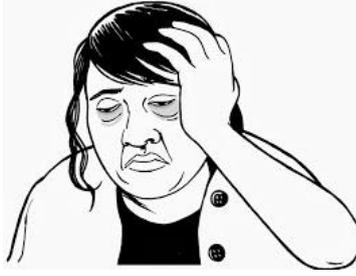


Making the justice system better for people with learning disability in New Zealand



Research by the Donald Beasley Institute

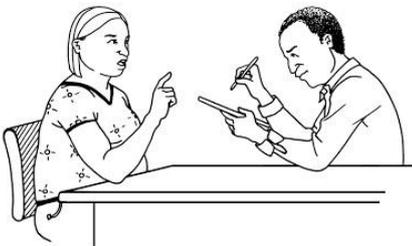
Easy Read



People with learning disability often have problems when they come into contact with the justice system.

The justice system is:

- the Police
- the courts
- lawyers
- legal aid.



People with learning disability have different support needs when they are in the justice system.



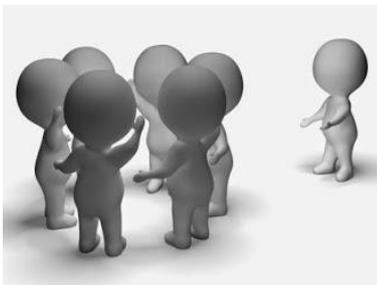
The justice system is not set up to give this kind of support to people with learning disability.



This means that when people with learning disability are in the justice system they:



- do not always get their human rights when going to court in New Zealand
- find it hard to understand what is happening when going to court
- cannot get the right kind of support when they are in court
- have lawyers, judges and court officials who do not know about learning disability.



The Donald Beasley Institute did a research project to find out what it was like for people with learning disability who had been in the justice system in New Zealand.



The New Zealand Law Foundation funded the research.



The Donald Beasley Institute talked to:

- people with learning disability
- lawyers
- judges.

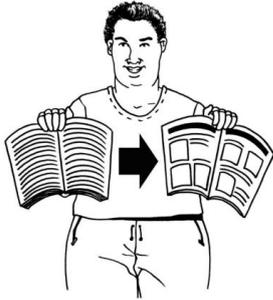


The Donald Beasley Institute wanted to find out what changes to the legal system would make it better for people with learning disability.



If the system was better people with learning disability would:

- get a fair go
- understand what is happening
- have judges and lawyers who understand their support and communication needs.



The research also has good information about how well New Zealand is meeting Article 12 and 13 of the UN Disability Convention about law and access to the justice system.

This information in this report will tell you:



- what people with learning disability think needs to change to make it easier to understand the justice system in New Zealand



- what lawyers find hard when working with people with learning disability



- what lawyers say they need to know to help them know how to work better with people with learning disability



- what judges find hard when working with people with learning disability



- what judges think could help them make better legal decisions for people with learning disability.

Who took part in the research?



- 40 men and women with learning disability
- 15 lawyers
- 13 judges.



The lawyers and judges all had worked with people with learning disability in the justice system before.



People came from across New Zealand.



There was an advisory group that checked to make sure the research worked safely with people.



There was one person with a learning disability on the advisory group.

What did the research find out?

People with learning disability

A lot of people with learning disability who took part in the research had:



- difficult childhoods
- been bullied.



Some people said they had been abused.



People were very clear about what made a good lawyer.



A good lawyer:



- speaks in a way so that people can understand what is happening
- takes time to build a good relationship with people
- builds trust with people
- listens well to peoples' story.

People with learning disability said legal information:

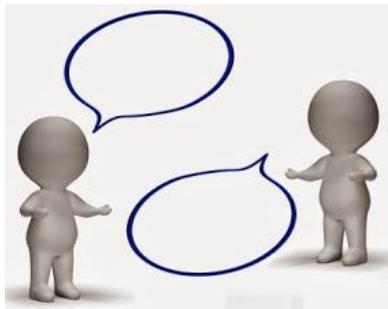


- needs to be in plain English
- have no jargon
- needs to point out the key information.



