

Courting Justice

Three years of impact

justice 
connect

fairer and better lives



In September 2015, the first criminal lawyer in Justice Connect's Homeless Law service's history joined the team. Since that time, we have been able to provide civil and criminal legal casework, integrated with social work support, bringing to life the concept of holistic service provision.

What is the Courting Justice project?

Justice Connect Homeless Law's Courting Justice Project (Courting Justice) provides integrated criminal legal representation to Victorians experiencing or at risk of homelessness. Courting Justice seeks to improve the ability of complex clients to access the justice system and to deal with the range of legal issues that accompany the experience of homelessness. Our [two year report](#) describes in detail the implementation of Courting Justice and the findings from two years of service delivery.

Reflecting on our work, we see Victorians who have complex, intersecting and multiple legal and non-legal needs. Their experience of homelessness makes it more likely they will come into contact with the justice system, while simultaneously making it more difficult for them to navigate it.

As a result, our model is designed and implemented with the needs of this group of clients at the centre to ensure that clients receive integrated and intensive legal and non-legal support. Recent data from Victoria Legal Aid shows that this area of legal need is expanding. In 2017-18 Victoria Legal Aid saw a 13% increase in the number of their clients who were experiencing homelessness. This growing need highlights the importance of the Courting Justice program.

Diverting people out of the criminal justice system

The Criminal Justice Diversion Program is a legislative scheme which empowers a court to deal with a criminal charge by 'diverting' the matter from the criminal justice system and thus avoiding a finding of guilt.

Although 15 of our clients in the first three years accessed Diversion, only four of these applications were prompted by Police.

Without the representation provided through the Courting Justice program, it is likely the other 11 clients would have ended up with criminal records and the long-term impacts for their futures, particularly employment, that these records carry with them.

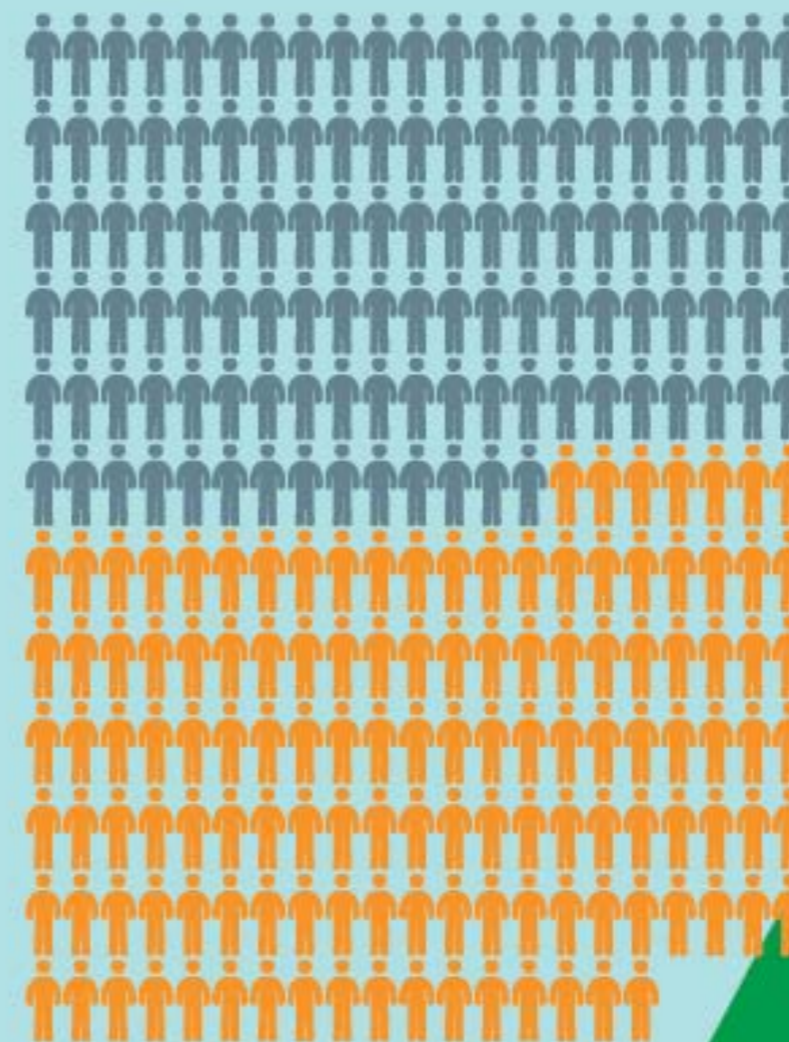
Providing integrated legal and non-legal support

Courting Justice's integrated model recognises the importance of addressing the underlying causes of clients' interactions with the justice system. This multi-disciplinary approach directly reduces the emergence of new legal needs and limits the pressure of the law on marginalised Victorians.

