

There and back again

The South Australia journey: Skilled Communication Partners in the criminal justice space



Jennifer Jacobs and Cheryll Rosales

Communication Partner Service

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UNITING
COMMUNITIES

Background

Disability Justice Plan

2014-2017



Attorney-General's
Department

*Support for those with
Complex Communication
Needs involved in the Criminal
Justice System*



Changes to the Legislative Framework

Statutes Amendment (Vulnerable Witnesses) Act 2016 (SA)

Made changes to the following legislation...

Evidence Act 1929 (SA)

Allows a person with complex communication needs to have communication assistance if they are going to give evidence in court

Summary Offences Regulations 2016 (SA)

Where a police officer wants to interview someone with complex communication needs, provision must be made for a communication partner.



Definition of Complex Communication Needs

under the Evidence Act

“...a witness who is to give oral evidence in proceedings will be taken to have **complex communication needs** if the witness’ **ability to give the evidence** is significantly affected by **a difficulty to communicate effectively** with the court, whether the communication difficulty is **temporary or permanent** and whether caused by **disability, illness, injury or some other cause.**”

(Evidence Act 1929 (SA), Part 1, section 4)



Service Delivery

Communication Partner Service

Service delivery from 1 July 2016 to 30 June 2019

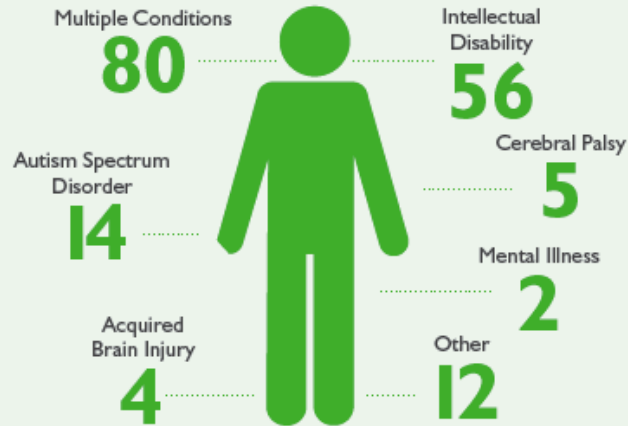


Communication assistance provided at
173
interviews and meetings



314
requests for communication assistance

Identified communication needs of clients



Requests for assistance from:



