

Submission to the legislative Council legal and Social issues committee

## **INQUIRY INTO THE VICTORIAN JUSTICE SYSTEM**

Date. 14 April 21

A few observations :

**BAIL JUSTICES SHOULD BE INCLUDED IN THIS REVIEW** You make no mention of them and their valuable role, being a major part of the Justice system .

### **EXTENSIVE OVERSEAS LITERATURE RESEARCH**

I would assume your committee will be carrying out an extensive literature review . This subject is not new . Overseas research and implementation programs should be exhaustively reviewed and considered .

As a Victorian Bail Justice now in my second five year term I feel compelled to make a brief submission . In the past ,I have contributed as a criminologist to a Justice parliamentary inquiry into Crime Prevention Through Environmental Design (CPTED) .Two detailed reports were completed and not one of the recommendations were ever introduced . I hope my previous experience and the submissions from many stakeholders are not repeated in this inquiry .

### **REINTRODUCE CPTED AS A CRIME PREVENTION METHODOLOGY**

The crime preventative methodology of CPTED is a valuable strategy in crime prevention that has not been implemented in Victoria.This potentially impacts on the increase in crime For further insights contact me . I was one of the initiating criminologists with senior police tat implemented a state strategy (10 years ago )incorporating a police academy course and guidelines that are now out of date. The police course no longer runs and CPTED has minimal use as a crime prevention methodology .At the last election following my representations to Edward O Donohue MP he allocated 4 million dollars to re invigorating the methodology along with neighbourhood watch .

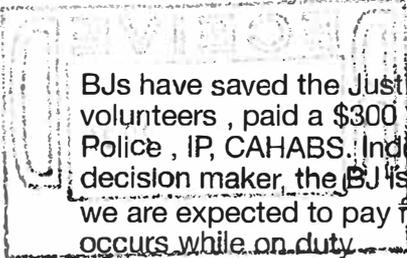
### **INITIATE PRIORITY POLICING STRATEGIES**

The police need to look overseas to the successful priority policing strategies where they have greater contact with local communities in reducing crime . ie better contact with offenders and increasing outreach programs . The reintroduction of the police in schools program I have been lobbying to start again is good to see ,and I have communicated that to the police commissioner . This offers the prospect of the important role in engaging young people in crime prevention education and potentially supporting career counselling . I have no idea of the current curriculum but I called on the police years ago to conduct a segment in the year 11 legal studies course I was conducting .

### **BJ JUDICIAL IMMUNITY TO BE REINSTATED**

Without Judicial immunity BJs are remanding more offenders after the Bourke street BJ was not supported . Why take the risk with bailing someone .

I attended the Bourke Street coronial inquiry with another senior BJ and I was appalled how that BJ was cross examined by five barristers .We did have judicial immunity up until 2000 and then for some reason it was withdrawn by the liberal Government , a mistake we believe that has never been rectified. You will find as a result of the cross examination of the Bourke street BJ outcome many BJs resigned and many like myself do not take any risk and remand more offenders where previously I worked hard to see how I could bail the offender , possibly on strict conditions .Remands have obviously increased .



BJs have saved the Justice system millions of dollars over the years , but we are only seen as volunteers , paid a \$300 stipend each year, if on the roster . Everyone else in the hearing , the Police , IP, CAHABS, Independent person, interpreter , and call centre staff are all paid but the decision maker, the BJ is expected to do it for nothing , at all hours of the night . As a volunteer we are expected to pay for our petrol and are not covered for vehicle insurance if something occurs while on duty.

### **A STANDARD HEARING FEE FOR BJs SHOULD BE IMPLEMENTED**

Certainly after Bourke street our role has diminished and I now only receive a few calls a week . Peoples liberty is affected . I can site plenty of examples of accused I have bailed ,possibly on tighter conditions that police would now remand after changes to the legislation causing a traffic jam at the courts .BJs are now only responsible for children , mentally impaired and indigenous persons .We have plenty of practical hearing skills and are well versed in Bail legislation . The training is extensive when I applied the Justice department started with 20 in our region and 5 of us got through .

### **FACTORS INFLUENCING VICTORIAS GROWING REMAND AND PRISON POPULATION**

The BJs need to have a greater role in reviewing bail/ remand police decisions and I believe should be present when police are preparing to remand an accused .In the majority of cases when I attend a police station hearing the informant usually has the remand papers ready . They just assume the BJ will follow there recommendation to remand . I have to remind them it's a bail hearing and the remand document at the start is not appropriate. The BJ makes the independent decision on the outcome .

### **BJs GREATER ROLE AT POLICE STATIONS FOR CERTAIN OFFENCES**

BJs could be used for other roles in the justice system to relieve the Magistrate for more intensive cases .For instance minor traffic offences could be handled by BJs and parking fine reviews could be managed by BJs .

### **BJs COULD CONDUCT LOW LEVEL HEARINGS**

During the hearing when I am uncovering the evidence both from the police and accused it is sometimes evident that many of the accused persons are on multiple warrants and have failed to appear at court .This exacerbates the process and it's pointless continually putting off making a decision , it also placing the community in greater danger from re offending .A quick resolution to the consequences of a crime is crucial . Examples of children in this situation is untenable and magistrates could be on duty over the weekend to cater for this backlog .

### **MAGISTRATES COULD BE ROSTED ON OVER THE WEEKENDS TO REDUCE MULTIPLE BAILS**

In summary my best advice is to investigate and implement strategies from overseas success stories . I have found with CPTED , priority policing and situational crime prevention methodologies the USA ,Canada and the Uk are at least twenty years ahead of our out dated approaches to crime prevention .

My success with Government MPs , bureaucrats ,Senior police and councils has been limited because they are not prepared to listen and debate issues of importance .They don't know what they don't know and are not prepared to engage in appropriate communication . They give you the impression they know it all . That is a real problem when initiating change .

Thank you

