

Justice Advocacy Service Evaluation

Department of Communities and
Justice

Evaluation Report

13 October 2023

NOTICE

In accordance with our Engagement Agreement dated 5 December 2022 (“Agreement”), Ernst & Young (“we” or “EY”) has been engaged by the Department of Communities and Justice (“you” or “Department” or “client”) to undertake a process and emerging outcomes evaluation of the Justice Advocacy Service (JAS) in NSW (the “Service”).

The results of EY’s work, including the assumptions and qualifications made in preparing the report, are set out in EY’s report dated 13 October 2023 (“Report”). The Report should be read in its entirety including this transmittal letter, the applicable scope of the work and any limitations. A reference to the Report includes any part of the Report. No further work has been undertaken by EY since the date of the Report to update it.

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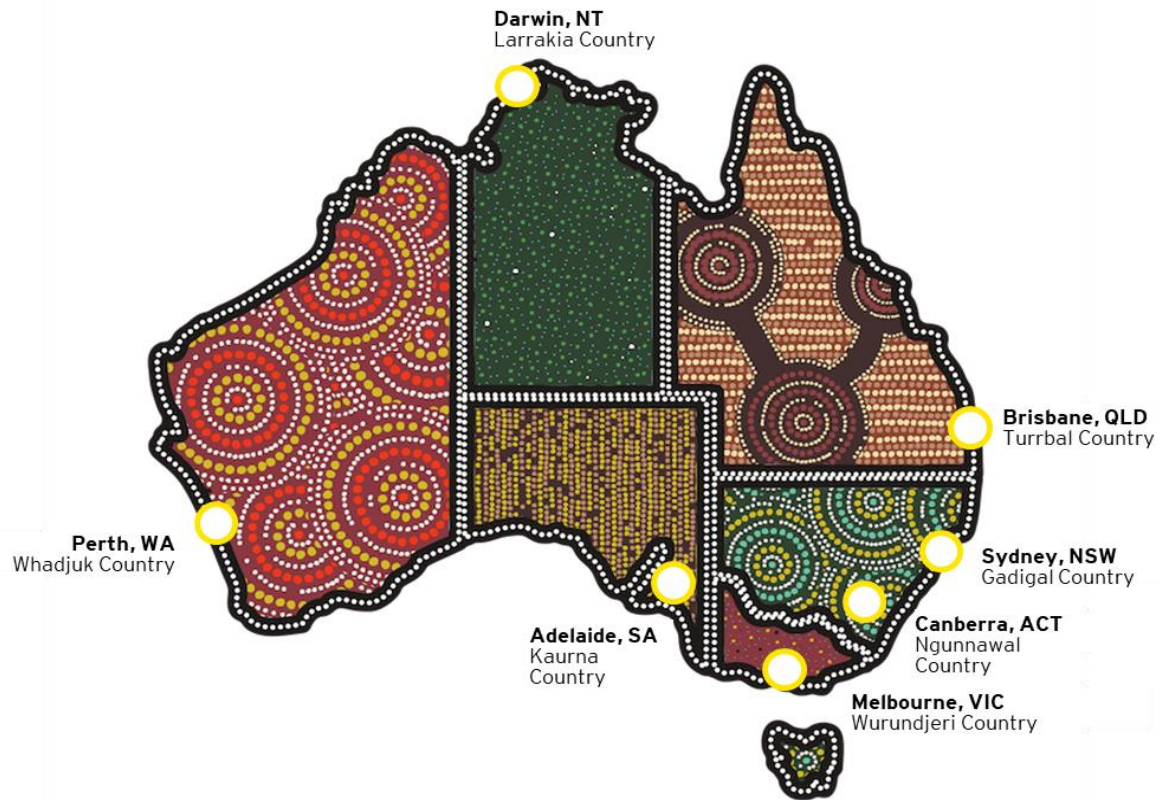
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EY acknowledges Aboriginal and Torres Strait Islander people as the first peoples of Australia and Traditional Custodians of this land and its waters. We pay our respects to Elders, knowledge holders and leaders past, present and emerging.

We respectfully acknowledge the Traditional Owners of country on which EY's offices are located, including Turrbal, Gadigal, Ngunnawal, Wurundjeri, Kurna, Whadjuk, and Larrakia Nations.

We respect Traditional Owners' relationship, connection and association to "country" and that it is an integral part of their identity and cultural expression.

We understand and respect that Country is sacred, and we will work diligently and culturally responsively in partnership to build a strong future for the People and Country.

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Glossary of Acronyms

The table below presents a list of acronyms used throughout this report:

Acronym	Meaning
ABS	Australian Bureau of Statistics
ACCSO	Aboriginal Client and Community Support Officer
ACLO	Aboriginal Community Liaison Officer
AES	Australian Evaluation Society
AIATSIS	Australian Institute of Aboriginal and Torres Strait Islander Studies
ALS	Aboriginal Legal Service
AOD	Alcohol and Other Drugs
ARC	Ability Rights Centre
ASU	Aboriginal Services Unit
AVL	Audio Visual Link
AVO	Apprehended Violence Order
BOCSAR	Bureau of Crime Statistics and Research
CALD	Culturally and Linguistically Diverse
CCO	Community Corrections Order
CLC	Community Legal Centre
CTSD	Courts, Tribunals and Service Delivery
DCJ	Department of Communities and Justice
DFV	Domestic and Family Violence
EY	Ernst & Young
FASD	Foetal Alcohol Spectrum Disorder
FPDN	First Peoples' Disability Network
FTE	Full-Time Equivalent
GST	Goods and Services Tax
HR	Human Resources
IDRS	Intellectual Disability Rights Service
JAS	Justice Advocacy Service
JASPR	Justice Advocacy Service Program Records
JHFMHN	Justice Health and Forensic Mental Health Network
KPI	Key Performance Indicator
LGBTIQ+	Individuals who identify as lesbian, gay, bisexual, transgender, intersex, and queer/questioning

Acronym	Meaning
MoCA	Montreal Cognitive Assessment
MoU	Memorandum of Understanding
NAIDOC	National Aboriginal and Islander Day Observance Committee
NDIA	National Disability Insurance Agency
NDIS	National Disability Insurance Scheme
NGO	Non-Governmental Organisation
NHMRC	National Health and Medical Research Council
NSW	New South Wales
NSWPF	New South Wales Police Force
ODPP	Office of the Director of Public Prosecutions
S14	Section 14 of the Mental Health and Cognitive Impairment Forensic Provisions Act 2020 (NSW)
SCCLS	Statewide Community and Court Liaison Service
SPRC	Social Policy Research Centre
WAS	Witness Assistance Service
WDVCAS	Women's Domestic Violence Court Advocacy Service
WHS	Work Health and Safety
YLA	Youth Law Australia

1. Executive Summary

1.1 Introduction

Ernst & Young (EY) was engaged by the Department of Communities and Justice (“the Department” or DCJ) to undertake a process and emerging outcomes evaluation (the “evaluation”) of the Justice Advocacy Service (“the Service” or JAS) to support the Department to understand and articulate the efficacy of JAS, support quality service delivery and enable continuous improvement throughout the current contract term ending 30 June 2025.

The objective of the evaluation was to address the key questions outlined in Table 1.

Table 1: Evaluation questions

Evaluation type	Evaluation question	Evaluation question reference
Process	To what extent is JAS being implemented as intended from 1 April 2022? What are the barriers and facilitators to the intended implementation of the Service?	EQ1
	What improvements can be made to service implementation in order to achieve the stated objectives and outcomes of the service?	EQ2
Emerging Outcomes	To what extent is the Service demonstrating achievement of emerging outcomes for clients?	EQ3

1.2 Justice Advocacy Service

JAS is a New South Wales (NSW) government-funded free support service for victims, witnesses, suspects and defendants who may have a cognitive impairment which aims to facilitate their clients’ ability to exercise their rights and participation in the criminal justice system.

JAS has eight core functions, including:¹

1. Supports for suspects who may have a cognitive impairment in police custody.
2. Supports for victims and witnesses who may have a cognitive impairment when interacting with police.
3. Supports for people who may have a cognitive impairment attending court.
4. Supports for people who may have a cognitive impairment attending legal appointments.
5. Free legal advice from a trained solicitor for suspects who may have a cognitive impairment in police custody.

¹ DCJ (2022) JAS Process Evaluation Statement of Requirements

6. Training for justice agency staff on working with people with a cognitive impairment in contact with the criminal justice system.
7. Capacity building and peer mentoring for people with a cognitive impairment in contact with the criminal justice system.
8. Targeted case coordination for defendants with a cognitive impairment appearing in specific courts that supports diversion away from the criminal justice system.²

The Service is contracted to be delivered by the Intellectual Disability Rights Service (IDRS), a disability advocacy service, until 30 June 2025.

Since its inception on 1 July 2019, the Service has been expanded to deliver multiple support services. JAS currently has two distinct functions, being Advocacy and Diversion, aligned with JAS' core functions.

The Advocacy service was first implemented on 1 July 2019, and the current contract was executed on 1 April 2022. The Advocacy service is available to victims, witnesses, suspects and defendants, and is based around 20 JAS service locations in metropolitan, regional and rural NSW.³ The service is concentrated in NSW Police Area Commands, Police Districts and central court locations. The Advocacy service supports people with a suspected cognitive impairment with functions one to seven of JAS' eight core functions referenced above.

JAS' Diversion service was formally implemented on 1 July 2022 and supports defendants with a cognitive impairment and relevant stakeholders, including their legal representatives, to make an application for a Section 14 order under the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020 (NSW)* ('the Act'). The objective of the Service is to divert people with cognitive impairment from the criminal justice system and facilitate access to community-based social and disability supports. JAS' Diversion service operates alongside JAS' Advocacy Service in six NSW local courts, those being Downing Centre, Parramatta, Blacktown, Penrith, Gosford and Lismore local courts. The Diversion service primarily supports functions seven and eight of JAS' core functions listed above.

1.3 Evaluation methodology

The current evaluation's methodology consisted of three phases:

- ▶ Phase 1: Co-design of the evaluation approach
- ▶ Phase 2: Data collection
- ▶ Phase 3: Data analysis and reporting.

The evaluation adopted a mixed-methods approach to examine the implementation and emerging outcomes of the Service over the period 1 April 2022 to 1 May 2023 (the "evaluation period"). The findings of this evaluation are based on the analysis of qualitative and quantitative data, including the Justice Advocacy Service Program Records (JASPR) administrative dataset.

³ JAS provides support in the following locations and in the surrounding areas: Albury, Ballina, Batemans Bay, Blacktown, Bourke, Broken Hill, Campbelltown, Coffs Harbour, Dubbo, Gosford, Goulburn, Griffith, Moree, Newcastle and Upper Hunter, Orange, Sydney, Tamworth, Wagga Wagga and Wollongong.

1.4 Report Structure

The following sections of this report detail the evaluation activities and findings, including:

- ▶ Introduction: context and background on JAS and policy context for people with cognitive impairment in contact with the criminal justice system, previous evaluations and analyses of JAS, as well as the current evaluation scope, objectives and questions.
- ▶ Evaluation Methodology: phases of the evaluation approach, including co-design, literature review, data collection and analysis, as well as stakeholder engagement, ethical considerations and limitations.
- ▶ Evaluation Findings: detailed findings of the process and emerging outcomes analyses.

1.5 Findings

The evaluation found that the Service met its intended goals and was largely successful in executing its implementation plan. Throughout the evaluation timeframe, JAS demonstrated progress through the introduction of its Diversion service and the continuous operation of its Advocacy service. While certain obstacles were identified during implementation, qualitative evidence indicated that JAS navigated these challenges, while quantitative evidence suggests positive emerging outcomes were delivered for clients.

A summary of key process and emerging outcomes evaluation findings can be found below. More detailed findings can be found in Section 4.

JAS Diversion outcomes - EQ1, EQ2, EQ3

While JAS' Diversion service did not achieve its pro rata target to support 308 clients between 1 July 2022 and 1 May 2023, the Service has demonstrated its effectiveness in diverting 79.5% of clients away from the criminal justice system during its first ten months of operation, a diversion rate that compares favourably to mental health diversionary services. There remains scope for enhancement in its implementation including the potential for streamlining processes to enhance efficiency and bolstering support for the delivery of high-quality services.

The Diversion service was formally implemented on 1 July 2022 with a total client target of 370 for the 12-month period of FY 22/23. For the purposes of the evaluation, the pro-rata Diversion client target was 308 clients between 1 July 2022 and 1 May 2023.

Over the evaluation period, JAS Diversion provided support to 224 clients and supported 117 of those clients with Section 14 applications. During this period, 159 clients were exited from the Diversion service with eight identified as repeat clients, indicating that approximately 5% of all Diversion exits returned to the Service between 1 April 2022 and 1 May 2023.

79.5% of the 117 Diversion clients who had a Section 14 application submitted during the evaluation period were successful in achieving a Section 14 order.

While JAS Diversion did not meet its pro-rata FY 22/23 target to support 308 clients, the Diversion service has demonstrated success in Section 14 application outcomes. Of the 117 JAS Diversion clients who had a Section 14 application submitted during the evaluation period, 79.5% were successful in achieving a Section 14 order. In the case of mental health, NSW studies report

diversion rates for eligible clients of 57% for adults⁴, and 47% for young people.⁵ As such, the rates of successful diversion achieved by JAS compare favourably to studies of publicly available comparators.

The success of JAS' Diversion service outcomes was attributed to a range of factors. The effectiveness of JAS staff members in collating existing evidence of cognitive impairment was key to supporting efficiencies in the Diversion process and in minimising JAS' expenditure on commissioning diagnostic assessments to support Section 14 applications. Due to JAS' reported effectiveness in sourcing evidence of cognitive impairment, approximately 80% of JAS Diversion clients did not require new diagnostic assessments to be undertaken.

As a result of the lower than anticipated level of assessments, JAS expenditure on commissioning diagnostic assessments in FY 22/23 was 59% lower than its budget of \$234,782. This underspend was also attributed to JAS not having met its Diversion client target to support 370 Diversion clients in FY 22/23.

Qualitative evidence suggests there are opportunities to improve the effectiveness of the implementation of JAS' Diversion service to support quality service delivery. Key opportunities identified include:

- ▶ Improved access to justice and health databases to support efficiencies in the process to collate existing evidence of cognitive impairment.
- ▶ Establishing feedback loops between JAS staff and clinicians where diagnostic assessments are commissioned. This would support quality service delivery by enabling clinicians to understand whether the diagnostic reports met the needs of the client, JAS and the courts.
- ▶ Extension of the 16-week timeline for Diversion support to allow for periodic check-ins with clients on an "as needs" basis to support with implementation of the Section 14 support plan and ensure clients are adequately supported to adhere to conditions.

JAS resourcing and service continuity - EQ1, EQ2

Resource and capacity constraints experienced during the evaluation period were consistently cited as barriers for the Service. These challenges both disrupted the smooth implementation of JAS and led to difficulties in maintaining consistent service delivery.

The demand for the Service was high throughout the evaluation period. Between 1 April 2022 and 1 May 2023, 11,879 supports were provided to 2,877 unique clients across both JAS Advocacy and Diversion. 2,675 of these clients were supported by the Advocacy service, which continued to provide a high volume of support, delivering 11,141 supports during the evaluation period. Of these supports, 10,609 were provided to suspects and defendants, and 532 were provided to victims and witnesses, indicating scope for JAS' Advocacy service to expand its support for these client types.

⁴ Yin-Lan Soon, Natasha Rae, Daria Korobanova, Calum Smith, Claire Gaskin,Carolynn Dixon, David Greenberg & Kimberlie Dean (2018) Mentally ill offenders eligible for diversion at local court in New South Wales (NSW), Australia: factors associated with initially successful diversion, *The Journal of Forensic Psychiatry & Psychology*, 29:5, 705-716, DOI: 10.1080/14789949.2018.1508487

⁵ Gaskin, C., Singh, S., Soon, Y. L., Korobanova, D., Hawes, D., Lloyd, T., ... & Dean, K. (2022). Youth mental health diversion at court: barriers to diversion and impact on reoffending. *Crime & Delinquency*, 00111287221122755.

