What is your experience?

The questions in this section will help you to share your experiences and knowledge of the criminal justice system for people with disability who need communication supports or who have complex and multiple support needs.

You don’t have to answer all these questions if they are not relevant to you.

**Questions**

1. *What are the biggest barriers for you or other people with disability in the criminal justice system?*

My experience with the criminal justice system has been as an offender and at other times, as someone with a mental health crisis needing intervention from Police including welfare checks.

My primary disability at this point in my life is deafness. I also have problems with my mental health. My experience is that the criminal justice system is in no way equipped to accommodate a serious hearing impairment nor to appropriately respond to an offender with a mental illness. I’m not sure that being in an abusive environment (as Police cells and remand is) is going to be good for anyone with a mental illness.

For me my experience has made my mental health significantly worse by adding trauma; childhood trauma, deprivation and abandonment being a strong basis of the fact that I suffer from a mental illness to start with. In my experience being ‘deprived of liberty’ equates to being treated as if one is less than human. You are treated as a number that has no rights at all, nor uniqueness that needs to be considered. A number does not possess human emotions and needs.

Since being placed in Melbourne Remand on two occasions I’ve been living with something of a constant fear of the idea of ever being in a prison. How I imagine it is other inmates and staff all around me talking both between themselves and sometimes to me and everyone ignoring/overlooking my plea’s for them to write things down. Net result is me standing in the middle of a busy environment, terrified and not having a clue what is going on.

I experience discrimination on a daily basis in the community (staff in shops refusing to write things down, family members taking over my conversations with medical practitioners and not telling me what is being said even though it is my own private matter and none of their business, barriers to participation in community activities such as guided tours, going to the cinema, attending free lectures or workshops. You name it, 80% of the time it’s not accessible. That being said, how could the criminal justice system be expected to be any different? And what if I was locked in, as I have been, and could not escape nor seek the help of someone that understands I have a special needs?

It is torture to be screaming inside and for no one to hear nor even care if they do.

1. *What could be done to remove these barriers and help people with disability in the criminal justice system?*

I think training could do a great deal of good. Training of Police, remand staff etc.

My understanding is that as far as the Police are concerned, training surrounding mental illness is focused on officer safety and they know very little about the welfare/needs of the mentally ill individual.

With regards to disability, I can only assume that they would understand little about how it feels to be someone with a disability at the mercy of their environment and not being accommodated for.

With regards to my deafness, I think that realistically to be able to experience detention as I would if I could hear I would require an Auslan interpreter to be at my side 24/7 to be my ears thereby accommodating both staff and other inmates speaking verbally to, and around me. Also to inform me of other noise. I have been happy for people to write things down (eg Police) however reality is that even if they write things down some of the time, there are going to be heaps of instances when they don’t. This means I am suffering as a consequences of being deaf.

My body is riddled with tumors that cause pain. The conditions in Police cells but especially in Melbourne Remand were not appropriate for someone that has a chronic physical illness that causes pain.

I think that I should have been remanded to a psychiatric facility and transported to court the following morning. Currently I cannot think of another way in which I could have been deprived of liberty in a way that did not severely punish me for having a disability and a mental illness. I did request this however it was denied.

1. *Can you provide information about support that has helped you or other people with disability to participate in the criminal justice system?*

I have been on the ARC list at Melbourne Magistrates court. I have felt that the criminal justice system treats offenders like numbers, they get charged, locked up, convicted and booted out again. It has appeared to me that a judge barely gives a second thought to the person as an individual and their unique experience. I think this is a chronic problem for someone suffering from a disability and/or mental illness because:

1. For some and certainly in my case, trauma and grief in my own life (wasting away of my body, abuse I suffered as a child, constant discrimination and loss of my dreams in light of this harsh reality… to name a few) was a big contributor to the fact I offended in the first place.
2. Being held in custody is double the punishment because unless you can provide 100% equality between ‘able bodied’ and disabled, the person with a disability is going to be suffering for having a disability. I feel I need not point out that having a disability is not a crime, but they are being punished for it!

ARC is focused upon rehabilitation and all people involved give careful consideration to the offenders uniqueness. I feel that due to the ARC I have been given a fair go and I sincerely hope that this program will continue in future.

1. *Please tell us about any time that you or another person with disability experienced barriers to justice.*

I basically feel that I have been subjected to both direct and indirect discrimination under the Victorian Human Rights and Equal Opportunities Act, the Disability Discrimination Act and subjected to inhumane treatment under the Charter of Human Rights Act (section 22).

* Police refusing to write things down on countless occasions. While they did sometimes write upon request it was not always by any means. During welfare checks sometimes they spoke to my housemates instead of me. I never gave them permission to involve my housemates in my personal affairs.
* I was assaulted on one occasion. An officer cut her finger on a razor I was carrying. She pulled my hair and jerked my head, forcing me to look at her finger. On this occasion Police were very rough and there were heaps of them all talking verbally. I did not understand and I felt very scared. This occurred at an area mental health service of which I was a client. I have not returned to that clinic since and so disengaged with the service.
* Once I had been told that I was going to be remanded I wanted to make a phone call as I have two dogs and I am a university student. I needed to ask someone to feed my dogs and to contact my university to cancel interpreters and note takers that would be waiting for me in the corridor prior to my classes! However I was told that they didn’t have a way I could make a phone call. No they did not have a TTY and no they would not let me access a computer to call via the NRS website. I did not make a phone call and I had to put up with the added stress and worry it caused me while in Melbourne Remand.
* On the above mentioned occasion I had unknowingly breached my bail by attending a mental health service of which I was a client. There were a lot of Police that attended (10+). They took turns holding me down on the floor and I was not told what was going on, it was quite terrifying. I did not understand why/how I had breached my bail and Police were very aggressive.
* Police took my clothes and refused to give me a white ‘suit’ to wear. In Melbourne remand I was left naked in a ‘suicide proof’ cell that had no bed, chair or toilet nor toilet paper. Just and empty cell. I was aware that there was a camera. I was ignored and had nowhere to relieve myself. Requests for water were ignored. I was verbally refused even a blanket and I was very cold. Fortunately I was given sleeping tablets, otherwise I probably would not have been able to sleep. I curled up in a ball in the corner in an effort to keep warm.

1. *Do you have any other thoughts, ideas or comments you would like to make about people with disability and the criminal justice system?*

Human Rights can be removed when in custody. This may be a punishment for breaking the law. However I have been punished for two things: for breaking the law and also for having a disability. This is because pain, humiliation and suffering results from the ignorance of prison staff and Police, and from my inability to cry for help because I have been cut off from society (I can only cry to Police etc but they ignore me). This added pain, humiliation and suffering would not occur if I did not have a disability. I feel I committed no crime deserving of that punishment.

I have never been placed in a prison however it concerns me greatly. Amongst other things I have a disease that requires continuous monitoring. I have been having MRI’s every six months or so since I was 12 years old and intermittent surgery. I would have died many years ago without this treatment.

My quality of life has been drastically, and permantly impaired in the past (permanent loss of nerve function) due to being treated by surgeons who were not leading specialists. I do not know what would happen if I was every sentenced to a prison term but if I did not receive appropriate medical treatment I would image it would be rather incomprehensible.