjustments if they're not possible.
- 3. Check** regularly that the person can understand what you are communicating. Establish familiarity of terms and concepts by asking a person to explain concepts back to you in their own words.
- 4. Respond** with alternative ways of communicating if you are not being understood. Avoid using long sentences and confusing concepts and questions. Be clear, concise and use straightforward language. You may consider using visual tools to supplement

your communication, such as drawing abstract concepts or flowcharts.

- 5. Respect** the individual and their experience by using **disability rights language**. People with disability do not suffer from their condition, they live it. People with disability are not courageous for living with their disability, they have a right to access services and live their lives in the community.

**What to avoid**

- 1. Assuming** to know what a person with disability is experiencing, needs or wants. Every person is different and will have different support needs. Offer support, but be prepared for it to be refused.
- 2. Using jargon.** The criminal justice system is filled with jargon and some of it is unavoidable - adjourned undertaking, order, bail, evidence - many people do not really understand these terms. Avoid using jargon and always explain terms if they are going to be used in court, even if the person has been through the justice system before.
- 3. Rushing.** Court is a stressful place and time-pressed place for everyone. If there is not enough time to have a respectful interaction, try to find a time and space where you can. Accept that it may take longer to communicate complex concepts, but this does not mean that they cannot be communicated to and understood by a person with disability.
- 4. Patronising** a person with disability or talking down to them. Use a normal tone of voice and don't pretend to understand if you don't understand what is being said, respectfully ask the person to repeat or rephrase.
- 5. Interrogating.** Avoid asking unnecessary personal questions about someone's disability or impairment. It can be embarrassing for people to have their symptoms and experiences broadcast in court. Be mindful that some of the information that needs to be communicated about a person is sensitive. If you need to know, explain why and how you will use that information to better support the person with disability.

**Supporting Justice** → Visit [supportingjustice.net](http://supportingjustice.net) for more resources on disability and justice in Victoria 1

## Welcome to Supporting Justice

People with [cognitive impairment and intellectual disability](#) have the right to be treated fairly in the criminal justice system in Victoria.

Supporting Justice provides [practical resources](#) to help people in the criminal justice system get fairer outcomes and [access to support](#).

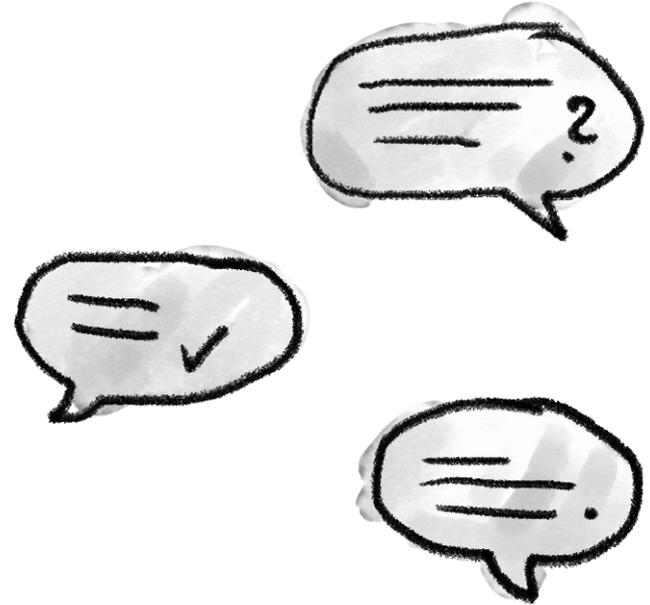


## Top 3 tips

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### Tip 1

Adopt human-centred design principles









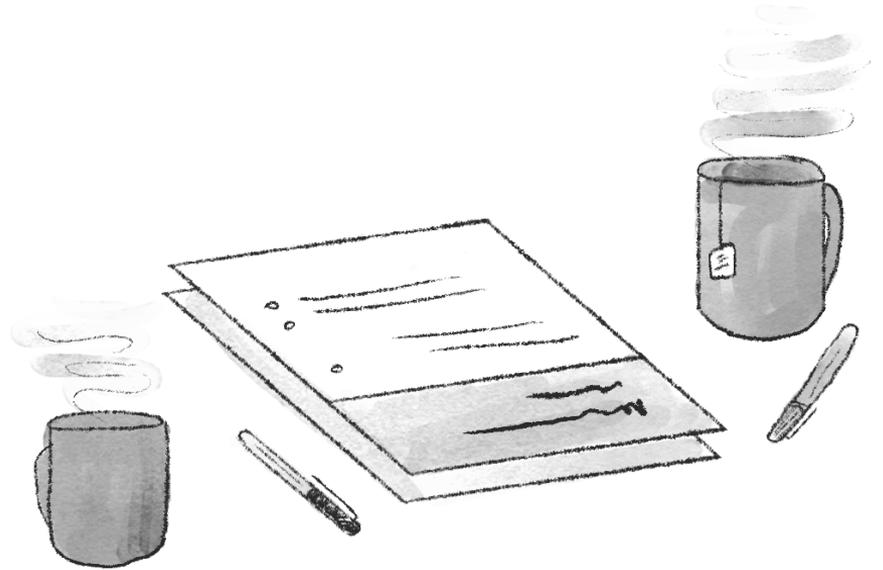


## Top 3 tips

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### Tip 2

Make time and space  
for accessible  
project activities





Introduction to  
Idea generation  
Workshop

**Project purpose**

Improve the accessibility of the justice system for people with limited financial resources and support them to engage with the justice system. Support them to understand their rights (LRR).