“Frankly, it is unrealistic for a single person working part-time to cover this geographic area. I’ve agreed to focus on [geographic areas] with the magistrate, but I often feel like I’m not able to meet the needs of clients due to resourcing.” - JAS staff

Across both JAS Advocacy and Diversion, implementation challenges impacting service continuity were identified from both qualitative and quantitative evidence collected during the evaluation. The primary implementation challenges related to resourcing and capacity of the Service and were reported to be:

- ▶ Impacts of JAS’ contracting uncertainty, including the associated loss of staff
- ▶ Ongoing challenges securing resourcing in regional and rural areas for police station and court supports
- ▶ Challenges filling key staff positions including the JAS Program Director role, JAS Education Coordinator role and JAS Diversion Coordinator roles at some Diversion courts
- ▶ Overestimation of the number of diagnostic assessments required to support Section 14 applications.

Ensuring geographic coverage of the Service within resourcing and capacity constraints was cited to be a key challenge for staff and volunteers in regional and remote areas, where JAS covers vast geographic distances to support clients. This was perceived to result in gaps in service availability and led to unmet need for both police and court supports in some geographic areas, including far western and southern NSW.

Resourcing constraints combined with high caseloads maintained by JAS staff were cited to have contributed to JAS closing intake at all Sydney metropolitan courts from late January to late April 2023. In addition to closing intake at metropolitan Sydney courts, JAS closely monitored caseload and capacity in the Newcastle/Hunter district and Dubbo, with the intention to close intake if capacity issues persisted. To support with managing demand for the Service, JAS implemented a prioritisation framework to ensure clients with the most acute needs were being serviced and referrals from priority referral partners were being addressed.

Collaboration with criminal justice system stakeholders - EQ1, EQ2

The evaluation found that effective collaboration with criminal justice system stakeholders performed a pivotal role in establishing crucial referral pathways into the Service and supporting its comprehensive implementation. However, evidence regarding the extent of successful collaboration across JAS locations was mixed.

The evaluation found that collaboration with criminal justice system stakeholders was a key facilitator to the implementation of the Service. Areas for improvement in collaboration with police were identified, who were the largest referrer over the evaluation period (accounting for 33% of total referrals). Opportunities to improve collaboration with Justice Health and Youth Justice were also identified.

Qualitative evidence suggested the effectiveness of collaboration with criminal justice system stakeholders was location dependent. At the court-level, collaboration appeared to be most effective at smaller courts, including those in regional areas. Effective collaboration was reported to be dependent on:

- ▶ Awareness of the Service at the particular location, including whether JAS provides both Advocacy and Diversion support.

“I have a very positive working relationship with the JAS Court Diversion Service and our model is working effectively. We are able to frequently discuss referrals and formulate decisions about how to approach clients referred to our services.” - Justice Health stakeholder

- ▶ The proactiveness of the JAS workforce in building local relationships with criminal justice system stakeholders at specific courts and police stations.
- ▶ The degree of role and responsibility clarity between JAS and other organisations/agencies when managing shared clients.
- ▶ Receptiveness of local magistrates to support spreading awareness and promoting uptake of the Service in local courts.
- ▶ The extent of external stakeholders' engagement with the JAS Aboriginal Engagement Worker role.
- ▶ The degree of trust of external stakeholders in JAS' ability to assess and support clients, including the quality of Advocacy support provided by JAS staff and volunteers, and the accuracy of Section 14 support plans developed by JAS.

JAS awareness and education initiatives for staff, volunteers and external stakeholders - EQ1, EQ2

Expanding training opportunities for JAS staff, volunteers and external stakeholders was seen as a valuable strategy for enhancing the quality of service delivery and raising awareness of the Service. Opportunities exist for improved availability and better targeting of training for both JAS staff and external stakeholders.

JAS staff and volunteers perceived training accessed through JAS to be effective, with 94% of JAS staff and 98% of volunteers indicating training was either effective or highly effective. Despite the perceived effectiveness of training, access to training opportunities did not appear to be equitable across the JAS workforce, with 28% of JAS staff reporting they had not been provided with training and development opportunities. JAS staff highlighted the importance of access to training, noting that clients often have individual and specialised needs.

"I'm not clear on what the role of JAS is. [I think] there are opportunities for increased promotion of the Service - I wasn't aware there were supports available for victims and witnesses." -CTSD stakeholder

Qualitative evidence suggests there are gaps in the awareness and understanding of the Service amongst external stakeholders, particularly for police and police prosecutor stakeholders. Increased focus on awareness and training activities for external stakeholders was perceived to be an effective mechanism to improve efficiencies in the referral process, and collaboration generally.

Key training opportunities identified to be of benefit by JAS staff and volunteers and external stakeholders are outlined in Table 2.

Table 2: Training opportunities identified by JAS staff, volunteers and external stakeholders

Identified JAS staff and volunteers training needs:	Identified external stakeholders training needs:
<ul style="list-style-type: none"> ▶ the criminal justice system, including legal processes, and the roles of key stakeholders and agencies within the system ▶ conducting risk assessments ▶ managing client behaviours and de-escalation strategies ▶ making referrals to external services ▶ procedural information on providing support in different settings, 	<ul style="list-style-type: none"> ▶ eligibility criteria for referral to JAS ▶ the scope of JAS' services ▶ the nature of JAS supports for victims and witnesses, in addition to defendants and suspects. <p>Whilst noting that a diagnosis is not required for referral, benefit was suggested for training in:</p>

Identified JAS staff and volunteers training needs:	Identified external stakeholders training needs:
including at police stations, in court, and at correctional centres.	<ul style="list-style-type: none"> ▶ how to identify signs of cognitive impairment ▶ how to distinguish between cognitive impairment and when a person is affected by alcohol and other drugs (AOD) ▶ how to distinguish between signs of cognitive impairment and mental health impairment.

To improve awareness and support the development of an effective referral process, continued promotion of the service at criminal justice system stakeholder forums including Court Users Forums and Magistrates conferences was recommended. Court-based stakeholders also encouraged consistent JAS presence at court on list days and making JAS presence known to magistrates and registrars.

Client cohorts and outcomes - EQ1, EQ2, EQ3

While JAS has made significant inroads in reaching its intended cohort, there is evidence of substantial unmet demand within other important segments of the population. Specifically, there remain opportunities to expand support for victims, witnesses, women, and individuals from Culturally and Linguistically Diverse (CALD) backgrounds.

Both client demographic data and stakeholder feedback suggests that JAS is engaging with diverse people with cognitive impairment interacting with the criminal justice system, and its policy stipulating that evidence of cognitive impairment is not required for provision of Advocacy support was found to be critical in enabling this reach. According to the JASPR database, the most prevalent form of cognitive impairment amongst JAS clients is intellectual disability, followed by autism spectrum disorder, acquired brain injury and specific learning disability. Psychiatric disability was also recorded for many clients in the JASPR database,⁶ indicating the high prevalence of co-occurring mental health and cognitive impairment within the JAS cohort.

Whilst JAS has been effective in reaching its intended client cohort of people with cognitive impairment, significant unmet need exists which JAS has been unable to service due to capacity and resourcing constraints. The analysis of unmet need within the evaluation was restricted by the availability of external data sources. However, the number of people referred and turned away from the Service during the closure of intake in metropolitan Sydney areas provides preliminary evidence of unmet need. Between the period 23 January to 30 June 2023, JAS was unable to support 149 people referred to the Service in metropolitan Sydney areas. Furthermore, measuring unmet need must also be considered in the context of limited stakeholder awareness of the Service, where improved awareness of the Service could likely result in increased referrals which the Service may be unable to support due to resourcing constraints.

Quantitative evidence demonstrates that there are certain cohorts for whom JAS provides significant support, particularly defendants, men and Aboriginal and Torres Strait Islander people. Based on analysis of JASPR data, 74.8% of the 1,624 eligible clients referred to JAS between 1 April 2022

⁶ The “psychiatric” disability category is based on the cognitive impairment types outlined in the JASPR dataset. In this context, “psychiatric” refers to psychiatric disability or mental health impairment. To be eligible for the Service, people identified as having a psychiatric disability must have a co-occurring cognitive impairment.

and 1 May 2023 were male and 36.7% identified as Aboriginal and/or Torres Strait Islander. Cohorts with lower service utilisation include victims, witnesses, women and people from CALD backgrounds.

JAS client feedback on the Service and its impact was consistently strong. Clients reported that they felt their JAS support listened to them, took their views into account, and enabled them to understand and exercise their rights whilst in contact with the police and at court. The ability of JAS staff and volunteers to build rapport and trust with clients was highlighted by stakeholders, supporting clients to remain engaged with the program and with justice processes.⁷

"JAS is fantastic, [I] would always recommend [them]." - JAS client

Court efficiencies linked to JAS support - EQ1, EQ2, EQ3

JAS support has yielded notable efficiencies for court-based stakeholders, bringing about enhancements in communication with defendants, a clearer understanding of legal processes, and a reduction in adjournment rates.

"Having a reliable support person in the court room is really important so clients don't feel completely lost. [People with cognitive impairment] will inherently agree with whatever I say, so it's important to have JAS there to make sure they actually do understand when they leave the court room." - Magistrate

Diverse court-based stakeholders suggested JAS clients were more likely to attend and remain at court, appeared calmer, more engaged, and better prepared regarding court processes and required court documentation. Reported efficiencies arising from JAS support at court include a reduction in the number of court adjournments, warrants for arrest issued at court, and security intervention incidents managed by court sheriffs.

Legal stakeholders reported that JAS clients were better able to provide instructions to their legal representatives than people with cognitive impairment

without JAS support, indicating the value of the Service in supporting clients to communicate effectively. Magistrates echoed the sentiment that JAS support enables clients to communicate effectively and understand legal processes, including understanding court-ordered conditions.

Transition to an integrated service model - EQ1, EQ2

Significant support for the expansion of the Diversion service was evident amongst JAS staff and external stakeholders, while feedback on a proposed transition to an integrated Advocacy/Diversion service model was mixed.

Qualitative evidence suggests that Diversion-type supports are being provided to JAS clients in some courts outside of the six courts where JAS' Diversion service has been formally implemented. In locations where this has occurred, legal representatives highlighted the value of JAS support in creating efficiencies in the Section 14 application process by collating evidence of cognitive impairment and developing support plans.

There was strong stakeholder support for expansion of the Diversion service. Stakeholders highlighted that the expansion of Diversion and potential integration of JAS Advocacy and Diversion into a single client support offering would support equal access to Diversion across all NSW court locations that JAS services. Other perceived benefits of integration and expansion of

⁷ The analysis of emerging client outcomes for this evaluation relied on JASPR administrative data and client exit survey data. The Department intends to commission a comprehensive outcomes analysis in the near future which is likely to be informed by external data sources, enabling a more robust appraisal of client outcomes across multiple domains.

these offerings included upskilling of the JAS workforce, increased awareness of JAS across NSW and less ambiguity surrounding the overlap of Advocacy and Diversion services. Reported disadvantages of integration included the practical differences in responsibilities and skillsets between Justice Advocates and Diversion Coordinators, resourcing constraints currently being experienced by the Service, and the risk that emphasis on the Diversion specialisation would detract from the level of Advocacy support provided by JAS.

*“[Whilst not in scope, JAS’] most valuable help is in designing treatment plans for Section 14 applications, finding the ‘responsible person’ to oversee the implementation of it and collecting other necessary documents. This is of enormous benefit because we don’t have the funding, time or relationships to do this [ourselves].” -
Legal services representative*

1.6 Recommendations

Recommendations arising from this evaluation relate to key evaluation themes, including service delivery and workforce, awareness of the Service, collaboration and data. The evaluation recommendations have been integrated throughout Section 4 of this report alongside findings which contextualise each recommendation. A summary of the key recommendations has been provided below.

It is recommended that:

1	DCJ Diversion assess the feasibility and operational effectiveness of integrating JAS Advocacy and JAS Diversion services state-wide.	<ul style="list-style-type: none"> ▶ Inequity in access to diversion supports was cited as a key challenge to supporting people with cognitive impairment to navigate the criminal justice system. Provision of out-of-scope diversion support was observed to be occurring at non-Diversion courts, which was reported to be creating significant efficiencies for legal representatives in these locations. ▶ This service model review should seek to assess the benefits and disadvantages of an integrated model, informed by international best practices for criminal justice system advocacy-based and diversionary supports. ▶ Operational considerations of an integrated service model may include assessment of the distinguished and specialised skillsets required for advocacy-based and diversionary supports, including case coordination, writing, comprehension and communication skills.
2	JAS and key external stakeholders update or develop MOUs (or similar) to provide a framework for collaboration.	<ul style="list-style-type: none"> ▶ Clarity of roles and responsibilities between JAS and external stakeholders was observed to be location- and stakeholder-dependent. The MOUs could form the basis of geographically tailored arrangements where appropriate. ▶ The agencies and organisations involved in refreshing or existing MOUs should include JAS Working Group members, including NSW Police Force, Court, Tribunals and Service Delivery (CTSD), Legal Aid NSW, Aboriginal Legal Service (ALS) NSW/ACT, Justice Health and Forensic Mental Health Network

		(JHFMHN), National Disability Insurance Agency (NDIA), Youth Justice and Corrective Services.
3	JAS review the service delivery model for police station supports and consider the implementation of a monthly roster of casual workers to improve accessibility of police station supports, particularly in regional and rural locations.	<ul style="list-style-type: none"> ▶ Securing resourcing of staff and/or volunteers to provide support to people at police stations was an observed barrier to implementation of the Service, particularly in regional and rural areas. ▶ Review of this service model should consider use of a roster for overnight police supports and appropriate compensation for fulfilling the 'on call' role.
4	JAS prioritise networking opportunities for staff and volunteers, including in-person catch-ups between volunteers and local Justice Advocates, to enhance volunteer engagement and workforce retention.	<ul style="list-style-type: none"> ▶ Opportunities for JAS staff and volunteers to network with their colleagues and peers were perceived to be limited. This was reported to be associated with feelings of isolation, particularly for staff and volunteers in regional and remote areas. ▶ Prioritising networking events for staff and volunteers may support workforce/volunteer retention and engagement, the dissemination of information and upskilling of the workforce and volunteer network.
5	DCJ Diversion identify demand for JAS and the investment required to ensure consistent and equitable access to the Service across the state.	<ul style="list-style-type: none"> ▶ Resourcing and capacity challenges for the Service were evident across metropolitan, regional and rural areas. These challenges resulted in the closure of intake at metropolitan Sydney courts. This was reported to negatively impact service continuity and result in reputational damage for the Service. ▶ This demand and funding should draw on external data sources to assess population need relative to JAS referrals and service provision at the police- and court-level to comprehensively analyse unmet need for the service.
6	DCJ Diversion liaise with DCJ and NSW Health to increase JAS access to data on local court finalisations, historical	<ul style="list-style-type: none"> ▶ JAS' proficiency in collating existing evidence of cognitive impairment was cited to be a key strength of its Diversion service. To support with establishing