Justice Connect Homeless Law has two in-house social workers who provide specialist non-legal support to increase engagement with legal issues and remove barriers to safe housing. In three years of Courting Justice, half of the clients who received ongoing legal assistance were supported by our social workers, leading to holistic outcomes and longer-term benefits.

COURTING JUSTICE

Three years of providing integrated criminal law representation to vulnerable Victorians:



We helped **237** people who are homeless or at risk of homelessness with criminal legal casework, advice or in-court representation.

of these, **124** received help with ongoing criminal legal casework

90% of clients would not have been eligible for Legal Aid funding for ongoing representation.

we helped with **216** sets of charges

50% received support from our in house social workers

55% had issues with addiction or substance use

73% had a mental illness

81% received help from us for another legal issue (e.g. debts or fines)

Annabell's story

Annabell: First time offender assisted to attend court and access diversion program

For her first 44 years, Annabell* had no trouble with the law. Annabell was unable to work after suffering a car accident in 2015. Soon after, her relationship broke down and she was in significant debt.

She was evicted from her family home because she was unable to maintain her rental payments. Annabell had suffered family violence and was dealing with chronic alcohol addiction.

After obtaining a new rental property, in early 2017 Annabell was again evicted for rental arrears. Annabell had nowhere to go.

She broke back in to the vacant rental property from which she had just been evicted because she needed shelter and felt comfort in the familiar surroundings. Annabell was charged with trespass.

Annabell found attending court particularly difficult. She was still dealing with her alcohol addiction and had begun addressing underlying mental health issues through a mental health care plan.

She was unfamiliar with the court process and was sleeping on a couch in the outer north-western suburbs of Melbourne. It would take her several hours on public transport to get in to court.

Due to the advocacy of the Justice Connect criminal lawyer and the support of the HPLO social worker, Annabell was granted a diversion on the basis that she would continue to work with the social worker.

This means that she avoided a finding of guilt and the criminal record implications.

* Annabell's name has been changed



"There are times when I thought about not showing up but [the Homeless Law criminal lawyer] has put a different spin on things and calmed me down. Just because people are homeless doesn't mean they don't deserve good, if not the best."

Letter from a client

"[The clients] have all had severe mental health issues which make it difficult for them to engage or trust the system. It's such a great service for those people who wouldn't access a criminal lawyer any other way."

Pro bono lawyer with Justice Connect

"Without the Courting Justice program, many of my clients would struggle to prepare for and attend court. Flexible and simple access to a lawyer, face-to-face, builds trust and reduces their anxiety. Phone advice or duty lawyers might work for the bulk of people but more complex clients really benefit from a direct service and as a result attend court and sort out their legal issues more efficiently."

Justice Connect social worker



Pearl's story

Another example of the Courting Justice Program is where we are able to negotiate the withdrawal of charges for clients who wouldn't otherwise be able to access ongoing representation. One example of this is our recent client Pearl:

Pearl: older woman avoids charges for shop theft

Pearl is a 63 year old woman living in public housing who was being assisted with her tenancy matter by Justice Connect's civil lawyers. The Homeless Persons' Liaison Officer social worker was also working with Pearl.

Pearl was charged with the theft of some groceries from a shopping centre. At 63 years of age Pearl had never been in trouble with police and was terribly anxious about the hearing. She was placed on bail on condition that she not attend the shopping centre.

Pearl was extremely frustrated about the charge because the items seized were items she had received as part of a care package from a local church group.

Pearl's anxiety about hearings meant that she wasn't able to attend court. Through the advocacy of the criminal lawyer on the basis that police did not have sufficient evidence, the charges were withdrawn.

Without representation, Pearl would almost certainly not have attended court and warrants would have been issued for her arrest. There was a real likelihood that Pearl would have eventually been remanded in custody.

Even if Pearl did manage to attend court, a duty lawyer may have been able to provide procedural advice however they would likely not have had the time or resources to negotiate the withdrawal of all charges.

