

## Justice Advocacy Service

### Support person

The Justice Advocacy Service (JAS) uses an individual advocacy approach to support people with cognitive impairment in contact with the NSW criminal justice system. A JAS support person can be provided to support victims, witnesses and suspects/defendants at police stations, court and legal appointments.

#### **The role of a JAS support person:**

The role of a JAS support person at police stations, court and legal appointments includes the following:

- Acting as a support person for the purposes of the *Law Enforcement (Powers and Responsibilities) Regulation 2016 (NSW)*.
- Assisting and supporting suspects while in police custody to understand and exercise their rights including:
  1. Ensuring the client is able to communicate with a legal practitioner before any investigative procedure takes place including a police interview.
  2. Ensuring the client understands and is able to exercise their right to silence.
  3. Observing whether or not a police interview is being conducted properly and fairly and informing the police officer if there is a concern that the client does not fully understand their rights at any stage while in police custody.
  4. Requesting a break during an interview if there are any signs that the client is becoming

distressed or is unable to concentrate.

5. Assisting the client in police custody to contact a relative or a friend.

- Identifying whether the client is having any issues understanding what is being said to them or expressing their views and assisting them to communicate with police, court and legal representatives.
- Assisting the client to seek and understand legal advice, including providing instructions to their legal representative.
- Assisting the client to understand their legal orders including bail conditions, Apprehended Violence Orders, diversion orders under the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020* and any other order.
- Providing advice for victims and witnesses about how to report crime to the police including providing support to victims and witnesses when making a statement to the police.

- Providing appointment reminders including reminding clients about court appearances and meetings and interviews with police or legal representatives.
- Assisting clients with any paperwork at police stations, court or legal appointments.

**The role of a JAS support person does NOT include:**

- Coordinating JAS referrals including arranging a JAS support person to attend police stations, court or legal appointments. This is the role of a JAS advocate; a senior member of JAS staff who is responsible for coordinating a client's JAS supports, liaising with police, court and legal representatives and arranging any follow-up support or action. This includes making referrals to other services such as the National Disability Insurance Scheme (NDIS), disability advocacy organisations, mainstream services provided by the NSW Government

and Victims Services; a government agency, part of the NSW Department of Justice.

- Providing legal advice. A JAS support person is not a solicitor and is not required to have a legal qualification. A JAS support person can refer people with cognitive impairment who have been arrested to the Custody Legal Advice service; a separate service provided the Intellectual Disability Rights Service (IDRS) community legal centre where a person in police custody can receive free legal advice from a trained solicitor.

**More information about the Custody Legal Advice service is available in the *Justice Advocacy Service Custody Legal Advice Fact Sheet*.**

- Acting as witness intermediary or talking to a Magistrate.
- Intensive case management or treatment planning.
- Counselling.

- Visiting a client's home.
- Providing support to people involved in civil justice system matters including attending hearings at the NSW Civil and Administrative Tribunal (NCAT). A JAS support person only provides support to people with cognitive impairment in contact with the NSW criminal justice system.

**All JAS staff are required to have an up-to-date national police check and a Working with Children Check.**

**A JAS support person is also required to undertake mandatory training which includes:**

- The ability to facilitate understanding and communication with both adults and children with cognitive impairment.
- Understanding the boundaries of their role, including the importance of not providing legal advice, not convincing the client of any particular course of action or

imposing their own values or beliefs onto the client.

- How to manage stressful situations including instances where a client may be upset or concerned about their matter.
- How to avoid instances where a client may disclose information to them about a potential offence or the details of their arrest.
- Information about the NSW criminal justice system including the issues people with cognitive impairment face and the types of support and services that are available.
- Common legal terminology used in the NSW criminal justice system.
- Ongoing supervision and coaching by a senior member of staff; a JAS advocate. It is paramount that JAS support staff work effectively with police, court and legal representatives to ensure high quality services are provided to people with cognitive impairment.

## For more information

### Visit the website

[www.justiceadvocacy.org.au](http://www.justiceadvocacy.org.au)

### Email JAS

[justiceadvocacy@idrs.org.au](mailto:justiceadvocacy@idrs.org.au)

### Call JAS

**1300 665 908**

---

<sup>i</sup><sub>12</sub> Clause 31, *Law Enforcement (Powers and Responsibilities) Regulation 2016 (NSW)*