	<p>and upcoming court cases, and client health data to assist with the development of Section 14 support plans.</p>	<p>further efficiencies in this process, expanded access to justice and health databases for JAS is recommended.</p> <ul style="list-style-type: none"> ▶ Coordination with BOCSAR to enable expanded access to Justice Link was recommended by JAS staff to support with access to historical court data and relevant evidence. ▶ Implementation of formal mechanisms between JHFMHN and JAS to facilitate JAS access to health information and support efficiencies in collating evidence of cognitive impairment was proposed.
7	<p>JAS implement feedback mechanisms for clinicians undertaking diagnostic assessments to ensure assessment reports meet the needs of clients, the courts, and other JAS stakeholders.</p>	<ul style="list-style-type: none"> ▶ Qualitative evidence suggests there are opportunities to monitor whether diagnostic assessments for JAS Diversion clients met the needs of clients, JAS and the courts. ▶ Implementing a robust feedback process for diagnostic assessment reports would enable establishing continuous feedback loops and support quality service delivery. This may be achieved through the implementation of quarterly meetings to discuss the appropriateness of diagnostic reports and a short-form feedback template for JAS to complete upon the conclusion of a Section 14 hearing. ▶ Soliciting feedback from Magistrates and legal representatives on the quality of support plans and supporting diagnostic evidence provided to the court would also support this feedback loop between JAS and Diversion clinicians.
8	<p>JAS explore opportunities to follow up with JAS Diversion clients about their support plans outside of the maximum 16-week JAS Diversion engagement period.</p>	<ul style="list-style-type: none"> ▶ Restricting the timeframe for Diversion support to 16-weeks was perceived by some JAS staff and external stakeholders as inhibiting the achievement of client outcomes. ▶ Despite JAS' success in supporting clients to secure successful Section 14 diversion orders, some JAS clients are returning to the Service. This suggests

		that further contact with clients to ensure they are engaged with appropriate supports outside of the criminal justice system may help to reduce recidivism.
9	JAS develop a standardised state-wide prioritisation framework to utilise where service demand outweighs capacity.	<ul style="list-style-type: none"> ▶ When reviewing and developing guidelines for this follow-up process, it is recommended that IDRS consider scope to utilise the JAS volunteer network. ▶ In response to significant resourcing and capacity issues over the evaluation period, IDRS developed a prioritisation framework to ensure clients from priority cohorts and with acute needs had support available to them. ▶ Collaborative review of the current prioritisation system by IDRS and DCJ should be undertaken to support with establishing a shared understanding of priority cohorts for the Service. Implementation of a standardised state-wide system may also support with managing ongoing resourcing and capacity issues.
10	JAS, in consultation with JAS Working Group members, design and implement targeted awareness raising initiatives to increase the number of victim and witness referrals received by the Service.	<ul style="list-style-type: none"> ▶ Quantitative evidence demonstrates people with cognitive impairment who are victims and witnesses of crime are currently being underserved, and there was limited awareness amongst external stakeholders of support provided by JAS for victims and witnesses. ▶ Increasing the number of victim and witness referrals to JAS may be achieved through increased targeted promotion of supports provided by JAS to victims and witnesses, including presentation at Court Users Forums.
11	JAS, the Office of the Director of Public Prosecutions (ODPP) Witness Assistance Service and Victims Support Scheme collaboratively develop training materials to outline the specialised support needs of people with cognitive impairment who are victims or witnesses of crime. These training materials should be administered to	<ul style="list-style-type: none"> ▶ Alternative support services for victims and witnesses of crime are available, however, there are opportunities for JAS to collaborate with these services to ensure appropriate supports for victims and witnesses with cognitive impairment. ▶ Training materials should be developed recognising the specialised needs of victims and witnesses with cognitive impairment and the potential for re-

	JAS staff and volunteers to ensure provision of trauma-informed approaches.	traumatisation of the client through ongoing interactions with the criminal justice system.
12	JAS record data for all JAS clients referred to external support services.	<ul style="list-style-type: none"> ▶ The availability of data representing the number of referrals made by JAS to external support services was limited, despite this being perceived as a core activity of JAS, particularly JAS' Diversion service. ▶ Improved data capture, monitoring and reporting of referrals to external support services may facilitate a strengthening of referral pathways and improved collaboration between JAS and external services.
13	JAS collaborates with JAS Working Group members to develop and facilitate targeted training sessions for specific stakeholder groups, including Magistrates.	<ul style="list-style-type: none"> ▶ Variance in the frequency and quality of training was observed across external stakeholders' agencies/organisations. It is recommended that the JAS Education Coordinator liaise with key representatives from stakeholder agencies/organisations to develop specialised training and education strategies to identify training needs, training and education forums, and appropriate audiences. ▶ Consideration of the capacity of stakeholders to participate in training should be considered when scheduling sessions to maximise participation, particularly for frontline police officers and other stakeholders in client-facing roles.
14	JAS integrate 'clients', 'cases' and 'supports' data in JASPR to reduce the administrative burden of data input, improve data consistency, and improve the tracking of client outcomes.	<ul style="list-style-type: none"> ▶ The administrative burden and time investment of data collection was reported to inhibit JAS staff and volunteers from supporting clients. ▶ Upfront resource investment in integrating <i>clients, cases and supports</i> data within the JASPR database should support long-term efficiencies in the data input process and minimise manual and error-prone processes. This may also enable improved accuracy in tracking of client-outcomes to support strategic decision making.

2. Introduction

2.1 People with cognitive impairment and their interaction with the criminal justice system

In the *Mental Health and Cognitive Impairment Forensic Provisions Bill (NSW) 2020*, a person is deemed to have a cognitive impairment if:

- ▶ the person has an ongoing impairment in adaptive functioning, and
- ▶ the person has an ongoing impairment in comprehension, reason, judgement, learning or memory, and
- ▶ the impairments result from damage to or dysfunction, developmental delay or deterioration of the person's brain or mind that may arise from one of the conditions listed below:
 - ▶ intellectual disability
 - ▶ borderline intellectual functioning
 - ▶ dementia
 - ▶ an acquired brain injury
 - ▶ drug or alcohol related brain damage, including foetal alcohol spectrum disorder
 - ▶ autism spectrum disorder.⁸

The representation of people with cognitive and mental health impairments in contact the criminal justice system is disproportionately high.⁹ In NSW, people with mental health impairment and cognitive impairment have been reported to be between three to nine times more likely to be imprisoned than the general NSW population,¹⁰ with over a third of inmates identified as having a cognitive impairment in previous NSW inmate studies.¹¹

2.2 Policy context

NSW 2021: A Plan to Make NSW Number One

The NSW 2021 plan identified several goals, targets and priority actions that enhance access to diversionary programs for people with cognitive and mental health impairment.¹² Through stated goals such as "prevention and reduction of the level of reoffending", the Government committed to reducing juvenile and adult re-offending by diverting people from the criminal justice system into services which meet their needs.¹³ Priority actions to support achievement of this goal included encouraging greater use of non- custodial punishment for less serious offenders, creating

⁸ *Mental Health and Cognitive Impairment Forensic Provisions Bill 2020 (NSW)*. Retrieved 20 January 2023, from <https://legislation.nsw.gov.au/view/html/inforce/current/act-2020-012#sec.5>

⁹ NSW Law Reform Commission (2012). *People with cognitive and mental health impairments in the criminal justice System, Diversion*, Report 135. Retrieved 19 January 2023, from https://www.lawreform.justice.nsw.gov.au/Pages/lrc/lrc_completed_projects/lrc_peoplewithcognitiveandmentalhealthimpairmentsinthecriminaljusticesystem/lrc_peoplewithcognitiveandmentalhealthimpairmentsinthecriminaljusticesystem.aspx

¹⁰ McCausland, R., Baldry, E., Johnson, S., and Cohen, A. (2013) *People with mental health disorders and cognitive impairment in the criminal justice system*. Sydney, University of New South Wales and PwC. Retrieved 14 August 2023, from <https://humanrights.gov.au/sites/default/files/document/publication/Cost%20benefit%20analysis.pdf>

¹¹ Ibid.

¹² NSW Department of Premier and Cabinet (2011). *NSW 2021*. Retrieved 20 January 2023, from <https://www.olg.nsw.gov.au/councils/integrated-planning-and-reporting/framework/the-state-plan/#:~:text=NSW%202021%20is%20a%20ten,for%20the%20next%20four%20years.>

¹³ NSW Department of Premier and Cabinet (2011). *NSW 2021*. Retrieved 20 January 2023, from <https://www.olg.nsw.gov.au/councils/integrated-planning-and-reporting/framework/the-state-plan/#:~:text=NSW%202021%20is%20a%20ten,for%20the%20next%20four%20years.>

availability and access to diversionary programs, and creating effective strategies to respond to juvenile reoffending through improved early intervention.¹⁴

NSW Law Reform Commission Reports 135 and 138

The NSW Law Reform Commission developed two landmark forensic mental health reports, Report 135: Diversion, published in 2012, and Report 138: Criminal Responsibility and Consequences, published in 2013.¹⁵ The principal reforms recommended through these reports included creation of a statutory definition for “mental health impairment” and “cognitive impairment”, providing a basis for diversion matters to be heard in local courts. These reforms were intended to ensure that criminal matters involving individuals with mental health impairment or cognitive impairment were addressed effectively and promptly, in addition to providing a stronger and clearer regime for diversion in local courts.¹⁶

Mental Health and Cognitive Impairment Forensic Provisions Bill 2020

The Mental Health and Cognitive Impairment Forensic Provisions Bill was assented by the NSW Government in June 2020 to implement the principal reforms recommended by the NSW Law Reform Commission to the *Mental Health (Forensic Provisions) Act 1990* under report 135.¹⁷ This bill signified the NSW Government’s recognition that people who come into contact with the criminal justice system who have mental health impairment or cognitive impairment may require an alternative response to those who commit crimes with cognition of the nature and quality of the act and knowledge the act was wrong.¹⁸ This bill indicated that this response must consider the safety and experiences of victims, as well as prioritising the safety of the community.

Overall, JAS aligns to these reforms and recommendations through the provision of targeted support for young people and adults with cognitive impairment to enable them to exercise their rights and fully participate in the criminal justice system. This support recognises the vulnerability of people with cognitive impairment in contact with the criminal justice system and the unique disadvantages that they otherwise would have experienced, ensuring that they receive fair and equitable treatment.

2.3 Previous JAS evaluations and reviews

Previous evaluations and reviews of JAS have provided insight into the need for the Service, delivery and outcomes of JAS. These include:

- ▶ JAS training needs analysis (2020)
- ▶ JAS process, outcomes and economic evaluation (2021)
- ▶ JAS evaluation plan (2021).

¹⁴ NSW Department of Premier and Cabinet (2011). *NSW 2021*. Retrieved 20 January 2023, from <https://www.olg.nsw.gov.au/councils/integrated-planning-and-reporting/framework/the-state-plan/#:~:text=NSW%202021%20is%20a%20ten,for%20the%20next%20four%20years>.

¹⁵ NSW Law Reform Commission (2012). *People with cognitive and mental health impairments in the criminal justice system, Report 135, Diversion*. Retrieved 20 January 2023, from https://www.lawreform.justice.nsw.gov.au/Pages/Irc/Irc_completed_projects/Irc_peoplewithcognitiveandmentalhealthimpairmentsinthecriminaljusticesystem/Irc_peoplewithcognitiveandmentalhealthimpairmentsinthecriminaljusticesystem.aspx

¹⁶ Ibid.

¹⁷ *Mental Health and Cognitive Impairment Forensic Provisions Bill 2020 (NSW)*. Retrieved 20 January 2023, from <https://legislation.nsw.gov.au/view/html/inforce/current/act-2020-012#sec.5>

¹⁸ *Mental Health and Cognitive Impairment Forensic Provisions Bill 2020 (NSW)*. Retrieved from 20 January 2023, from <https://legislation.nsw.gov.au/view/html/inforce/current/act-2020-012#sec.5>

JAS training needs analysis (2020)

A training needs analysis of the NSW criminal justice system workforce was undertaken in 2020 to guide delivery of training by JAS on providing services to young people and adults with cognitive impairment. Needs analysis data was collected from those working in the Justice system who had direct contact with clients, including those with cognitive impairment.

The training needs analysis highlighted clear training needs across the NSW justice workforce. Core topics for training suggested to be of benefit by the analysis included identification of people with cognitive impairment; effective communication with people with cognitive impairment; and the knowledge of services that can provide appropriate support for people with cognitive impairment and how to contact them.

The review found JAS referrals were inhibited in some areas, which appeared to be due to staff from other agencies being unable to recognise people with cognitive impairment or being unaware of JAS. The analysis also identified challenges experienced in a number of regional and remote areas relating to recruitment of JAS staff and volunteers, as well as building trust and referral networks in communities.

JAS process, outcomes and economic evaluation (2021)

The Department engaged a consortium led by EY to undertake a process, outcomes and economic evaluation of JAS, which at that time exclusively delivered JAS Advocacy supports. The consortium featured members from EY, the University of New South Wales Social Policy Research Centre (SPRC), First Peoples' Disability Network (FPDN) and Youth Law Australia (YLA). The evaluation assessed the efficacy of the Service within its first year of operation to inform decisions on its ongoing delivery.

The evaluation found that JAS had been implemented and delivered as intended, providing support to people with cognitive impairment. Despite the impact of COVID-19 during the implementation of the Service, JAS underwent rapid expansion and built a strong client base throughout NSW, providing 3,227 support activities across 1,691 cases during the period October 2019 to August 2020.

During the evaluation period JAS supports met demand across different regions of NSW, with no significant variation in the quantity or quality of service delivered being observed. However, the evaluation identified there was a significant potential unmet demand for JAS services, with individuals who may not have been referred/presenting for support at the time due to the impacts of COVID-19 and awareness of the Service. The evaluation noted that should this potential unmet demand be realised through increased awareness of and referral to JAS services, demand may exceed the capacity of JAS to provide these services.

Considering the value of both financial and non-financial benefits and adjusted for the impact of COVID-19 on case volumes, for every \$1 invested in the program, it was estimated that \$1.11 in return was achieved by JAS. The program's benefits to individuals were found to be highest (44%), followed by benefits to government (40%) and benefits to society (16%). The two largest economic benefits were related to increased efficiency in cases (51%) and reduction in offending (29%).

JAS evaluation plan (2021)

EY was engaged by DCJ to support the Department with future evaluation of JAS' expanded service. DCJ employed a co-design approach to guide the design of the evaluation and identify program outcomes, through consultations with peak bodies, IDRS, people with cognitive impairment and other key stakeholders.

The refined JAS program logic was used as an input to inform the development of the monitoring and evaluation plan, which included draft data collection plans. This framework set out a clear monitoring approach to support ongoing collection of data and reporting of progress against program outcomes, considering ethical implications of data collection.

2.4 Scope and objective of this evaluation

JAS is currently funded by DCJ and delivered by IDRS to provide support to young people and adults with cognitive impairment in contact with the criminal justice system to exercise their rights and fully participate in the justice process.

The current process and emerging outcomes evaluation was designed to inform the implementation of the expanded JAS service, including Advocacy and Diversion supports, during the current contract term ending 30 June 2025. In addition, the evaluation explores the efficacy of JAS in its achievement of emerging outcomes.

The evaluation assessed:

1. whether the Service was implemented as intended, and the barriers and facilitators to the intended implementation of the Service;
2. whether the implementation of the Service supports its stated objectives and outcomes;
3. the emerging outcomes of the Service.

The evaluation adopted a mixed-methods approach to examine the implementation of the Service and achievement of outcomes over the evaluation period 1 April 2022 to 1 May 2023. The findings of this evaluation are drawn from qualitative and quantitative data to articulate the effectiveness of the implementation of the Service and its outcomes to date.

2.5 Evaluation questions

The evaluation questions and sub-questions were developed through a process of co-design between EY, DCJ, IDRS and the JAS Working Group, and cover process and emerging outcomes components. The questions and sub-questions, as well as the section of the report that addresses them, are provided in Table 3.

Table 3: Evaluation questions and sub-questions

Evaluation type	Evaluation questions	Evaluation sub-questions	Section
Process	EQ1. To what extent is JAS being implemented as intended from 1 April 2022? What are the barriers and facilitators to the intended implementation of the Service?	• Has JAS been delivered within its scope, timeframe and budget?	4.1.1
		• How effective is collaboration with relevant stakeholders?	4.1.2
		• What is working well in service delivery, and for whom? What are the facilitators to implementation and delivery?	4.1.3
		• What is not working well in service delivery, and for whom? What are the barriers to implementation and delivery?	4.1.4
		• What adaptations have been made within service delivery to account for unforeseen challenges	4.1.5
	EQ2. Does the implementation of the Service support its stated objectives and outcomes?	• Has JAS reached its intended clients and client groups?	4.1.6
		• What are the current referral pathways into and out of JAS and have they been effective?	4.1.7
		• What has been implemented to facilitate awareness and understanding of JAS and has this been effective?	4.1.8

Evaluation type	Evaluation questions	Evaluation sub-questions	Section
Outcomes	EQ3. What are the emerging outcomes of JAS?	<ul style="list-style-type: none"> To what extent is the Service demonstrating emerging achievement of short- and medium-term outcomes for clients and other key stakeholders? 	4.2.1
		<ul style="list-style-type: none"> What elements have been most effective in driving outcomes and how can they be leveraged? 	4.2.2
		<ul style="list-style-type: none"> What barriers are preventing the achievement of outcomes, and how can they be overcome? 	4.2.3

3. Methodology

3.1 Governance

Throughout the evaluation, the evaluation team met with the DCJ Diversion Team on a fortnightly basis for progress meetings, to regularly coordinate and monitor evaluation activities, including the stakeholder engagement strategy and consultation schedule. During key evaluation milestones, particularly in the co-design phase of the evaluation, IDRS representatives participated in the fortnightly meetings to support the evaluation team in design of the evaluation approach.

