



Intellectual Disability Rights Service

Criminal Justice
Support Network

CHALLENGING OR CRIMINAL

REVIEW OF 30 CASES > AVOS OR CHARGES ARISING
FROM GROUP HOME INCIDENTS

Janene Cootes Intellectual Disability Rights Service

Intellectual Disability Rights Service - IDRS



Intellectual Disability Rights Service – IDRS is a community legal centre & disability advocacy service

- Legal advice
- Legal representation
- Support at police stations, courts, other justice processes
- Advocacy – people in CJS and Parents with ID
- Information, education and resources
- Policy and Law Reform

Criminal Justice Support



State-wide police legal advice & support – person arrested
9.00am - 10.00pm 7 days Phone: 1300 665 908

In person support (court & police stations)

- Sydney
- Newcastle & Hunter
- Illawarra, Shoalhaven, Eurobodalla, Goulburn
- Central Coast
- Mid North Coast (Taree to Coffs Harbour)
- Riverina
- Central West

File review – 30 cases



Incidents in group homes

Support person or legal representation by IDRS

Resulting AVO or criminal charges for resident

AGE



AGE	
Under 19	13%
20-29	43%
30-39	27%
40-19	17%

Gender



Male: 77%

Female: 23%

Person in need of protection

64%

- Incident toward staff member

36%

- Incident toward another resident

AVOs

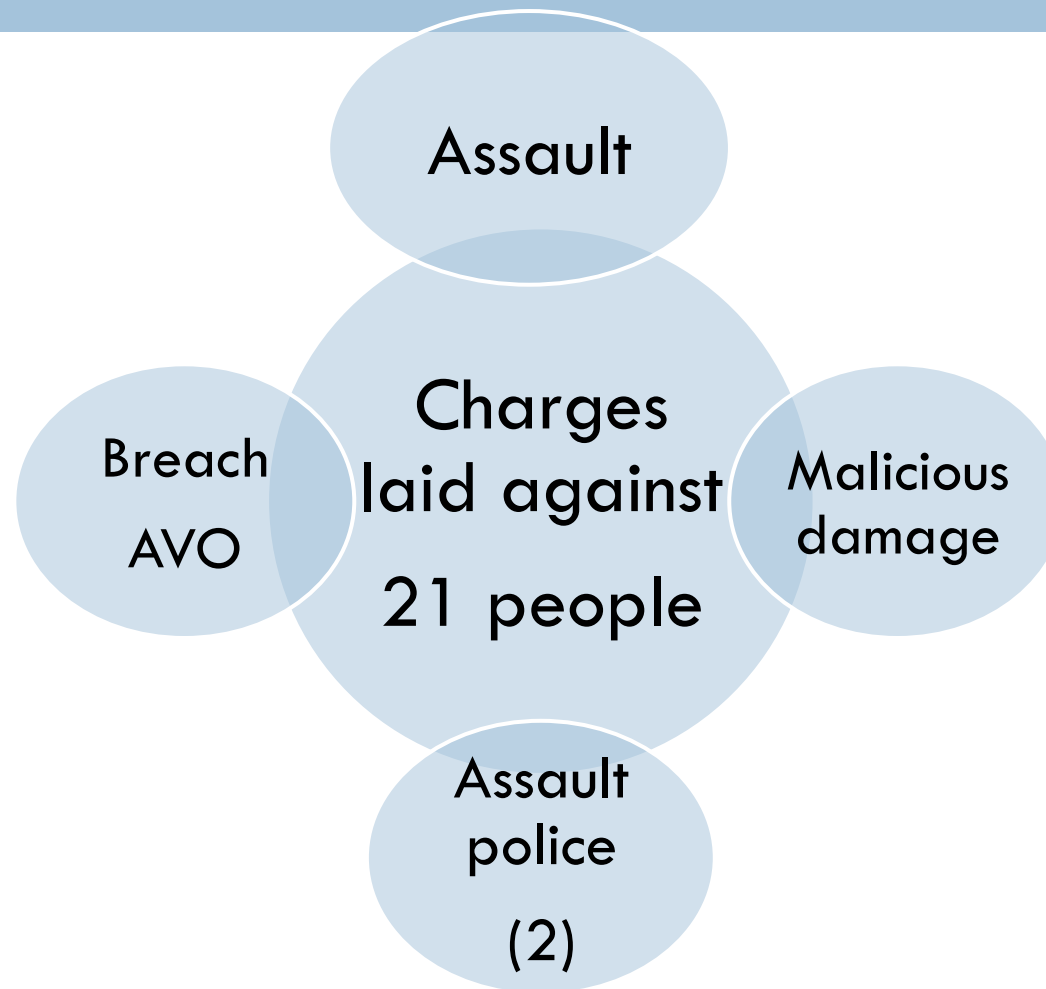
22 Police
Interim
ADVOs

12 dismissed
at court

10 confirmed
at court



Criminal Charges



Outcomes of charges



Issues for policy & practice



- Relationship between resident and staff regarded as a domestic relationship in relation to AVOs
- Police may feel obliged to take out interim ADVO on behalf of staff – even if staff don't want this

When should police be called?



- When to call the police?
- Protection
- ? Property damage
- WHS VS resident crime?
- Are there clear policies/procedures?
- Who decides?
- Do staff know what to do when police come?

AVOs



- Breach of AVO is a crime
- Breach ADVO – presumption against bail
- Many people with ID won't understand AVO +
- Complex, entrenched behavioural patterns mean breaches happen easily
- In these circumstances ADVO or charges do not achieve much protection

Response to ADVOs in group homes



- Do policies cover planning to reduce the likelihood of breach of an ADVO in group home?
- Compatibility
- Homeless? Options if ADVO or bail conditions prevent the person from returning to their home?