If legal information was written in plain English it would make it easier for people with learning disability to:

- understand what was happening
- make their own decisions.



People with learning disability said it was important to have a good relationship with your lawyer.



People said that they sometimes felt like their lawyers were the only ones on their side.

People with learning disability looked for lawyers who:



- respected their wishes
- respected their legal decisions
- fought hard for their legal rights.



People with learning disability said it was important for judges and lawyers to listen and understand about the person's whole life and not just hear about what had happened to bring them into the justice system.



Most people with learning disability said that going to court was scary.



Many people found all the questions really hard because lawyers ask a lot of very hard questions very quickly.

Some people had Welfare Guardians when they didn't want them.



Welfare Guardians make legal decisions for people.

People were unhappy that the courts had allowed this to happen.



Some of the people interviewed were parents and had their children taken off them by the Family Court.

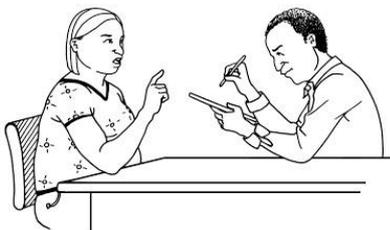


These people were very sad about having their children taken off them.



They said they did not feel like their lawyers had worked hard enough for them.

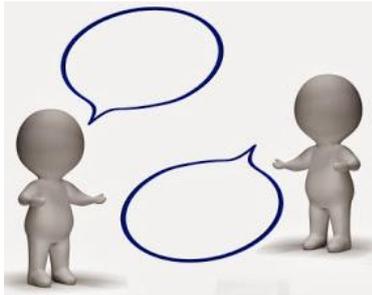
People with learning disability who were arrested said it would be better if:



- lawyers and judges knew more about the lives of people with learning disability



- lawyers and judges had better communication skills



- people with learning disability could learn from other people with learning disability who had already been through the justice system.



People said it would be a good idea to have a trained assistant ready to help people with learning disability when they were arrested.

Lawyers



Lawyers who took part in this research enjoyed working with people with learning disability.



They said that not all lawyers were willing to spend the extra time that is needed to support people with learning disability well.



Lawyers also thought it was important that if a person had a learning disability support should be put in place as soon as possible.



This is very important if a person has been arrested for committing a crime.



Lawyers sometimes find it hard to talk with people with learning disability.



Lawyers said they need help with checking whether their clients with learning disability have understood all the legal information they have been given.



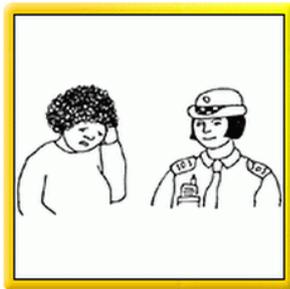
Some lawyers think people with learning disability are at risk of being put under pressure to say they are guilty.



This might mean that people with learning disability do not get their legal rights.



Lawyers understand that some people with learning disability say what they think others want them to say rather than what they really want to say.



Lawyers say that the police and other people working in the justice system need to know this and make sure it does not happen.



Lawyers know that many people with learning disability do not have the money to pay for their own lawyer.



This means they have to rely on Legal Aid.

Legal Aid is when the court costs are paid for by the government.

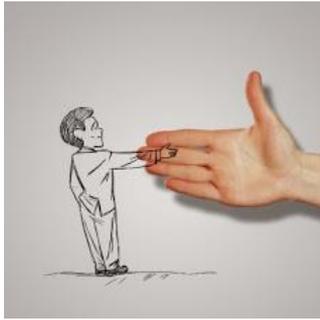


Legal Aid does not always cover the amount of time lawyers need to take to work with their clients with learning disability well.

Legal aid also makes it difficult for a person to:



- choose their own lawyer
- go back to a lawyer they already have a good relationship with.



Lawyers said people with learning disability should be able to:

- get more money for legal aid
- choose their own lawyer.

Lawyers said it was important all people involved in the justice system have more training about learning disability:



- the police
- court officials
- lawyers
- judges.



Training needed to be done more often.



Lawyers said it would be a good idea to have a trained assistant ready to help people with learning disability when they were arrested.