The evaluation was supported by the JAS Working Group. The Working Group comprises of representatives from IDRS, DCJ Diversion, NSW Police Force (NSWPF), CTSD, Legal Aid NSW, ALS NSW/ACT, JHFMHN, NDIA, Corrective Services and Youth Justice, who each have a unique role in the implementation and ongoing operations of the Service. Working Group membership is determined by the DCJ Diversion team to ensure core stakeholder voices are captured. During the evaluation, the JAS Working Group met on a monthly basis and EY frequently participated in meetings, testing evaluation design and analysis approaches and interpretations, as is best practice in participatory evaluation methods.

3.2 Co-design of the evaluation

Co-design of the evaluation involved collaboration between key JAS stakeholders, including the DCJ Diversion team, IDRS and the JAS Working Group.¹⁹

Co-design activities encompassed:

1. An initial workshop in January 2023 to refine the JAS Program Logic (appended in Appendix A), test draft evaluation questions and discuss potential stakeholder engagement and data collection approaches.
2. Ongoing co-design of the evaluation including refinement of the evaluation methods and tools. This involved coordinating with the JAS Working Group to engage with key stakeholders from their respective agencies/organisations to support the translation of insights into actionable recommendations.

3.3 Literature review

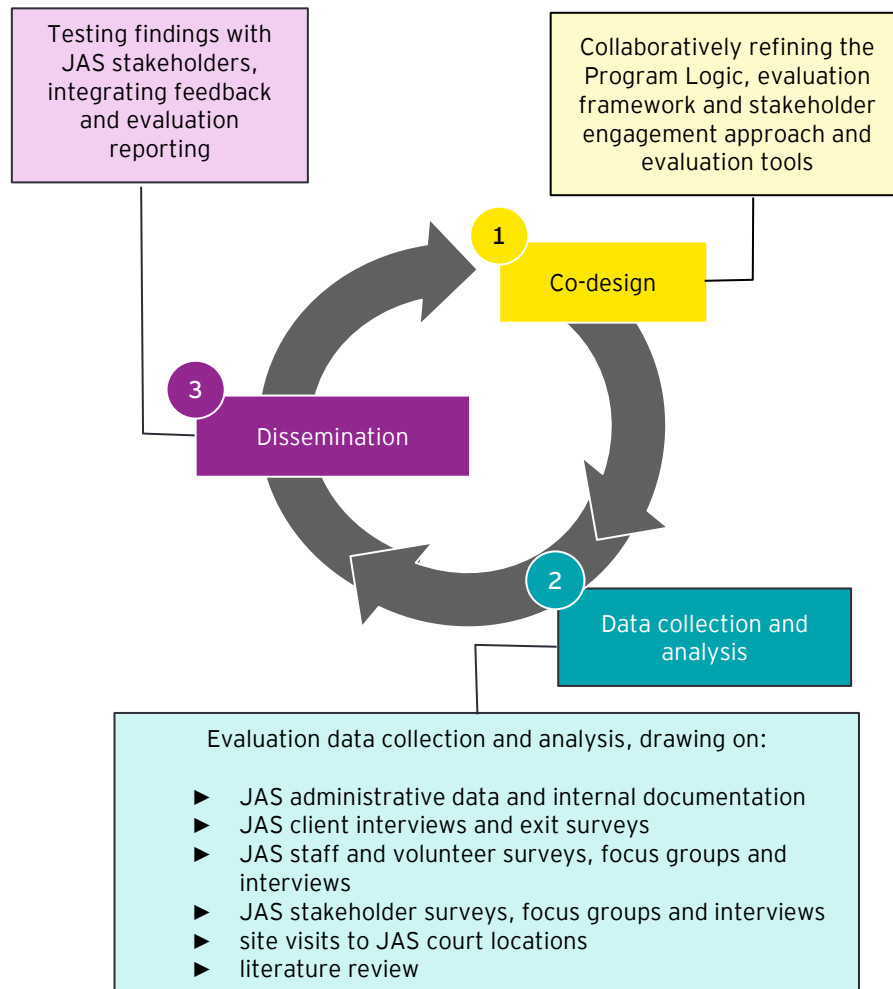
A review was undertaken to identify peer reviewed and grey literature focused on best practice programs and services to support individuals with cognitive impairment in the criminal justice system. This review involved exploration of international best practices in program design principles, and outcomes associated with advocacy and diversion programs. The review was drawn on to contextualise evaluation findings.

3.4 Evaluation approach

The evaluation applied a mixed-methods approach to undertake a process and emerging outcomes evaluation of JAS for the period of 1 April 2022 to 1 May 2023. This encompassed data collection and analysis drawing on a variety of sources, as presented in Figure 1.

¹⁹ The DCJ Diversion team is a branch of the Women Family and Community Safety Directorate of DCJ, responsible for the administration of JAS.

Figure 1: Evaluation methodology



The evaluation encompassed qualitative and quantitative data gathering and analysis. Findings from the quantitative analysis have been integrated throughout Section 4 to contextualise findings from the qualitative analysis. A detailed description of the evaluation methodology, including qualitative and quantitative data collection approaches, and ethical considerations, can be found in Appendix B.

3.5 Qualitative Analysis: Stakeholder Engagement

Qualitative data was collected to explore external stakeholder, service provider and client experiences, as well as potential service system improvements, best practice approaches in the sector and lessons learned for JAS resourcing.

3.5.1 Phase 1: Qualitative Data Collection

The qualitative data collection phase of the evaluation was comprised of five key components and involved engagement with approximately 340 stakeholders.²⁰ The key components of qualitative data collection are outlined in

²⁰ The number of stakeholders engaged is approximate in nature, as survey respondents had the option to participate anonymously, and therefore there may be duplication where stakeholders responded to the survey anonymously, in addition to participating in a focus group and/or interview.

Table 4. A more detailed description of stakeholders engaged in qualitative data collection is provided in Appendix C.

Table 4: Qualitative data collection components

	Qualitative data collection method	Purpose of engagement
1	Three targeted surveys of: <ul style="list-style-type: none"> ▶ JAS staff and volunteers ▶ External stakeholders, including criminal justice system stakeholders and support services ▶ NSW Magistrates. 	To explore the perspectives of key stakeholder groups on the overall design and delivery of the Service.
2	Seven virtual focus groups with key stakeholder groups.	To understand the perspectives of stakeholders involved in the implementation and operations of JAS.
3	Face-to-face interviews with key stakeholders during 11 site visits to JAS courts across metropolitan, regional and rural NSW. Site visit locations: Parramatta, Batemans Bay, Penrith, Downing Centre, Blacktown, Lismore, Coffs Harbour, Moree, Newcastle, Gosford and Dubbo Local Courts.	To explore how the JAS model operates on the ground and engage with key delivery stakeholders.
4	Five interviews with JAS clients.	To understand clients' perspectives of their experience of JAS and the overall impact of the Service.
5	Review of JAS client exit survey results.	

3.5.2 Phase 2: Qualitative Data Analysis

Qualitative insights, including transcripts and other session notes from stakeholder consultations were analysed using a thematic approach in conjunction with other methods outlined in Appendix B.

At all times, the evaluation team adhered to the guidelines for ethical conduct of evaluations of the Australian Evaluation Society (AES) and the National Health and Medical Research Council (NHMRC).²¹ The evaluation team was also guided by the Australian Institute of Aboriginal and Torres Strait Islander Studies Code of Ethics.²²

3.6 Quantitative Analysis: Data Review

The evaluation drew on de-identified unit record JAS Advocacy and Diversion data captured in JASPR. JASPR data captures key JAS client characteristics, details of their criminal matter/s and corresponding JAS case information, and each instance of support provided to each client.²³ This

²¹ All stakeholders were provided with clear and accessible written information about participating in the evaluation and were required to provide voluntary and informed consent to participate in evaluation activities.

²² The evaluation team ensured principles of Aboriginal Data Sovereignty were respected by ensuring feedback loops remained open until the end of the evaluation and Aboriginal stakeholders were well-informed about their involvement at all stages of consultation.

²³ Throughout this evaluation report, JASPR data sources are referred to as *JASPR clients data*, *JASPR cases data* and *JASPR supports data*.

data is collected and input into the JASPR database by JAS staff and volunteers. For the purposes of the evaluation, JASPR data was provided for the period 1 April 2022 to 1 May 2023 (the “evaluation period”).

3.7 Limitations

During the evaluation, there were several key limitations which impacted data collection and analysis which are described below and should be considered in the interpretation of findings and recommendations.

Challenges engaging with some stakeholder groups

Qualitative analysis was informed by survey responses, focus groups and semi-structured interviews with JAS staff, volunteers and external stakeholders. Whilst stakeholder engagement conducted was extensive, the evaluation team encountered challenges engaging with some stakeholder groups, particularly NSWPF and the ALS. Both the NSWPF and ALS were identified as critical stakeholders in JAS operations, primarily due to the role of police in making referrals to JAS, and the role of ALS in referring and representing JAS clients.

Challenges engaging with NSWPF were influenced in part by delays with Commissioner approval enabling NSWPF participation in the evaluation and the limited time and capacity of police staff. Challenges engaging with ALS representatives were attributed to limited time and capacity due to the demands of their roles. These challenges were flagged to the evaluation team during evaluation planning.

To mitigate challenges engaging with stakeholders, stakeholders were provided with multiple opportunities and forums to participate in the evaluation, including focus groups, interviews and targeted surveys. Overall, the qualitative data collection phase of the evaluation involved engagement with approximately 340 stakeholders.²⁴ The evaluation team perceives this level of engagement to be sufficient to ensure representation of a diverse range of service provider, criminal justice system and other external stakeholder voices.

Availability of client exit survey data

After commencing the evaluation, it was noted that IDRS had not been administering the client exit surveys consistently during the evaluation period as the survey content did not align with JAS’ expanded service offering.

The evaluation team and DCJ Diversion team supported IDRS to refine the JAS client exit survey and ensure its alignment with the refined Program Logic. The refined Program Logic is available in Appendix A, and the refined client exit survey is available in Appendix E.

IDRS administered these updated exit surveys retrospectively during May 2023 to JAS clients that exited the Service during the evaluation period. IDRS received 124 responses, reflecting a response rate of approximately 50%.

Client exit survey results have been used to support findings under relevant sub-evaluation questions. It is plausible that the retrospective distribution of surveys may have impacted on the response rate and representativeness of responses received. To complement analysis of client exit survey results,

²⁴ The number of stakeholders engaged is approximate in nature, as survey respondents had the option to participate anonymously, and therefore there may be duplication where stakeholders responded to the survey anonymously, in addition to participating in a focus group and/or interview.

the evaluation team conducted semi-structured interviews with JAS clients to further integrate client voice into the evaluation.

Selection bias in JAS client interviews

To maximise client voice in the evaluation, interviews with JAS clients were coordinated with the support of IDRS, who nominated clients that they deemed to be capable of consenting to and participating in an interview. It is plausible that the role of IDRS in recruiting clients to participate may have resulted in positive bias with potential selection of clients with particularly positive experiences of engagement with JAS. Positive bias in selection of clients may limit the validity of the qualitative evidence base for the process and outcomes-based evaluation questions.

To mitigate selection bias, IDRS provided the evaluation team with a de-identified list of 20 clients including their geographic location, support type and demographic features. The evaluators then selected 10 clients to participate in interviews from this list, considering diversity of background, experience and views.

To further mitigate the effects of selection bias in client interviews, the evaluation team developed findings using insights from client interviews in conjunction with client exit survey results.

Evaluation timeframes and scope

The duration of the evaluation period was 13 months, from 1 April 2022 to 1 May 2023. It is noted that the intention of this evaluation was primarily to assess the implementation of the Service and emerging outcomes. A comprehensive outcomes assessment was not within scope. It is noted that the Department has future plans to contract a comprehensive outcomes and economic evaluation.

To ensure the robustness of the emerging outcomes analysis despite the evaluation timeframe, the evaluation team drew on a range of data sources, including the JASPR administrative dataset, client exit survey responses, and semi-structured interviews with JAS clients.

Difficulties measuring unmet need

The quantitative analysis was primarily supported by administrative data from the JASPR dataset, findings from client exit surveys, and surveys administered for the purpose of the evaluation, including the staff and volunteer survey, stakeholder survey and magistrate survey. Reliance on these data sources restricted comprehensive assessment of unmet demand for the Service, which would be supported through drawing on additional administrative data sources including Bureau of Crime Statistics and Research (BOCSAR) data to support an understanding of the full cohort of individuals with cognitive impairment in contact with the criminal justice system. This is explored further in Recommendation 6 (see Section 4.1.4).

In particular, analysis of court finalisation statistics at the individual court-level would support with assessing whether provision of JAS court supports at specific courts is proportionate to the total court caseload/court finalisations, and therefore whether specific geographic areas are being over- or under-served by JAS.

4. Evaluation Findings

The evaluation questions and sub-evaluation questions were co-designed by the evaluators in close consultation with DCJ, IDRS and the JAS Working Group. To address each evaluation question, sub-evaluation questions were used to frame the analysis. These sub-evaluation questions have been adapted as sub-headings throughout this chapter.

The evaluation questions were explored using a combination of qualitative and quantitative analysis, allowing for a nuanced understanding of the critical success factors and areas of opportunity for JAS.

4.1 Process

The following process evaluation questions were considered during the evaluation:

Evaluation sub-question	Key findings
Has JAS been delivered within its scope, timeframe and budget?	<ul style="list-style-type: none"> ▶ Despite a period of uncertainty and resourcing challenges due to the re-contracting of the Service, JAS has been delivered within its timeframe and scope. This includes the implementation of JAS' Diversion service in July 2022 in six NSW local courts as intended. ▶ Based on JAS' 22/23 Financial Year (FY) budget, there has been an overspend of approximately \$17,631 (excl. GST). ▶ There was an overestimation in the number of diagnostic assessments required for Section 14 Diversion applications, with assessment commissioning expenditure approximately 59% lower than initially budgeted for FY 22/23. This was reportedly due to the effectiveness of JAS staff in sourcing evidence of a client's cognitive impairment and the Diversion service not meeting its Diversion client target in FY 22/23.
How effective is collaboration with relevant stakeholders?	<ul style="list-style-type: none"> ▶ JAS' collaboration with external stakeholders was observed to be largely effective, with almost 60% ($n = 67$) of stakeholder survey respondents agreeing or strongly agreeing that their organisation works well with JAS. ▶ Collaboration was observed to be heavily location- and organisation-dependent, with opportunities identified for the Service to strengthen relationships with NSW Police, Justice Health, and Youth Justice. External stakeholders identified several factors that underpinned a close working relationship with the Service, including: <ul style="list-style-type: none"> ▶ the proactiveness of the JAS workforce in building relationships with local stakeholders; ▶ the IDRS Aboriginal Engagement Worker role; ▶ co-location of support services in regional and rural locations; and

Evaluation sub-question	Key findings
<p>What is working well in service delivery? And for whom? What are the facilitators to implementation and delivery?</p>	<ul style="list-style-type: none"> ▶ consistent discussions surrounding shared clients to establish the respective roles and responsibilities of each organisation. ▶ A wide range of JAS stakeholders described service delivery to be working relatively well within perceived resourcing and capacity constraints. ▶ JAS staff, volunteers and external stakeholders cited the following elements of the Service as integral to quality service delivery: <ul style="list-style-type: none"> ▶ The accessibility of the Service from an entry criteria perspective; ▶ Provision of Diversion supports at non-Diversion courts; and ▶ JAS' responsiveness to referrals. ▶ JAS' workforce and volunteer network were cited as integral in supporting JAS to service a large geographic area within the state. JAS' utilisation of the volunteer network in particular was reported to contribute to efficiencies, such as ensuring JAS staff can dedicate time to building networks with local stakeholders, supporting complex clients and linking clients into external support services. ▶ The ability of JAS staff and volunteers to build rapport and trust with clients was also highlighted by stakeholders, supporting clients to remain engaged with the program and criminal justice system processes. ▶ Collaboration and coordination with a broad range of criminal justice system stakeholder groups was observed to be critical to the implementation of the Service. ▶ Ensuring sufficient awareness of the Service amongst police and in courts was identified to be necessary to support referral pathways into the Service, with stakeholders noting opportunities to improve collaboration to better identify clients for referral into the Service. ▶ The ability of JAS staff to access data and collate evidence to support Section 14 applications was reported to be critical in the implementation of the Diversion service. Legal representatives cited that JAS' role in the development of Section 14 support plans can support significant efficiencies for them where the JAS team has been able to meet deadlines and collaborate effectively with key stakeholders including clinicians, Statewide Community

Evaluation sub-question	Key findings
<p>What is not working well in service delivery? And for whom? What are the barriers to implementation and delivery?</p>	<p>and Court Liaison Service (SCCLS) representatives and client family members.²⁵</p> <ul style="list-style-type: none"> ▶ The need and demand for the Service across NSW is high, with JAS receiving 1,661 unique client referrals and providing 11,879 supports over the evaluation period. Resourcing and capacity constraints were a key challenge reported to result in inequity in access to JAS supports, particularly for people in regional and remote areas. ▶ JAS workforce challenges, including Human Resources issues, were reported to result in workforce retention and service continuity issues. ▶ Resourcing constraints and the high caseloads maintained by JAS staff were cited to have contributed to JAS closing intake at all Sydney metropolitan courts in 2023. Intake was closed from late January to late April 2023, re-opened without advertising in May 2023, before resuming standard operations in June 2023. ▶ To support with managing demand for the Service, JAS implemented a prioritisation framework to ensure clients with the most acute needs were being serviced and referrals from priority referral partners were being addressed. ▶ Opportunities for the improvement of JAS identified through evaluation analysis included: <ul style="list-style-type: none"> ▶ The availability of casual police support people, volunteers, and JAS staff to support people with cognitive impairment in police custody; ▶ Awareness of the Service in metropolitan and regional courts with high caseloads and turnover of criminal justice system staff; and ▶ The tendency of some JAS volunteers to provide legal advice rather than support the client to communicate with their legal representatives.
<p>What adaptations have been made within service delivery to account for unforeseen challenges?</p>	<ul style="list-style-type: none"> ▶ Over the evaluation period, JAS experienced workforce recruitment and retention issues, which were attributed to the uncertainty surrounding re-contracting of the Service. In addition, during this period JAS navigated the enduring impacts of NSW natural disasters and COVID-19. In spite of these challenges, the Service has maintained a relatively consistent and high level of support for its clients, performing approximately 11,879 supports between 1 April 2022 and 1 May 2023.