203 requests
125 Victim Management Team
78 Other SAPOL teams



29 requests
from Defense Lawyers



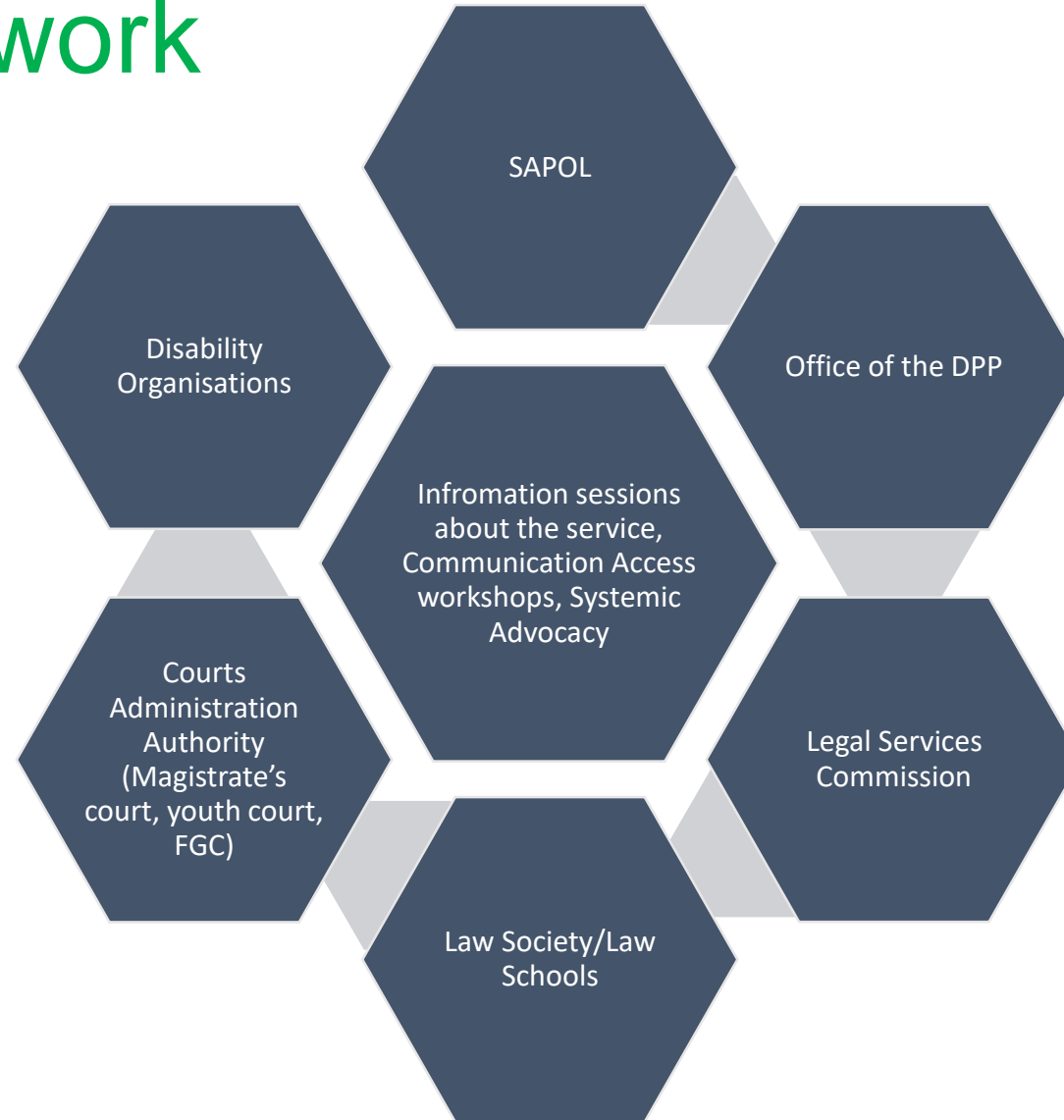
26 requests
from The Director of
Public Prosecutions



7 requests
from Court Affiliates
49 requests
from family and support workers



Stakeholder work



Case study 1 – police interview

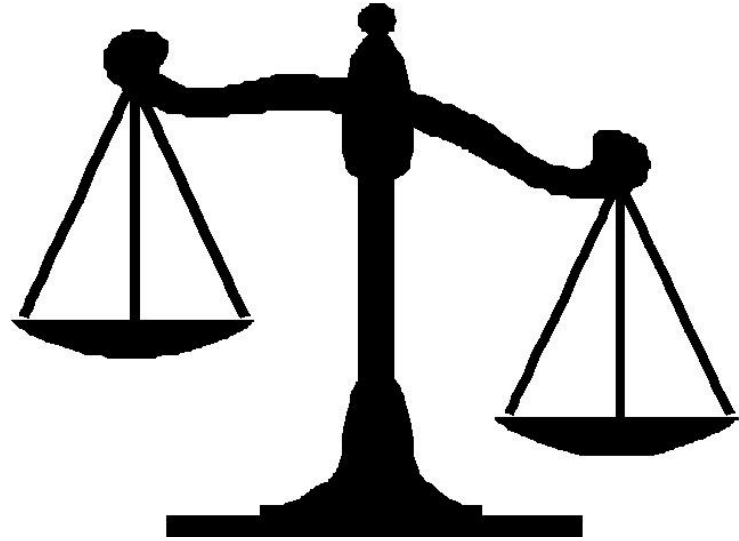
The communication partner service received a request from SAPOL victim management section to attend a meeting in order to build rapport and establish a relationship with the client prior to the formal interview

The client was a victim and had been identified as having an intellectual disability. There would be a support person present

There was an attendance by our Communication Partner to the rapport building meeting and then to the formal interview a few days later.



Case study 2 – court



Referral from a Social Worker working at a prison.

Aboriginal client diagnosed with mild intellectual disability. Social Worker noticed that he did not understand the documents being presented to him about an upcoming court hearing.

The Communication Partner attended a legal interview and provided communication assistance when the matter progressed to trial

Case Study 3 – Court

Communication Partner Service received a call from a Solicitor requesting assistance for a client with complex communication needs.

- the client had an intellectual disability
- experienced childhood trauma
- a history of depression and anxiety.

The solicitor was concerned about his ability to understand and follow the proceedings.

