



31st January 2014.

Attention: Simon Tutton
Simon_Tutton@agd.nsw.gov.au

Sydney (Head Office)

P.O. Box 3347

Redfern

NSW 2016

p: 02 9318 0144

f: 02 9318 2887

Re: Round Table Conference on the Parole System.

About IDRS.

The Intellectual Disability Rights Service (IDRS) is a community legal centre that provides legal services to persons with intellectual disability throughout NSW. IDRS's services include the provision of legal advice and legal representation in select matters. IDRS engages in policy and law reform work and community legal education with a view to advance the rights of people with intellectual disability.

We refer to the conference on the 12th December 2013, and to your question papers 1-5 on the Parole System.

We spoke to Stephanie late last year and asked for extra time to respond to enable us to interview one of our clients with intellectual disability about his experience with the prison and parole system.

The shortfalls shown by his case are:

email: info@idrs.org.au

ABN: 112 1637 1524

web: www.idrs.org.au

Sydney (IDRS/CJSN)

P.O. Box 3347
Redfern NSW 2016
p: 02 9318 0144
f: 02 9318 2887

Illawarra/ Shoalhaven Office (CJSN)

P.O. Box 5460
Wollongong NSW 2500
p: 02 4228 4040
f: 02 4228 4640

Newcastle (CJSN)

P.O. Box 458
Newcastle NSW 2300
p: 02 4926 5643
f: 02 4927 8147

Central Coast Office (CJSN)

c/- Central Coast Disability Network
29 Webb Street Gosford NSW 2250
p: 02 4324 2355
f: 02 4324 3187

1. He did not receive support services in prison
2. He was not offered programs for addressing problems with alcohol, drugs, or gambling in prison, even though the sentencing judge referred to these problems
3. On re-integration he was not offered programs to address any alcohol, drugs, or gambling problems, even though the sentencing judge referred to these problems
4. On re-integration the parole officers tried to help him, however services that he needed were not available, especially services to help him find a job. Two and a half years later he still wants a job to get more money, and to take away his boredom.
5. On re-integration he did not have enough food which was the reason he was charged with stealing by police during his parole, and he still says that food is a reason why he would re-offend.
6. It would help if parole officers were more active in following up referrals that they make when the person on parole has an intellectual disability because they are less able to follow up and resolve obstacles that come up in actually connecting with the services. It seems that they did make some effort but somehow things fell through.

Adam: (Case Study).

Adam is in his thirties. He had two previous offences more than 10 years ago.. The first was obtaining money by deception, and the second was receiving stolen property. Both were dealt with in the local court. He was put on a bond

for 18 months for the first offence, and fined \$750.00 for the second offence.

A few years ago Adam went into a shop, stuck his fingers inside his clothes pretending to have a gun, and demanded money. He got about \$1,500.00. He was arrested, charged with demanding property with menace, bail was refused, and he was taken to prison on remand. Three months later he was transferred to another prison. Two months after that Legal Aid arranged for a neuro-psychological assessment which found that Adam had borderline to mild intellectual disability, and schizophrenia. A month after that Adam was sentenced by the District Court. He was imprisoned for 2 years and 6 months with a non-parole period of 9 months, commencing from the date of his arrest. The sentencing judge stated that his release was subject to supervision, that he attend drug and alcohol counselling, address any gambling addiction, submit to random urinalysis, and advise of any change of address. Adam was transferred to another prison a week later and was released more than 2 years ago, on parole, for the remaining 21 months of his sentence.

Five months later Adam was arrested and charged with larceny. The police said that he stole rump steak, orange juice, and milk valued at \$20.00.. Adam told his probation officer about the charge. The local court dismissed the charge under section 32. No action was taken by the parole authority. Adam successfully completed his parole.

Adam is now on the Disability Support Pension. It is managed by the NSW Trustee and Guardian. They pay him \$480.00 per fortnight. He is unemployed. He lives in rental accommodation, and does not get any services. He has not had any help to find a job. He is always short of money. Having enough food is still an issue for him.

Adam said he did not have contact with Statewide Disability Services whilst in custody during the non-parole period. On admission he was seen by a doctor because he had behavioural problems. He was then put on medication each fortnight for his schizophrenia. Otherwise he did not get any special treatment. He attended some education sessions related to the learning done in schools for years 10,11,and 12. He was not offered any programs relating to drugs, alcohol, or gambling.

Adam said that a couple of weeks before release he spoke to a caseworker. She noted he had accommodation to go to. She helped to arrange his Centrelink payments for his release. She arranged a video-link meeting for him to speak to the NSW T&G about his release.

Upon release Adam had clothes and about \$400.00 cash saved during the time he was in gaol.

During the next 21 months he reported to his parole officer every fortnight. The sessions lasted about half an hour. The parole officer arranged for a disability caseworker to visit him once per week, however after four sessions the case worker

said that he did not need her. The parole officer arranged for him to have 3 sessions of counselling to control his anger. The parole officer also tried to link him to the disability jobs network providers, however there were no places available and he never got a job. (IDRS also contacted Anglicare, Catholic Community Services, and Care Connect and the common response was that they were not taking on any more clients for 6 months).

When Adam was charged by police during his parole period, his parole officer arranged for a psychologist with Statewide Disability Services to see him to try to help Adam get some services. (IDRS also asked the Community Justice Program to provide services to Adam). No services were provided.

Adam said that not having enough food has been and still is an on-going problem. Upon release the NSW T&G paid him \$80.00 each Monday, Wednesday, and Friday. He said that this budget did not work because \$80.00 is not enough to buy the food that he needed on any particular day. He said that now he is paid \$480.00 each fortnight in a lump sum, and that this arrangement is better. He said that he relies on food vouchers from the Salvation Army, St Vincent de Paul,, and Anglicare. These vouchers are limited and he can only get them once every three months. He found out about the food vouchers himself. He told his probation officer about his lack of food and was told that he would just have to manage. He said that lack of food was the reason for him being charged by police during his parole and that it is still a big problem for him.

Final Comment:

Whilst it seems to us that Corrective Services are aware of the problems faced by offenders with intellectual disability, Adam may have received more assistance in prison if he had been linked to Statewide Disability Services, and Adam's case is an example of there being insufficient resources to help him avoid re-offending whilst on parole.

Thank you for the opportunity to make a submission.

Tim Chate.
Solicitor IDRS 2014