²⁵ The SCCLS is operated by JHFMHN and assists Magistrates, Solicitors and Police Prosecutors at local courts to divert people with mental health impairment from the criminal justice system and into appropriate mental health services in the community and in hospital settings.

Evaluation sub-question	Key findings
	<ul style="list-style-type: none"> ▶ Examples of service delivery flexibility identified by stakeholders include the development of a prioritisation framework to manage high caseload volumes, and JAS' resourcefulness in overcoming geographic barriers to support clients in more regional and remote areas.
<p>Has JAS reached its intended clients and client groups?</p>	<ul style="list-style-type: none"> ▶ Both client demographic data and stakeholder feedback suggests that JAS has largely reached its intended clients. According to the suspected cognitive impairment types recorded in the JASPR database by staff, the most prevalent form of cognitive impairment amongst JAS clients is intellectual disability, followed by autism spectrum disorder, acquired brain injury and specific learning disability. A large proportion of JAS clients were recorded to have a psychiatric disability in JASPR, indicating the high occurrence of mental health and cognitive impairment within the JAS client cohort. ▶ According to JASPR client data, 74.8% of the 1,624 eligible clients referred to JAS between 1 April 2022 and 1 May 2023 were male, 6.2% were from a CALD background, and 36.7% identified as Aboriginal and/or Torres Strait Islander. Literature suggests that increased rates of cognitive impairment for Aboriginal and Torres Strait Islander court users are likely.²⁶ It is therefore challenging to accurately ascertain the prevalence of cognitive impairment in this cohort and evaluate the adequacy of JAS' support. ▶ JAS staff, volunteers and external stakeholders identified opportunities for the Service to better support witnesses, victims, young people, and clients identifying as belonging to CALD and Lesbian, Gay, Bisexual, Transgender, Intersex, and Queer/Questioning (LGBTIQ+) communities.
<p>What are the current referral pathways into and out of JAS and have they been effective?</p>	<ul style="list-style-type: none"> ▶ Referrals into JAS were generally perceived as accessible and effective, with stakeholders reporting the availability of a range of referral mechanisms, including the online referral form, the JAS referral phone line, direct referrals to JAS whilst at court, and referrals through existing relationships with JAS contacts. ▶ Despite the reported effectiveness of referral mechanisms, court-based stakeholders highlighted the importance of JAS' physical presence at court to improve efficiencies in the referral process. ▶ Referrals into JAS were received from a range of sources over the evaluation period, with referrals from police representing the largest source (33% of total referrals), followed by solicitors and court stakeholders (22% of total referrals).

²⁶ Eileen Baldry, Leanne Dowse and Clarence M (2012) People with intellectual and other cognitive disability in the criminal justice system. Report for NSW Family and Community Services Ageing, Disability and Home Care.

Evaluation sub-question	Key findings
<p>What has been implemented to facilitate awareness and understanding of JAS and has this been effective?</p>	<ul style="list-style-type: none"> ▶ Stakeholders expressed an interest in receiving further referral training from JAS, with the opportunity to improve efficiencies in the referral process with police being a consistent theme. ▶ Awareness and understanding of JAS varied by stakeholder group and location, suggesting an opportunity for the Service to increase training output delivered to external stakeholders. Training opportunities for JAS staff and volunteers did not appear to be evenly distributed across the workforce, with 20% (<i>n</i> = 20) of JAS staff and volunteer survey respondents indicating they had not been involved in training and development opportunities at the time of survey completion. ▶ Suggestions to increase awareness of JAS within the criminal justice system included consistent attendance and presentation at criminal justice system stakeholder forums such as Court User Forums and Magistrates Conferences. ▶ The physical presence of JAS at court, strong relationships with JAS and the provision of training were said to have supported effective referrals. JAS was widely encouraged to continue attending courts on list days, and making their presence known to court staff, including magistrates and registrars. ▶ A range of stakeholders expressed an interest in accessing further training to identify suitable clients for referral to JAS. ▶ JAS staff and external stakeholders suggested police would benefit from additional training opportunities, such as training to distinguish between a person affected by AOD, a person with cognitive impairment and a person with mental health impairment. JAS staff highlighted the importance of ensuring police are adequately equipped to identify if a person may have cognitive impairment and make referrals to JAS, as provision of JAS supports early in a client's journey in the criminal justice system was reported to result in improved outcomes.

4.1.1 Has JAS been delivered within its scope, timeframe and budget?

Contracting uncertainty and staffing challenges

The current contract to deliver JAS is from 1 April 2022 to 30 June 2025 and was awarded to IDRS. This followed the previous JAS contract, also awarded to IDRS, which operated from 1 July 2019 to 31 March 2022. IDRS staff noted that prior to this re-contracting milestone, there was a period of uncertainty over whether the new JAS contract would be awarded to IDRS.

IDRS staff highlighted the significant impact of recontracting uncertainty on service delivery, due to a loss of staff and volunteers. IDRS also experienced delays in filling key staff positions, including the JAS Program Director role, the JAS Education Coordinator role and JAS Diversion Coordinator roles at some metropolitan and regional Diversion courts. This was reported to be a constraint on IDRS' ability to effectively deliver the Service in the first few months of the new contract period.

“[A key barrier to JAS successfully supporting clients was] ongoing funding uncertainty. Last year JAS was uncertain about ongoing funding, this put a lot of pressure on staff to be able to continue the work that we do. Not only did it de-motivate staff, but it was challenging to plan anything in the future e.g. recruiting and training volunteers.” - JAS staff member

Implementation of Diversion

Under the new contract, JAS expanded its operations to include a Diversion service, formally implemented from 1 July 2022 and available in six local courts across metropolitan and regional NSW. The Diversion service was commissioned to support approximately 370 clients in its first year of operation from July 2022 onwards. To account for the fact that the Diversion service was operating for a ten-month period at the time of evaluation, the pro-rata Diversion target is to support 308 clients between 1 July 2022 and 1 May 2023.

The operations statistics of JAS Diversion between 1 April 2022 and 1 May 2023 have been summarised in Table 5. The JASPR database indicates that referrals to the Diversion service were received and supports were delivered prior to its formal implementation in July 2022, however, the significant bulk of Diversion activity occurring over a ten-month period since then.

Table 5: Summary of Diversion operations between 1 April 2022 and 1 May 2023

	Operational Area	Clients
Client referrals	Eligible Diversion client referrals during the evaluation period	213
	Ineligible Diversion client referrals during the evaluation period	8
Client supports	Total Diversion clients supported during the evaluation period*	224
	Total Diversion supports delivered during the evaluation period*	738
Client exits	Total clients who exited Diversion during the evaluation period (inclusive of repeat clients)**	159

	Returning Diversion clients that exited the Service during the evaluation period	8
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Source: JASPR Cases and Supports Databases

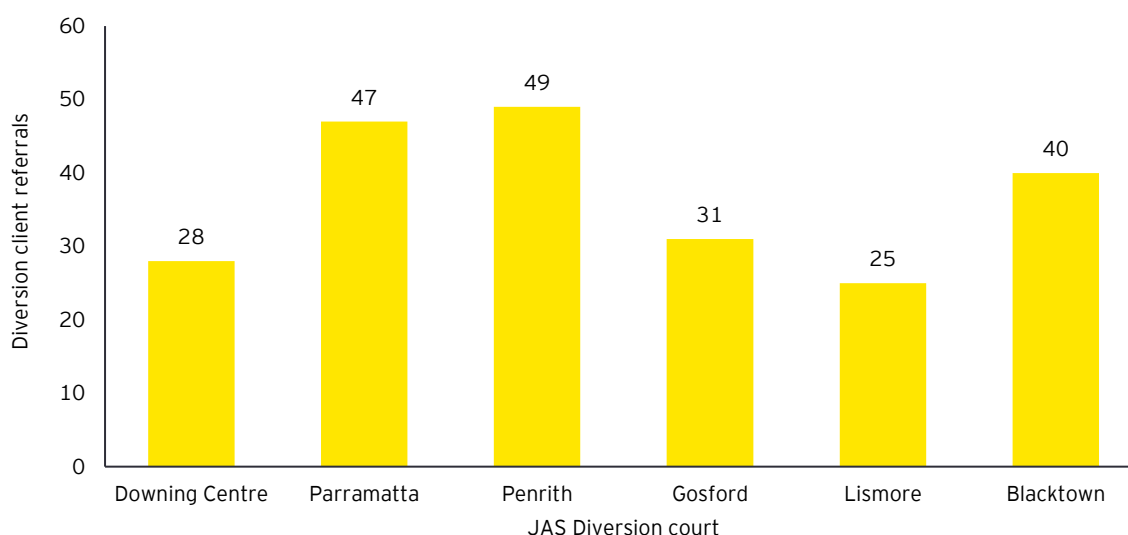
* According to JASPR cases and supports data, approximately 15 Diversion clients were referred to Diversion prior to 1 April 2022. The total Diversion clients supported and supports delivered during the evaluation period has accounted for these pre-1 April 2022 Diversion referrals.

** The number of clients who exited Diversion during the evaluation period is based on raw JASPR cases and supports data provided by IDRS and may not reconcile with the quarterly reports provided to DCJ.

As presented in Table 5, 221 clients were referred to Diversion between 1 April 2022 and 1 May 2023, with 213 of these clients deemed to be eligible for support, and eight deemed ineligible. Approximately 159 clients exited Diversion over the same period, eight of whom were identified as a repeat client of Diversion, indicating that approximately 5% of all Diversion exits returned to the Service within the 13-month evaluation period.

JAS Diversion currently operates at six courts across NSW, being Parramatta, Penrith, Blacktown, Downing Centre, Lismore, and Gosford Local Courts. For the 221 Diversion clients who were referred during the evaluation period, Figure 2 highlights the distribution of referrals by court location according to data captured in JASPR.

Figure 2: Diversion clients referred between 1 April 2022 and 1 May 2023 by Diversion court location*



Source: JASPR Cases and Supports Databases

* The Diversion client referrals by court location (220) presented in Figure 2 does not reconcile with the total Diversion referrals during the evaluation period (221) because one Diversion client did not have a court location captured against their record in the JASPR cases data.

As demonstrated in Figure 2, there was substantial variance in the level of activity across the JAS Diversion courts. Penrith local court received the most JAS Diversion referrals, receiving 49 client referrals over the evaluation period. The Diversion courts with the fewest referrals were Lismore (25) and Downing Centre (28).

Legal Aid and ALS stakeholders in larger metropolitan courts reported having experienced issues with JAS' timeliness in preparing support plans for Section 14 applications, requiring adjournments to clients' cases. This reportedly contributed to a reluctance amongst Legal Aid and ALS stakeholders to pursue Section 14 applications for JAS clients in larger metropolitan courts, which may have contributed to the lower level of Diversion utilisation at the Downing Centre observed during this period.

Implementation of Advocacy

During the evaluation period, JAS' Advocacy service continued to operate, supporting victims, witnesses, suspects, and defendants at police stations, in police custody and at court. Overall, the Advocacy service supported 2,675 unique clients between 1 April 2022 and 1 May 2023. Variance in the volume of supports provided to these cohorts was observed and is further explored in Section 4.1.6.

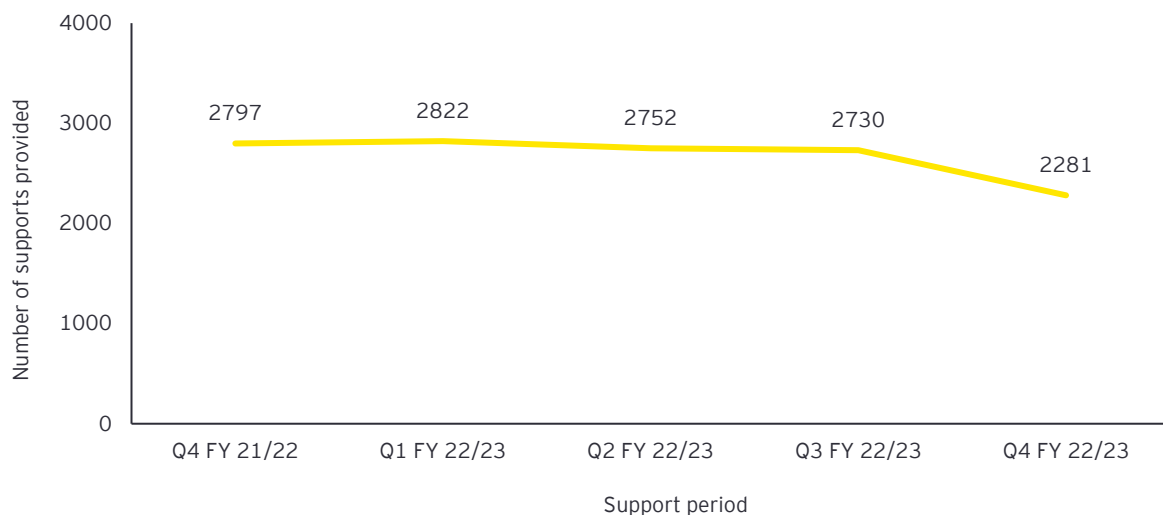
According to promotional materials on the IDRS website, the Service is "available across NSW in rural, regional and remote areas and is concentrated in NSW Police Area Commands, Police Districts and around central court locations".²⁷ As per program documentation, JAS' Advocacy service is delivered across 20 central court locations and 71 courts in metropolitan, regional and rural NSW.

JAS staff, volunteers and external stakeholders noted that the Service was not widely available in more regional and remote areas, and that unmet need for the Service existed in these locations. JAS resources were generally reported to be focused on central court locations, and smaller courts of the same court circuit were suggested by some stakeholders to have received minimal support. Geographic service delivery gaps are explored further in Section 4.1.4.

JAS client supports

Overall, the Service was able to provide a high degree of support for clients across both Advocacy and Diversion. This is represented in Figure 3, which shows the total number of client supports provided over the evaluation period.

Figure 3: Total JAS Advocacy and Diversion supports delivered*



²⁷ IDRS (2020) Justice Advocacy Service, retrieved 7 June 2023, <https://idrs.org.au/jas/>.