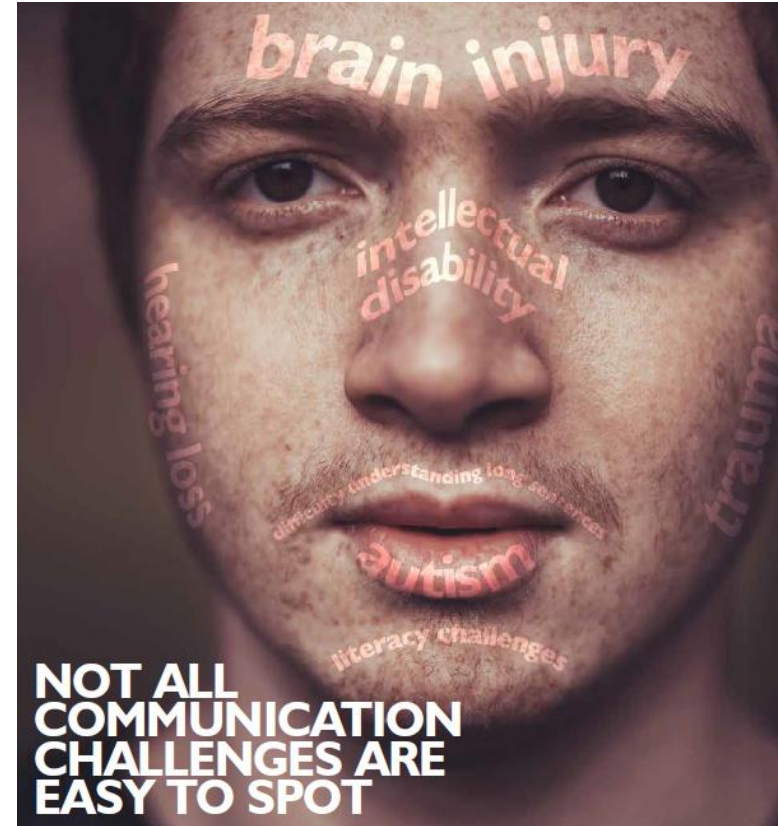
The Communication Partner attended a legal interview, and the matter progressed to trial



Top tips in a criminal justice setting

Client focussed approach

- Build Rapport
- Find out client's signs of distress and fatigue
- Identify client's self regulating strategies
- Be alert to signs of distraction, fatigue
- Allow for breaks