**Supporting Justice**

Supporting Justice is a program with multiple components, each designed to support people with limited financial resources to understand their rights (LRR).

**Process map**

A circular diagram showing a process flow with steps: Identify, Assess, Support, and Review.

**Definition of justice with a gender lens**

A Venn diagram with two overlapping circles, one blue and one pink.

**Supporting Justice**

A list of components and a flowchart showing interconnected nodes.

**Centre for Innovation and Justice**

cij.org.au



**Supporting Justice**

Supporting Justice is a project that aims to improve the lives of people with a disability by providing them with the support they need to live independently and participate fully in society.

- Provide support to people with a disability to live independently
- Provide support to people with a disability to participate fully in society
- Provide support to people with a disability to improve their quality of life
- Provide support to people with a disability to improve their mental health
- Provide support to people with a disability to improve their physical health
- Provide support to people with a disability to improve their social skills
- Provide support to people with a disability to improve their employment skills
- Provide support to people with a disability to improve their housing skills
- Provide support to people with a disability to improve their financial skills
- Provide support to people with a disability to improve their travel skills
- Provide support to people with a disability to improve their communication skills
- Provide support to people with a disability to improve their problem-solving skills
- Provide support to people with a disability to improve their decision-making skills
- Provide support to people with a disability to improve their self-esteem
- Provide support to people with a disability to improve their confidence
- Provide support to people with a disability to improve their resilience
- Provide support to people with a disability to improve their coping strategies
- Provide support to people with a disability to improve their stress management skills
- Provide support to people with a disability to improve their time management skills
- Provide support to people with a disability to improve their organizational skills
- Provide support to people with a disability to improve their interpersonal skills
- Provide support to people with a disability to improve their intrapersonal skills
- Provide support to people with a disability to improve their self-awareness
- Provide support to people with a disability to improve their self-regulation
- Provide support to people with a disability to improve their social awareness
- Provide support to people with a disability to improve their relationship skills
- Provide support to people with a disability to improve their conflict resolution skills
- Provide support to people with a disability to improve their negotiation skills
- Provide support to people with a disability to improve their leadership skills
- Provide support to people with a disability to improve their teamwork skills
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- Provide support to people with a disability to improve their leadership skills
- Provide support to people with a disability to improve their teamwork skills





Whiteboard with various notes and images:

- Top left: "Idea #1" with a list of items.
- Top right: A diagram with a circle and arrows.
- Middle left: A photo of a woman speaking at a podium with the caption "Talking back".
- Middle right: A photo of a man speaking at a podium.
- Bottom left: A photo of a group of people in a meeting.
- Bottom right: A photo of a man speaking at a podium.
- Sticky notes in various colors (yellow, pink, green) are scattered across the board.

Whiteboard with notes and images:

- Top left: A photo of a man speaking at a podium.
- Top right: A photo of two people sitting at a table.
- Middle left: A photo of a man speaking at a podium.
- Middle right: A photo of a man speaking at a podium.
- Sticky notes and handwritten notes are present.



# CODE OF CONDUCT FOR TODAY

- ☕ TAKE BREAKS WHENEVER YOU NEED.  
+ BE MINDFUL OF OTHERS SPEAKING.
- 👂 LISTEN TO EACH OTHER'S IDEAS.
- 🔒 RESPECT CONFIDENTIALITY  
- NO SPECIFIC NAMES / <sup>ANNIES</sup> ORGANISATIONS  
- WHAT IS SAID IN THIS ROOM STAYS IN THIS ROOM.
- 🗣️ SPEAK AND WRITE IN LANGUAGE WE CAN UNDERSTAND.  
- NO HARD WORDS WITHOUT AN EXPLANATION
- ❓ WE WILL TELL YOU WHAT WE WANT TO KNOW, AND WHY WE WANT TO KNOW IT.
- 🕒 DEBRIEF TIME IS IMPORTANT.
- 📝 WE WILL CHECK YOU ARE HAPPY WITH NOTES AND RECORDINGS.
- 🗨️ ONE PERSON TALKING AT A TIME  
- PUT HAND UP IF YOU WANT TO SAY SOMETHING NEXT  
- USE PINK STICKY TO SAY 'PAUSE!'

RESPECT  
RECOGNITION  
SUPPORT

## Top 3 tips

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### Tip 3

## Ask the question





Did you go to junior TAKE?

Do you have any issues with remembering things?

Has anyone ever hit you?



according to this sheet...

I didn't finish high school

Sometimes I forget about appointments

My ex-partner used to hit me.

How might we...  
How might we...

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What change do you hope to see  
as a result of this work?

## Discussion

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# Questions?

SupportingJustice.net  
@InnovateJustice  
@hellopapergiant