* Q4 FY 22/23 data only available until 1 May 2023. However, the total number of supports provided for Q4 FY 22/23 has been extrapolated out to 30 June 2023 based on the data available for 1 April 2023 to 1 May 2023.

As can be seen in Figure 3, the quantity of supports provided to clients remained relatively consistent between April 2022 and March 2023, with a reduction in number of supports provided observed in the April to June 2023 quarter (Q4 FY 22/23). Between the January to March 2023 quarter (Q3 FY 22/23) and the April to June 2023 quarter (Q4 FY 22/23), there was a decrease of 449 supports provided by JAS.

This decrease may be attributed to the following factors:

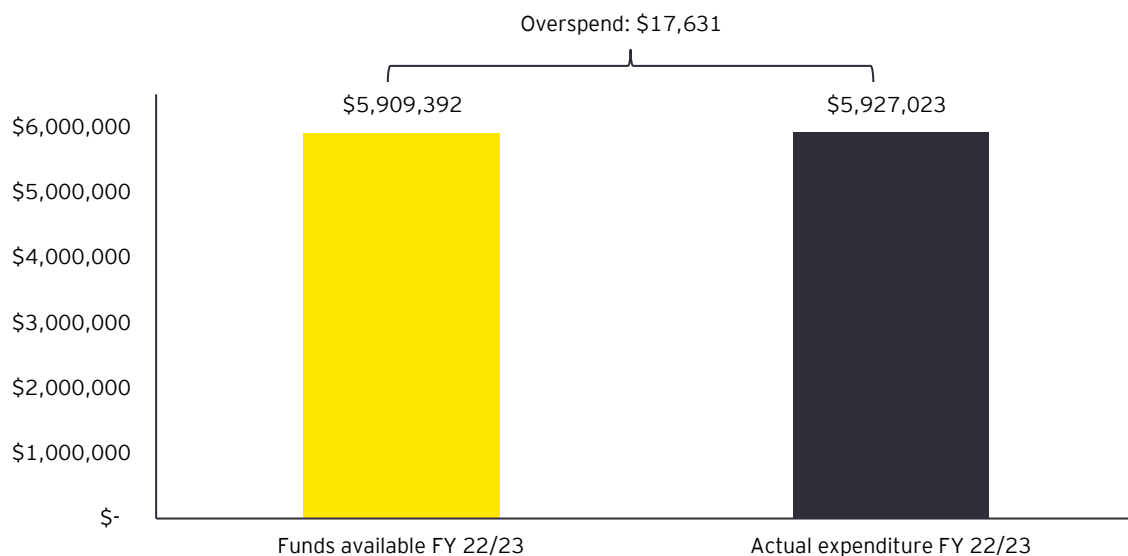
- ▶ the total number of supports provided by JAS for the April to June 2023 quarter (Q4 FY 22/23) being extrapolated to 30 June based on data available to evaluators for the period 1 April 2023 to 1 May 2023, meaning that the decrease may not necessarily be representative of actual data
- ▶ five NSW public holidays in April 2023, reducing the number of available days for client support
- ▶ the resourcing implications from JAS closing intake from 23rd January 2023 and the subsequent organisational emphasis on managing the existing case load, as opposed to supporting new clients.

JAS budget

Residual funding from the previous JAS contract awarded to IDRS in July 2019 (ended 31 March 2022) was retained and allocated to JAS' budget for FY 22/23. This residual funding of \$125,027 was completely utilised for FY 22/23.

Not including and separate to the residual funding, JAS was allocated a budget of \$5,909,392 for FY 22/23. JAS' total budget and actual expenditure for FY 22/23 is available in Figure 4.

Figure 4: Budgeted and actual JAS expenditure for FY 22/23*



Source: JAS FY 22/23 budget figures provided by IDRS

* Figure 4 excludes DCJ funding for a database enhancement project paid to IDRS in FY 21/22 that was carried over into FY 22/23 budget and expenditure numbers.

As highlighted in Figure 4, the total FY 22/23 JAS expenditure amounted to \$5,927,023. This represents an overspend of \$17,631 for FY 22/23.

Despite the overspend for FY 22/23, total spend on commissioning diagnostic assessments for JAS' Diversion service was \$96,268, 59% under its initial budget of \$234,782 for FY 22/23. The underspend on diagnostic assessments was attributed to the reported effectiveness of JAS staff in sourcing other evidence of clients' cognitive impairment and the Diversion service not meeting its client target in FY 22/23.

Integration of JAS Advocacy and Diversion

Currently, access to formal Diversion support through JAS is confined to the six local courts where the Service has been implemented and a specialised Diversion Coordinator operates. Integration of JAS Advocacy and Diversion services into a single client support offering would provide equal access to Diversion support across all NSW court locations that JAS services.

Feedback from IDRS staff and JAS volunteers on the potential integration of JAS' Advocacy and Diversion services was mixed, with advantages and disadvantages identified by these stakeholders. The key advantages cited for an integrated service model included:

- ▶ providing equal access to Diversion support, especially in regional and rural areas of NSW where unmet need has been identified by stakeholders
- ▶ the general upskilling of the JAS workforce to undertake screenings for cognitive impairment, to develop support plans and support clients with National Disability Insurance Scheme (NDIS) applications
- ▶ less ambiguity surrounding the overlap of JAS Advocacy and Diversion services for clients
- ▶ increased awareness of JAS across NSW.

The key disadvantages identified included:

- ▶ the practical differences in responsibilities and required skillsets between Justice Advocates and Diversion Coordinators, requiring a high level of training input to enable the wider JAS workforce to deliver Diversion support
- ▶ the current resourcing constraints experienced by the JAS workforce, and the limited available service capacity to deliver additional support using existing resources
- ▶ the risk that a greater emphasis on Diversion specialisation would detract from the level of Advocacy support currently provided by JAS.

As the case for an integrated Advocacy and Diversion model state-wide emerged through consultation, it is recommended that the DCJ Diversion team, in conjunction with IDRS, consider assessing the potential advantages and disadvantages in further detail. This review could consider the extent to which the Justice Advocate and Diversion Coordinator roles can be combined, and the differing skills and experience required to effectively perform each role to ensure ongoing advocacy and diversionary services to clients.

Recommendation:

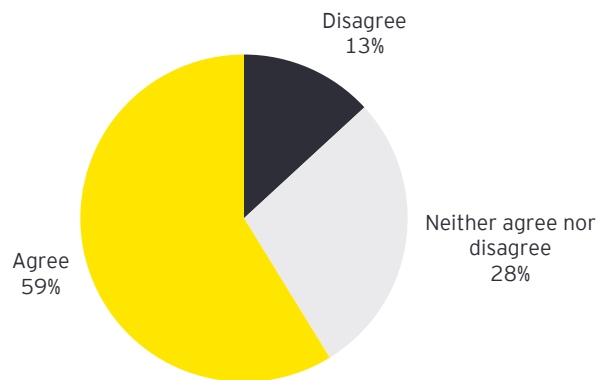
1. DCJ Diversion assess the feasibility and operational effectiveness of integrating JAS Advocacy and JAS Diversion services state-wide.

4.1.2 How effective is collaboration with relevant stakeholders?

Positive stakeholder relationships and collaboration were widely identified by stakeholders as key to the success and effectiveness of the Service. Where JAS had effective relationships with stakeholders, JAS collaborated closely with, and utilised those stakeholders as extensions of the Service. These relationships were enabled by proactive engagement and relationship building efforts undertaken by both JAS staff and external stakeholders.

Figure 5 illustrates the degree to which external stakeholders perceived their organisation to be working well with JAS.

Figure 5: Perspectives of external stakeholders on whether their organisation works well with JAS (n = 114)



Source: JAS Stakeholder Survey

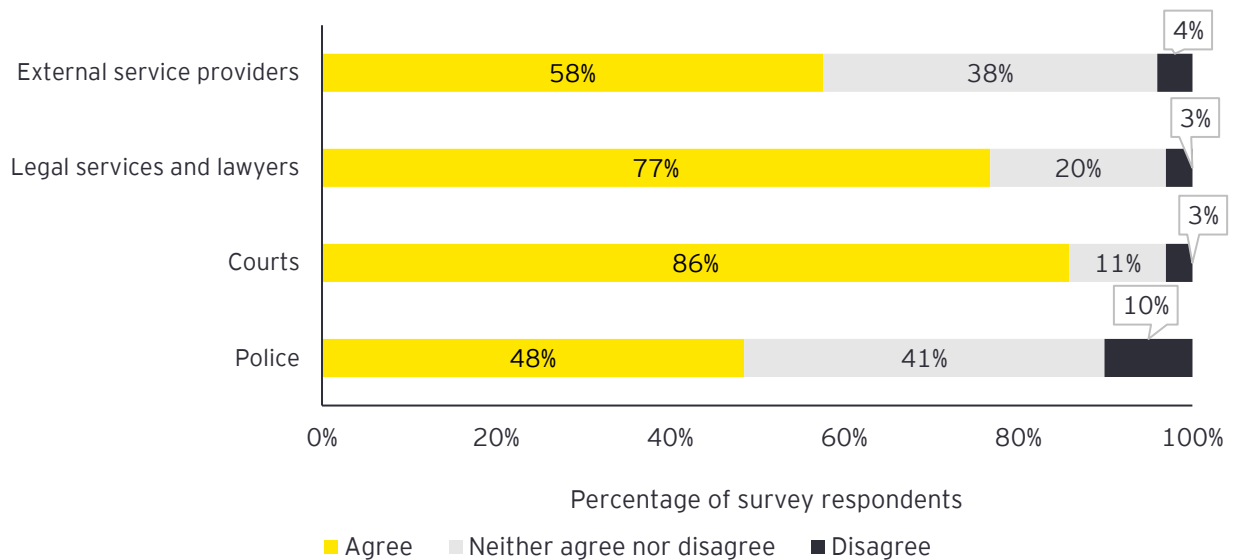
As evident in Figure 5, nearly 60% (n = 67) of the external stakeholders surveyed believed that their organisation had a positive working relationship with JAS. Where collaboration was said to have been effective, stakeholders noted that this contributed to improved efficiencies between JAS and those stakeholders.

These efficiencies reportedly included:

- ▶ better capture of JAS' client cohort through targeted identification and referral
- ▶ smooth information exchange between JAS and external stakeholders
- ▶ better communication with JAS clients
- ▶ broader and more appropriate referrals to external support services for clients
- ▶ greater trust in the Service by the courts
- ▶ an overall increase in the criminal justice system's awareness and response to the needs of people with cognitive impairment.

Figure 6 illustrates whether JAS staff and volunteers perceived the Service to be working well with external stakeholders.

Figure 6: Perspectives of JAS staff and volunteers on whether the Service is working well with stakeholder groups (n = 99)*



Source: JAS Staff and Volunteer Survey

* External service providers captures a range of organisations including NDIS providers, mental health, AOD supports, housing, and domestic violence services.

As evident in Figure 6, JAS staff and volunteer survey feedback suggests that collaboration was seen to be effective but varied between stakeholder groups. JAS was perceived to have the least collaborative relationship with police.

The effectiveness of JAS' collaboration with stakeholders was observed to vary between locations and courts. In central courts with high caseload volumes and high criminal justice system staff turnover, opportunities to improve JAS' collaboration were identified. Conversely in metropolitan and regional courts with medium caseloads and more consistent staffing, JAS' collaboration with most stakeholders was reported to be strong.

The evaluation identified opportunities for JAS to improve collaboration with stakeholder groups listed below in order of priority.

Police

Challenges in collaboration between JAS and police were consistently identified by both JAS staff, volunteers and NSWPF stakeholders. Other external stakeholders noted similar challenges in the working relationship between JAS and police.

From the police stakeholder perspective, 67% (n = 6) of NSWPF survey respondents were neutral on the strength of their organisation's relationship with JAS, pointing to the opportunity for JAS and police to work more closely together going forward. Forty-four per cent (n = 4) of survey respondents indicated they have had minimal contact with JAS. Police largely perceived improved collaboration with JAS to be dependent on expanded stakeholder and community awareness of the Service.

"More engagement is required with local communities so they are aware of the service and can feel comfortable asking for JAS support when and as needed." - NSWPF stakeholder

Perceived opportunities for improved collaboration were also apparent amongst JAS staff and volunteer survey participants, where 51% ($n = 51$) of survey respondents disagreed or had a neutral perspective on a statement regarding the effectiveness of JAS' working relationship with the police.

Opportunities to improve the relationship between JAS and the NSWPF are explored in further detail throughout Sections 4.1.7 and 4.1.8 of this report.

Justice Health

Due to the frequent co-existence of mental health impairment and cognitive impairment, Justice Health stakeholders reported that there was an overlap of clients shared between their organisation and JAS. This was reported to require frequent coordination between the two organisations and a staged approach to establish the client's primary diagnosis, the stability of mental health impairment and enduring impact of cognitive impairment, and the organisation best placed to support the client.

Making a determination on the appropriate service for client referral without prior assessment was reported to pose challenges at times. Multiple stakeholders expressed a belief that in the absence of clear differentiation on the client's mental health impairment or cognitive impairment status, in some locations client engagement Key Performance Indicators (KPIs) underpinned considerations on whether a client would be allocated to Justice Health Statewide Community and Court Liaison Service (SCCLS) or JAS for provision of a treatment plan or support plan.

"The JAS worker and I are confused about who will take the referral. We are told we need to work out the primary problem which is hard to determine. [As a result] we determine this because of KPIs. We would rather work together but are restricted by KPIs and [the] funding situation." - Justice Health stakeholder

Variance in the effectiveness of collaboration between Justice Health and JAS was observed, with Justice Health and JAS staff reporting that ongoing communication and case-by-case discussions were key facilitators to support establishing a client's primary diagnosis of mental health impairment or cognitive impairment.

"I have a very positive working relationship with the JAS Court Diversion Service and our model is working effectively. We are able to frequently discuss referrals and formulate decisions about how to approach clients referred to our services. JAS has proven to be very valuable to the court and has already produced noticeable positive outcomes for persons with cognitive impairment." - Justice Health stakeholder

However, in the absence of any service-level agreement between the two organisations, the functioning and effectiveness of the relationship between JAS and Justice Health appeared to vary by location.

Stakeholders suggested that both Justice Health and JAS would benefit from establishing a shared understanding of best practices in information sharing, whilst ensuring adherence to principles of client confidentiality and consent.

"[We need] in-service education from JAS to better understand how we could work collaboratively and what JAS can offer." - Justice Health stakeholder

Youth Justice

There was a strong appetite amongst Youth Justice stakeholders to work more closely with JAS. Approximately 30% ($n = 7$) of Youth Justice stakeholders surveyed believed that their organisation worked well with JAS, another 30% ($n = 7$) held the view that JAS did not work well with Youth Justice, and approximately 40% had a neutral perspective.

“There was a misunderstanding between my Youth Justice staff and the JAS worker about how to work with shared clients... I am not too sure on what services JAS provides so need greater clarification [from them].” - Youth Justice stakeholder

“Initially there were teething issues between our service and JAS. [There wasn’t] enough role clarification or instruction on role boundaries. We found JAS was trying to take over Youth Justice casework. Since then, we have had meetings between Managers to address the teething issues and they have now largely been addressed.” - Youth Justice stakeholder

Many Youth Justice stakeholders suggested they had limited awareness of the scope of JAS support. To improve collaboration, Youth Justice stakeholders suggested they would benefit from having an initial meeting with local JAS staff to understand the scope of JAS services, the referral process and best practices in managing shared clients. Additionally, some Youth Justice stakeholders suggested that a communication channel could be created to routinely discuss young people at court who might benefit from JAS support.

Youth Justice stakeholders suggested an “over-servicing” of young people in metropolitan areas due to more widespread availability of support services when compared with the availability of supports in regional and rural areas. Accordingly, increased JAS engagement with regional and rural Youth Justice representatives was recommended to explore opportunities for JAS to bolster support for Youth Justice clients in these areas.

“[To improve collaboration] We need to meet JAS on a regular basis to discuss young people who are appearing before the court that might benefit from their service.” - Youth Justice stakeholder

Legal stakeholders

Collaboration with legal stakeholders appeared to be positive, with 66% ($n = 23$) of Legal Aid, ALS, private solicitor and Community Legal Centre (CLC) survey respondents indicating that their organisation worked well with JAS. This stakeholder group, and specifically Legal Aid and Aboriginal Legal Services stakeholders, widely reported that they perceived JAS to be easy to contact, refer clients to, and share information with. However, they noted opportunities to improve efficiencies with respect to the online referral form, which is explored in Section 4.1.7.