Top tips in a criminal justice setting

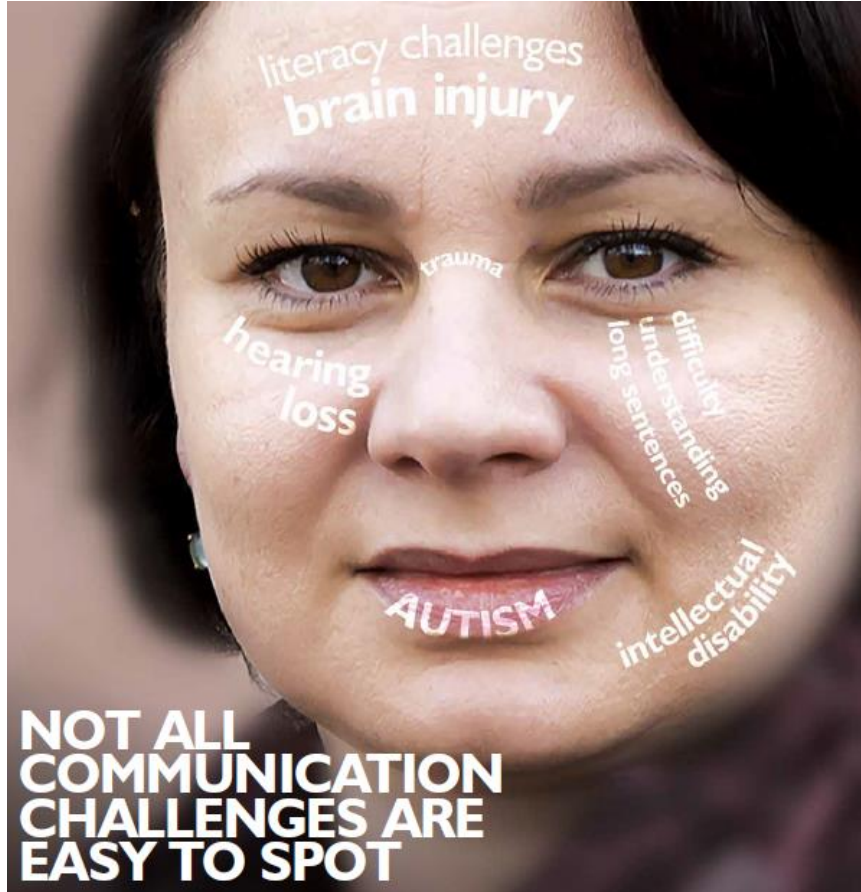
Plan your communication

- Identify the key concepts
- Use simple words and phrases
- Draw simple diagrams and pictures
- Use key words
- Explain legal jargon
- Chunk the interview
- Introduce each new topic



Communication Card resources available from
<https://talkingtroublenz.org>

Top tips continued....



Auditory Processing Tips

- Ask one question with one topic at a time
- Wait for a response, take the time needed for the person to process the question and formulate a response
- Check for understanding – What do you think that means?
- Clarify anything that is not understood
- Think, before repeating questions: repeating questions may encourage the person to change their answer or to agree

Future interviews: put it in their calendar, set a reminder alarm

Where to from here?



From March 2020

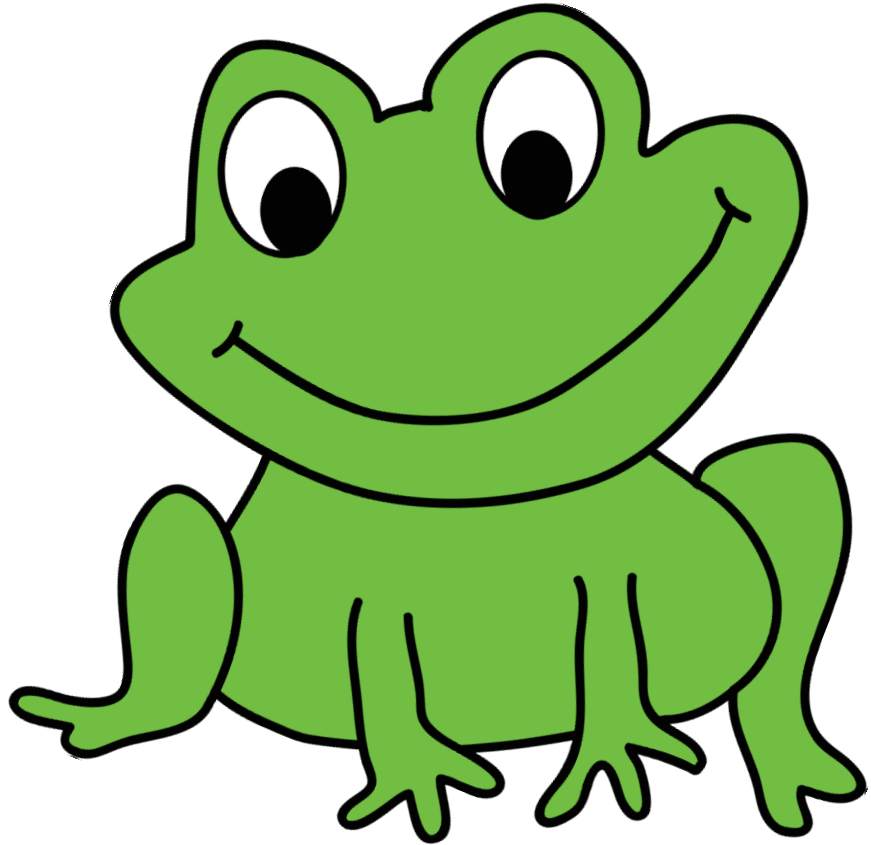
- Attorney General's Department are moving to a new fee for service model, similar to models in other states and overseas
- A new class of persons, yet to be determined, will be contracted to provide communication assistance.
- AGD will be consulting with the sector.

We are producing a book that documents the strategies and resources we have created. If you are interested in this resource: compas@unitingcommunities.org



Other resources-

- The Children's Champion (Witness Intermediary) NSW
- **Disability Justice Plan SA**
- The Advocates Gateway UK website
- **The Intermediary Pilot VIC**
- Talking Trouble NZ
- **Nathanial Swain "3 min thesis"**
- Scope Victoria



Thank you!

compas@unitingcommunities.org