This would mean the assistant could make sure the person with a learning disability:

- understands what is happening
- has help with communication.



Some lawyers thought courts for people with learning disability would be a good idea.



This is because lawyers and judges working in those courts would be experienced in working with people with learning disability.



Lawyers said the **Intellectual Disability Compulsory Care and Rehabilitation Act** was hard to understand.



The **Intellectual Disability Compulsory Care Act** is for people with learning disability who have been involved in committing a serious crime.



It means that people with learning disability do not go to prison but go to a disability support service instead.



Lawyers who work with people with learning disability should be experts in this Act.

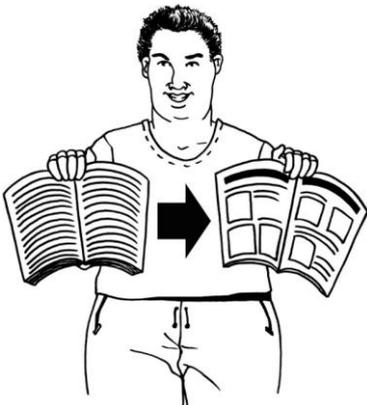


Lawyers were worried that there are many people with learning disability in the legal system who do not get the support they need.

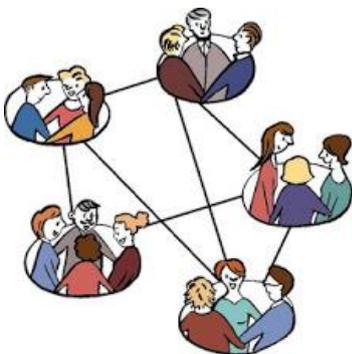
Judges



Judges said it was important to know they are working with people with learning disability as soon as they start working on a case.



If Judges know early that the person appearing at court has a learning disability they could put things in place to make it more accessible.



Judges said that everyone working in the justice system needs to know how to support a person with learning disability.



Judges are worried that it is even harder for people with learning disability if they do not come to court through the **IDCCR Act**.



Judges know that people with learning disability need more time to go through and understand what happens at court.



Judges often could not give people the time they need because courts are very busy.



Judges know it is important for people with learning disability to understand what is happening when they are at court but it is hard information to understand.



Judges know people need accessible information.



Judges said they try hard to communicate with people with learning disability in ways they can understand.



Courtrooms are scary places to be so judges try to make people feel more comfortable when coming to their court.



Judges are worried that lawyers do not talk to people with learning disability in ways they can understand.



Judges said they knew it was hard for people with learning disability when the lawyers asked lots of questions and they were expected to answer very fast.



Some judges thought that communication assistants were a good way of helping people with learning disability understand what was happening in court.



Communication assistants could help people when they are dealing with legal problems and information.



Judges think that legal aid is not working well for people with learning disability.



People with learning disability need more time with their lawyers and legal aid does not pay enough money to the lawyers for this extra time.



Some judges thought that people with learning disability should have their cases heard in a closed court.



When members of the public come to watch court it can be upsetting for people with learning disability.



A closed court would mean members of the public would not be allowed in the court room.



Judges thought that education about learning disability should have people with learning disability talking about:

- what they think
- what the justice system was like for them.



Education needs to be for:

- law students
- the police
- lawyers
- judges.



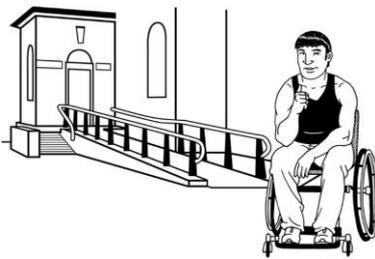
Judges liked the idea of a legal system that gives people with learning disability the chance to tell their stories.



These stories will tell the courts what happened for them to end up in the justice system.



This would help judges to make better decisions.



Most judges thought specialist courts lawyers and judges would be a good way to meet the needs of people with learning disability.

Interesting information from the research



People with learning disability, lawyers and judges all had the same ideas about what would make the justice system better for people with learning disability.



This information has been translated into Easy Read
by People First New Zealand Inc.- Ngā Tāngata Tuatahi