“We are often unaware of someone’s cognitive impairment until we meet a client. If we see them with a JAS worker, then we already know that they will have a cognitive disability and they have support in the court with JAS.” - Legal services representative

Challenges in collaboration between JAS and legal representatives were reported to result in an under-utilisation of JAS’ Diversion service by Legal Aid and ALS solicitors in metropolitan courts with high caseloads. In such locations, Legal Aid staff reported being reluctant to engage with JAS for

diversion support due to issues with the timeliness and quality of Section 14 support plans developed by JAS.

“The Diversion program at the Local Court I appear in most frequently experienced significant delays which negatively impacted the progress of clients' matters. Often, getting a matter finalised is by far the least traumatic option, rather than having to string out coming back to court repeatedly over a number of months.” - Legal services representative

In the context of JAS Advocacy, some Legal Aid and ALS stakeholders perceived that JAS staff and volunteers tend to overstep into providing advice, contributing to a reluctance to engage the Service at times.

“Legal practitioners need to avail themselves of the services of JAS more often, but this is met by opposition in relation to the potential outcome already being discussed with a client by JAS (at times) BEFORE the person sees a lawyer who has the facts and criminal history in front of them i.e. a Section 14 is not a blanket outcome available to JAS clients. It requires formal assessment by a lawyer.” - Legal services representative

“[I think JAS would benefit from] some more training on what their role is and how to make sure they are supporting the solicitor to do their job. JAS need to be careful around the words they use and ensure what they say is not perceived by the client as legal advice.” - Legal services representative

Collaboration with private solicitors and CLC's was reported to be hindered by a lack of awareness of the Service and the scope of JAS support, limiting the strength of this referral pathway. Improving awareness of the Service amongst private solicitors and CLCs was identified to be an area for opportunity, due to reported increased capacity of private solicitors and CLCs to provide support to JAS clients relative to Legal Aid and ALS stakeholders.

National Disability Insurance Agency and National Disability Insurance Scheme service providers

National Disability Insurance Agency (NDIA) representatives and NDIS service providers shared positive perspectives on the Service, with 91% ($n = 10$) of those surveyed indicating that their organisation worked well with JAS. Regular communication between JAS and these stakeholders, both inside and outside the courtroom, was reported to have facilitated these positive working relationships.

“JAS keeps clear communication via email and phone. All the JAS staff I have worked with have taken their time to understand the clients' disability needs and where they require assistance.” - NDIS service provider

The evaluation found JAS to be reliant on building and maintaining effective collaborative relationships to facilitate referrals into the Service and ensure quality service delivery. To improve collaboration, updating or developing new Memoranda of Understanding (MOUs) or formal agreements with key stakeholders is recommended. Such MOUs should contain details of the respective roles and responsibilities of stakeholders with respect to JAS. Formalised and well-articulated processes contained in MOUs will support to establish guiding principles for collaboration, mutual understanding over the scope of JAS services, and efficiencies in the referral process.

Noting that the collaborative relationship between JAS and key stakeholders varied significantly by court location, it is recommended that the MOUs developed by JAS in collaboration with key organisation/agency stakeholders are disseminated at the local level. This may allow for flexibility to adjust the MOUs based on local dynamics and nuances.

Recommendation:

2. JAS and key external stakeholders update or develop MOUs (or similar) to provide a framework for collaboration.

First Nations collaboration

Stakeholders recognised the strong collaboration and relationships that JAS has developed with First Nations stakeholders. First Nations stakeholders engaged in consultations expressed views that JAS delivered culturally safe and appropriate services to First Nations clients. Stakeholders largely attributed JAS' cultural competence to the IDRS Aboriginal Engagement Worker role and noted the importance of this role in connecting with communities and facilitating the development of trust in JAS amongst those communities.

Some Aboriginal stakeholders, including Aboriginal Client and Community Support Officers (ACCSOs), cited opportunities to improve collaboration by clarifying the distribution of roles and responsibilities when managing shared clients. This is supported by the observations of some ACCSOs who highlighted instances where JAS staff and volunteers have been uncertain of their role in supporting an Aboriginal client when an ACCSO is involved.

Despite JAS' reported cultural competence and a range of efforts to recruit and retain a First Nations JAS workforce, Aboriginal stakeholders highlighted the potential benefits of recruiting additional Aboriginal staff and volunteers to ensure appropriate and effective engagement with Aboriginal clients.

"If there were more Aboriginal workers in JAS this would be such a benefit. Often Aboriginal people want to talk to their own mob; they feel more comfortable because we understand their family structures, trauma and lived experience." - Aboriginal Services Unit representative

Local relationships and co-location at regional locations

In regional and remote locations, JAS staff were reported to be utilising support services within the community to overcome the availability, resourcing, and connectivity (travel and telecommunications) challenges to supporting clients. This was largely contingent upon the perseverance of local JAS staff and volunteers, who reportedly drew on their relationships within the local community to support their work with JAS.

For example, instances where JAS staff and volunteers utilised their local networks outside of formal arrangements included:

- ▶ leveraging past working relationships with NDIS providers to support JAS clients to access the NDIS
- ▶ leveraging past working relationships with Legal Aid, ALS, and private solicitors to regularly source referrals

- ▶ working with government agencies, such as Youth Justice, to organise private transportation for clients attending court.

Furthermore, improved collaboration in instances where JAS and other services were co-located within the same building (including sharing a physical space at court) were highlighted by JAS staff and external stakeholders. This was cited to have occurred with Legal Aid, disability advocacy services and tenancy advocacy services in certain JAS locations.

Where this occurred, co-location of services reportedly contributed to a number of benefits including:

- ▶ efficient exchange of background information between organisations for shared clients
- ▶ effective case coordination for shared clients, including managing the logistics (such as transportation) to ensure clients attend court appearances
- ▶ referral of JAS clients to housing providers to ensure that clients are provided with appropriate and ongoing supports after formally exiting JAS.

4.1.3 What is working well in service delivery, and for whom? What are the facilitators to implementation and delivery?

JAS workforce skill and dedication

External stakeholders identified the dedication and skill of the JAS workforce in supporting individuals with cognitive impairment as they navigate the criminal justice system, suggesting that once supported by JAS and engaged with external support services, clients were less likely to present before the courts again.

“JAS support makes an enormous difference with Section 14 applications... it is the additional support and time that JAS put in that makes a huge difference with ongoing support options. Better ongoing support options make it more likely that a magistrate will be satisfied to make the Section 14 order.” - Magistrate

“[JAS] also have connections with support providers and an understanding of the challenges faced by defendants. They problem solve in matters that would otherwise have just fallen by the wayside. This gives magistrates greater options and for me personally, it gives me greater confidence that the outcomes will actually happen.” - Magistrate

JAS' wide volunteer network was considered to be key to the implementation and delivery of the Service. Stakeholders identified the enthusiasm, deep empathy, and availability of JAS' volunteer network to cover a broad geographic range across NSW and within courts and police stations where JAS staff may not be available as key elements of its success.

Volunteers interviewed often lived with disabilities or were closely connected to people with cognitive impairment. This lived experience was reported to provide JAS volunteers with a unique understanding and ability to communicate with, and be responsive to, JAS clients.

“The JAS volunteers are lovely, very warm and helpful to clients, help them through a stressful process. I think clients appreciate their presence and support even if they aren't always armed with mountains of documents or information for us.” - Legal services representative

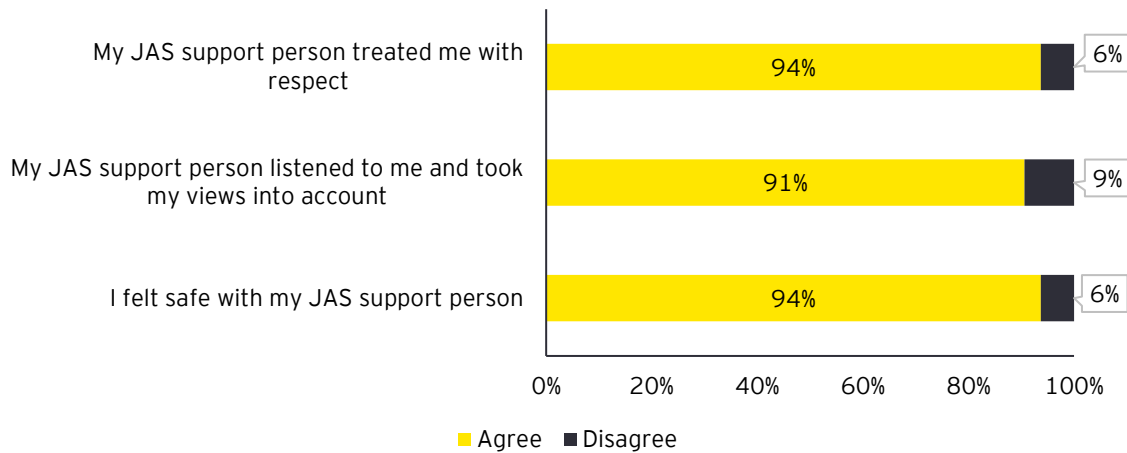
The ability of JAS staff to communicate and build rapport with clients was a consistent theme raised by external stakeholders. This was often attributed to the compassion and empathy for JAS clients held by JAS staff.

“[What is working well in the delivery of JAS is] the kindness of staff members working with our shared clients and the willingness to work with them.” - Corrective Services representative

“JAS workers I have worked with are really friendly and approachable, great with building rapport with clients and their families, and have gone above and beyond to assist people.” - Legal services representative

The strength of the JAS staff and volunteer network is also supported by JAS client exit survey responses, presented in Figure 7.

Figure 7: Perspectives of JAS clients on individual service-level outcome domains (n = 31)



Source: JAS client exit survey

* The response rate for Figure 7 is for a specific question within the JAS client exit survey and varies from the 124 responses received for the survey overall.

As highlighted in Figure 7, over 90% of respondents to the relevant question in the client exit survey felt that their JAS support person treated them with respect (n = 29), listened to them and took their perspectives into account (n = 28), and indicated that they felt safe with their support person (n = 29).

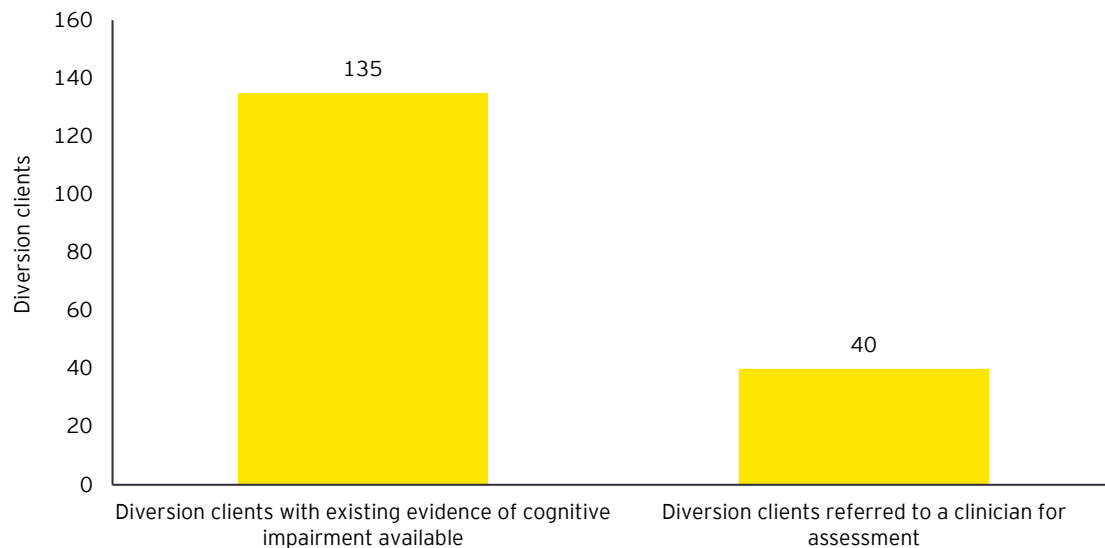
Resourcefulness of JAS in collating diagnostic evidence

Stakeholders acknowledged the ability of JAS to access, collate, and share relevant information and documentation on JAS clients with the appropriate stakeholders to achieve better outcomes for JAS clients, particularly successful Section 14 applications. For example, external stakeholders reported JAS to be proficient in gathering longitudinal client health records to evidence a client's cognitive impairment, avoiding the need to commission diagnostic assessments and associated reports. JAS was also said to have leveraged education records for some clients, demonstrating the extent of resourcefulness in fact-finding.

JAS' effectiveness in sourcing existing evidence of cognitive impairment on behalf of clients was reported to contribute to JAS' underspend of its diagnostic assessment budget for FY 22/23. The Service spent approximately 41% of its \$234,782 FY 22/23 diagnostic assessment budget to support Section 14 Diversion applications. As of May 2023, JAS' Diversion service had supported 60.5% of its anticipated client target of 370 for FY 22/23, indicating that JAS has been efficient in sourcing existing evidence of cognitive impairment for its Diversion clients.

Figure 8 compares the number of Diversion clients referred between 1 April 2022 and 1 May 2023 with existing evidence of cognitive impairment with the number who were referred for a clinical assessment.

Figure 8: Diversion clients referred between 1 April 2022 and 1 May 2023 with existing evidence of cognitive impairment available compared with the number referred for a clinical assessment*



Source: JASPR Cases Database

* This information is not recorded for all Diversion clients in the JASPR database and therefore, this figure may not be representative of all Diversion clients with existing evidence of cognitive impairment available or all Diversion clients referred to a clinician for an assessment.

The JASPR database indicates that 135 Diversion clients had existing evidence of cognitive impairment. Based on qualitative evidence from a range of stakeholders regarding JAS’ strength in collating evidence of cognitive impairment, it is understood that this existing evidence as per Figure 8 was used to support Section 14 applications.

When a JAS Diversion client did not have diagnostic evidence of their cognitive impairment, JAS was said to have been effective in arranging for the required diagnostic evidence to be commissioned. This was reportedly enabled by the strong network of neuropsychologists and clinicians that JAS has developed over time.

Magistrates at some Diversion courts provided positive but constructive feedback on the JAS reports supporting Section 14 applications. Magistrates suggested that JAS was effective in collating and summarising supporting documentation from a wide range of sources. However, some magistrates recommended that JAS consider incorporating an “Executive Summary” format with attachments to best enable magistrates to rapidly review JAS reports and access comprehensive evidence.

Provision of Diversion supports at non-Diversion courts

Legal representatives in a number of courts not serviced by JAS Diversion reported that JAS provided them with support for Section 14 applications, which is outside of the formal scope for JAS Advocacy support. JAS’ support for diversion activities in non-Diversion courts was described to involve collation of evidence of cognitive impairment and support with the development of Section 14 support plans.

Provision of Diversion supports at non-Diversion courts was primarily observed in smaller regional and rural courts with established relationships between JAS and external stakeholders. This trend was reportedly driven by a lack of other resources/services in local communities to support legal

representatives with Section 14 applications, as well as a reluctance amongst those services to perform this function.

Whilst this is outside of JAS' scope in non-Diversion courts, legal representatives emphasised the value of this support in freeing up their time to represent clients and prepare for hearings. Legal representatives expressed the view that JAS Justice Advocates are often seen as suitable candidates to be the "Responsible person" for the purposes of Section 14 applications. This was reportedly due to the skills and local knowledge of Justice Advocates in connecting clients to appropriate support services.

"I have a JAS worker who is able to oversight a Section 14 application. In a rural community, I'm getting an enormous amount of help in getting material to develop a support plan... My [Justice] Advocate liaises with the NDIS people, obtains historical reports, is proactive in making sure there are treatment plans, following up with General Practitioners, they are enmeshed in all of this. Applications are successful more often than not for this reason." - Legal services representative

Identification of vulnerable people

Stakeholders perceived the JAS workforce to be strong in identifying and engaging with vulnerable people at courts and in police custody, with stakeholders reporting that JAS "intercepts" people identified to be "at risk" whilst at court and ensures JAS supports are offered when deemed appropriate.