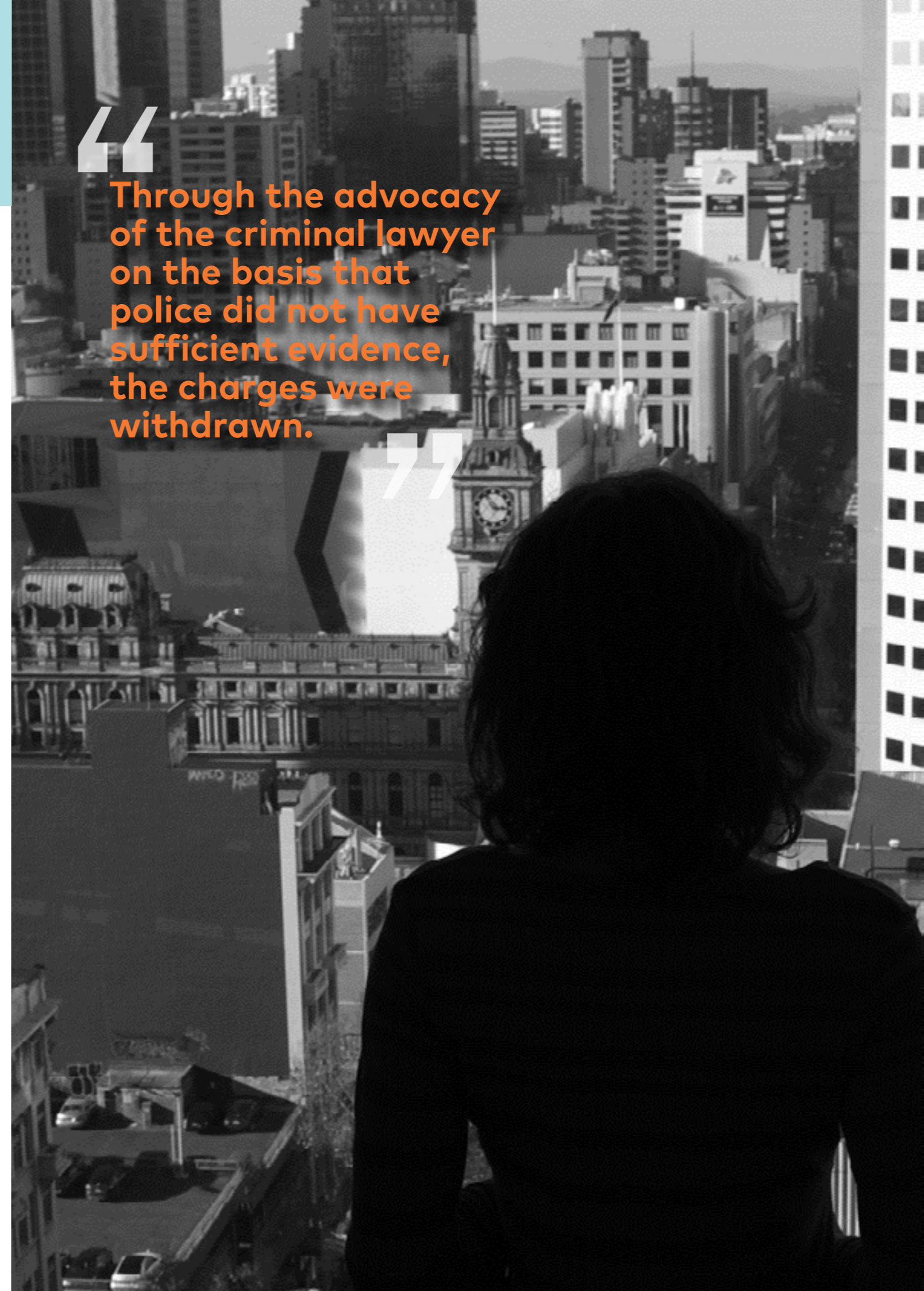
In either of the above scenarios, Pearl would have ended up with a finding of guilt in relation to charges that were ultimately withdrawn.

* Pearl's name has been changed

“

Through the advocacy of the criminal lawyer on the basis that police did not have sufficient evidence, the charges were withdrawn.

”



Contact

Cameron Lavery

Manager and principal lawyer, Homeless Law

cameron.lavery@justiceconnect.org.au

+61 3 8636 4412

Samantha Sowerwine

Principal lawyer, Homeless Law

samantha.sowerwine@justiceconnect.org.au

+61 3 8636 4470



Funding and partnerships

Courting Justice has been generously funded by the Portland House Foundation for its first three years. Justice Connect takes this opportunity to express our sincere thanks to the Portland House Foundation for its generous, collaborative support.

Justice Connect
ABN | 54 206 789 276
justiceconnect.org.au