When a vulnerable person is identified in courts where both JAS and SCCLS operate and collaborative effectively, JAS and Justice Health staff reported discussing individual cases to identify a primary diagnosis of mental health impairment or cognitive impairment. SCCLS and JAS staff highlighted the difficulties distinguishing between cognitive impairment and mental health impairment given their frequent concurrent nature, and the importance of collaboratively assessing the primary diagnosis.

"It can be easier to identify people with mental health impairments sometimes, and they are often more likely to come to the attention of the court. With cognitive impairment they are often cooperative, sitting quietly, not causing trouble, which means they don't come to people's attention. [People with cognitive impairment] are most at risk of slipping through the cracks." - Justice Health representative

It is noted that JAS' role in identifying and engaging with vulnerable people when in contact with police is more limited than JAS' role at court. JAS staff frequently attend court on list days to identify people with cognitive impairment and accept referrals, whereas JAS will often only attend a police station in response to a referral from Police. JAS is therefore unlikely to proactively identify people with cognitive impairment at police stations that may be eligible for the Service. In addition, there were reported to be many police stations across NSW that JAS does not service or rarely services. These service gaps were often attributed to geographic barriers.

Stakeholders posited that this is a likely consequence of constrained JAS resourcing, varying relationships with police across the state, cultural factors and diverse attitudes held by members of the police and their understanding of mental health impairment and cognitive impairment in their communities. This is explored in detail throughout Section 4.1.4.

“In the instances where JAS is available [at Police stations], [JAS] truly makes a difference for those clients, their welfare whilst in custody and assists in helping those clients understand their rights.” – Legal services representative

Other areas where JAS is working well

Other key elements of successful service delivery observed or reported by stakeholders throughout the evaluation, including their facilitators, have been listed below:

- ▶ the accessibility of JAS and low barriers to entry, facilitated by the fact that a formal diagnosis of cognitive impairment is not required to access JAS support
- ▶ the “buddy” system, whereby new JAS volunteers are provided with the opportunity to shadow JAS staff in the field, was said to have been successful and supportive, with JAS volunteers describing it as a “stepping stone” from which they could learn to support clients by accompanying a more experienced JAS staff member until they felt ready to conduct support to clients alone
- ▶ the reported responsiveness of JAS to referrals, underpinned by JAS’ focus on strengthening referral pathways into the Service.

4.1.4 What is not working well in service delivery, and for whom? What are the barriers to implementation and delivery?

Workforce challenges

Including casual staff, IDRS' paid JAS workforce for FY 22/23 amounted to approximately 52 FTEs and a pool of 130 active JAS volunteers. JAS staff perceived workforce retention to be a significant challenge. These retention issues were attributed to a range of key workforce-related considerations explored below.

Workforce overload and burnout

JAS staff reported maintaining a high case load and experiencing significant demand for the Service, contributing to capacity challenges across the IDRS workforce. In early 2023, some full-time staff members were reportedly managing caseloads of up to 75 individuals, which was said to have negatively impacted wellbeing.

In addition to performing their roles as Justice Advocates or Diversion Coordinators, staff cited difficulties managing the additional duties of the role, including:

- ▶ attending to the police custody referral phone line for up to 15 hours on weeknights and weekends
- ▶ taking police custody phone calls during working hours
- ▶ undertaking recruitment of volunteers, including conducting volunteer interviews.

The demands placed on Justice Advocates and Diversion Coordinators were described as “unsustainable”, particularly for staff on part-time work arrangements. These demands were also reported to be an impediment to accessing training activities and professional development opportunities.

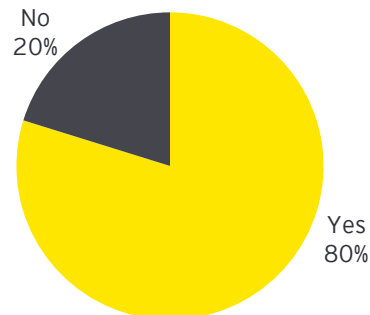
“Staff may have worked a full 8-hour workday and then are on [police custody referral phone line] shift from 5pm to 9am of the same day or, alternately for 12-hour shifts on the weekend. During these afterhours shifts staff are required to log on to their computers to complete a long document for each police support required. These extra hours at very minimal pay leads to staff burnout and job dissatisfaction.” - JAS staff

JAS staff identified that greater focus on staff retention should be prioritised by IDRS leadership to address retention issues. Staff recommended the establishment of a Human Resources (HR) role or department at IDRS to ensure staff have a contact outside of their direct manager to whom they can escalate issues, such as wellbeing and workload pressures.

Internal training opportunities

Inconsistency in the provision of training and development opportunities for JAS staff and volunteers was identified throughout the evaluation. This can be seen in Figure 9 which presents JAS staff and volunteer feedback on access to training and development opportunities.

Figure 9: Percentage of JAS staff and volunteers who reported that they had been provided with training and development opportunities to support JAS clients (n = 99)



Source: JAS Staff and Volunteer Survey

Figure 9 indicates that 20% (n = 20) of JAS staff and volunteers have not been provided with the necessary training, suggesting there is an opportunity for JAS to strengthen its workforce training. Specific areas of training identified by stakeholders to support both existing and incoming staff and volunteers are explored in Section 4.1.8.

“The re-establishment of ongoing training as well as new recruit training is essential to the ongoing future of [JAS]. Since the refunding there has not been the urgency or the resources put into the training sector of the organisation.” - JAS staff member

The need to strengthen workforce training is critical in the context of external stakeholder feedback on the quality of support provided by the JAS volunteer network. Overall, most reported positive experiences with volunteers, however some stakeholders identified issues with the quality of support provided.

These issues primarily related to volunteers “overstepping” their role, moving into the territory of providing legal advice, giving instructions to clients, or having varying levels of experience. Where external stakeholders cited having had poor experiences with volunteers, they reported being less likely to refer to or collaborate with the Service.

Police support referral line

JAS staff monitoring the police support referral line highlighted the “distressing” nature of this role. Staff reported being unable to locate casual staff to fulfil after hours supports for people in police custody, and being prohibited from contacting volunteers to request after hours supports. JAS staff recommended that casual staff members are hired to monitor the police supports referral line overnight.

“This part of the Service is really poorly organised and run because there are never enough volunteers or casuals particularly in the country areas to fill police supports. It causes staff a great deal of angst and anxiety to try to fill supports in the KPI of 2 hours when you don’t have enough volunteers or casuals to fill it. As volunteers and casuals are not rostered on for weekend day supports it is very unlikely that a volunteer who is out and about on a sunny Saturday or Sunday with their family is going to drop everything to do a police support. It’s a very unrealistic expectation.” - JAS staff

Frequently, clients with mental health/cognitive impairment struggle with their comprehension of the custody process/their rights whilst in custody at the police station. I think this is often ameliorated when JAS workers are contactable or able to travel to the station to support those clients. But more often than not, it is not possible to facilitate this for remote locations and/or outside of ordinary working hours for JAS workers.” - Legal representative

Improving access to JAS police supports was highlighted as a key priority for some legal representatives due to JAS’ role in supporting clients to understand the custody process and the perceived benefits resulting from the provision of JAS support early in a client’s journey in the criminal justice system. Accessibility to police supports may be improved by implementing a monthly roster of casual employees to perform police supports by police station and hiring casual workers to attend the police supports referral line afterhours and on weekends.

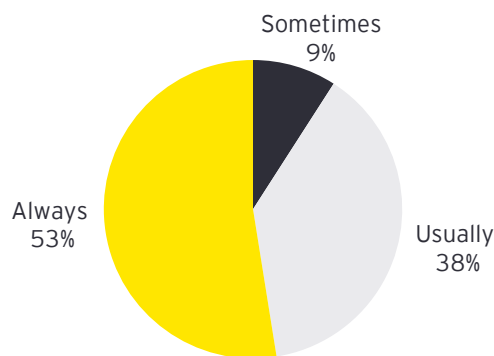
Recommendation:

3. JAS review the service delivery model for police station supports and consider the implementation of a monthly roster of casual workers to improve accessibility of police station supports, particularly in regional and rural locations.

Other elements of internal organisational support

The perspectives of JAS staff and volunteers on the level of internal organisational support received are shown in Figure 10.

Figure 10: Perspectives of JAS staff and volunteers on whether they feel supported by JAS to work with people with cognitive impairment in contact with the criminal justice system



Source: JAS Staff and Volunteer Survey

Whilst Figure 10 demonstrates that 53% (n = 52) of JAS staff and volunteers “always” feel supported by JAS to work with people with cognitive impairment, a lack of organisational support for staff was a consistent theme in consultations.

A number of JAS volunteers identified opportunities to enable Justice Advocates to better support the volunteer network. These included:

- ▶ ensuring that adequate information on the client’s support needs is shared with volunteers prior to providing supports

- ▶ consistent feedback loops for Justice Advocates and volunteers to de-brief on court supports post-hearing to enable the volunteer to understand what they did well, identify areas for improvement, and provide feedback on the quality of their JASPR data entries
- ▶ frequent communication and consistent touchpoints between Justice Advocates and volunteers. Highlighting this issue, one volunteer stated, “although I have been doing this for a long time and need little or no support, I find it interesting that some Justice Advocates communicate, and others don’t”.

JAS staff and volunteers emphasised the importance of interacting in-person with colleagues and peers, particularly those in regional and rural areas. A number of staff and volunteers noted they felt “isolated” due to limited communication with colleagues and peers.

JAS staff and volunteers in regional locations identified a strong preference for in-person engagement, particularly with respect to training and the delivery of JAS in general. Stakeholders expressed frustration at, and lower engagement in, activities delivered predominantly virtually.

Recommendation:

4. JAS prioritise networking opportunities for staff and volunteers, including in-person catch-ups between volunteers and local Justice Advocates, to enhance volunteer engagement and workforce retention.

Funding and resourcing constraints

The demand for the Service across NSW is high. During the period 1 April 2022 to 1 May 2023 there were*:

- ▶ 1,661 unique client referrals, with 1,624 of these unique referrals deemed eligible for the Service
- ▶ 5,289 instances of support for the 1,624 clients accepted into the Service during the evaluation period, indicating that for each new client accepted into the Service, JAS provided approximately 3.3 instances of support per new client
- ▶ 2,877 unique clients supported during the evaluation period, including those referred to the Service prior to 1 April 2022, and those referred to the Service during the evaluation period
- ▶ 11,879 instances of support for the 2,877 clients supported during the evaluation period, indicating JAS provided on average 4.1 instances of support per client.

** This analysis is based on raw JASPR clients, cases and supports data provided by IDRS for the period between 1 April 2022 and 1 May 2023. It should be read in conjunction with other key sources of service-level reports provided by IDRS to key stakeholders.*

Findings from the previous JAS evaluation indicate that from 1 October 2019 to 31 August 2020, each JAS client received 2.9 instances of support on average.²⁸ The higher ratio of supports to

²⁸ EY & DCJ (2021) Evaluation of the Justice Advocacy Service, retrieved 18 August , <https://dcj.nsw.gov.au/documents/legal-and-justice/justice-advocacy-service/evaluation-of-the-justice-advocacy-service-report.pdf>. Covering individuals who consented to sharing their information in the evaluation data, JAS provided 1,486 support activities across 511 individuals throughout the previous evaluation report (page 29).

clients during the current evaluation period indicates that between 1 April 2022 and 1 May 2023, the demand pressures on JAS per client have increased relative to the previous evaluation period.

Due to acute resourcing challenges, JAS closed intake for all metropolitan Sydney courts between the 23rd of January 2023 and the end of April 2023. Intake re-opened without advertising throughout May 2023 and was fully re-opened in June with certain priority systems still in place. In addition to closing intake at metropolitan Sydney courts, it was reported that JAS had also considered closing intake in the Newcastle/Hunter region and Dubbo, suggesting that the Service experienced wide-spread challenges in managing capacity during the first half of 2023. The intake closure is explored further in Section 4.1.5, and a range of key funding and resource-related challenges are explored in further detail below.

JAS presence at NSW police stations and custody cells

JAS' ability to provide support to people in police custody was identified as an area of improvement for JAS. According to JASPR cases data, the NSWPF made approximately 891 client referrals across the evaluation period, with 32.5% ($n = 290$) of these referrals concerning a repeat client of JAS.

Qualitative evidence suggests that the level of engagement with police varied by JAS office location. This is supported by quantitative evidence presented in Table 6, demonstrating significant variance in the proportion of police referrals to total referrals by JAS office location.

Table 6: Breakdown of total police referrals by JAS office location for JAS Advocacy and Diversion clients between 1 April 2022 and 1 March 2023*

Rank by number of police referrals	JAS office location ²⁹	Total referrals	Number of police referrals	Percentage of police referrals as a proportion of total referrals by location
1	Central Sydney	471	184	39.1%
2	Western Sydney	507	176	34.7%
3	South Western Sydney	255	116	45.5%
4	Newcastle	416	75	18.0%
5	Gosford	144	38	26.4%
6	Moree	89	38	42.7%
7	Wollongong	135	36	26.7%
8	Orange	162	34	21.0%
9	Dubbo	134	30	22.4%
10	Coffs Harbour	76	28	36.8%
11	Port Macquarie	67	27	40.3%
12	Lismore	129	23	17.8%
13	Tamworth	114	18	15.8%

²⁹ JAS office locations provide court and police supports in the office location, in addition to the surrounding areas.

Rank by number of police referrals	JAS office location ²⁹	Total referrals	Number of police referrals	Percentage of police referrals as a proportion of total referrals by location
14	Wagga Wagga	27	13	48.1%
15	Broken Hill	28	13	46.4%
16	Goulburn	34	12	35.3%
17	Griffith	26	11	42.3%
18	Armidale	48	6	12.5%
19	Albury	19	5	26.3%
20	Batemans Bay	24	4	16.7%
21	Bourke	19	4	21.1%

Source: JASPR Cases Databases

* This analysis is for clients referred to JAS between 1 April 2022 and 1 May 2023 using the JASPR cases data only, which may not reconcile with the client referral date captured in the JASPR clients data. JASPR clients data only captures data for unique clients referred to the Service and does not consider repeat clients of JAS.

Resourcing constraints and the capacity of the JAS workforce were perceived to hinder the availability of supports for clients at the custody or pre-custody stage. JAS' police support function is serviced by casual staff (often hired to provide after hours or overnight supports), JAS staff and volunteers. It is understood that the pool of JAS casual staff is approximately 30 individuals, or the equivalent of 12 Full-Time Equivalents (FTE).

The pool and geographic spread of available resources to provide police supports was perceived at times to limit JAS' ability to meet demand. Stakeholders identified a need to expand the JAS workforce, including the volunteer network, to better resource police supports.

"After hours police station supports present an issue due to a lack of trained police support workers. Currently JAS has a small cohort of paid police casuals who do after hours supports and staff who are required to give their free time [to support clients in custody] ... Casual police support persons often have specific areas in which they can support thus the entirety of Sydney is not able to be covered leaving staff to support over the telephone. Rural and regional areas have even less support capacity and availability." - JAS staff

Service delivery gaps across regional and rural areas

Geographic barriers were consistently identified by JAS staff, volunteers and external stakeholders as a barrier to service delivery. This challenge was particularly evident in regional and rural areas, where demand for the Service is high, but JAS lacks the workforce to effectively service vast geographical areas.

Geographic barriers to providing support were often associated with temporal barriers by JAS staff and volunteers. JAS staff highlighted the time commitment involved in travelling vast distances to provide police or court supports to clients in regional and rural areas. This was perceived to be a significant issue for time-sensitive supports where support people are expected to arrive to the

police station within 2 hours of referral, or when providing court supports across multiple court locations on the same day.

Servicing regional and rural areas was reported to be more challenging due to the absence of other support services in such locations, resulting in JAS staff supporting clients that may not be eligible for the Service, supporting clients above a manageable caseload and performing the functions of other support services in addition to their funded responsibilities. This included arranging meals, transportation, and housing for clients.

JAS staff highlighted the considerable distances they travel and service, and the transportation barriers they face providing support to clients in more remote locations. JAS staff reported no longer having access to JAS company vehicles and recommended that company vehicles suitable for driving on rural roads be made available to support with carrying out their responsibilities. To address geographic barriers to providing support, JAS staff reported renting cars from rental car companies. However, they described this solution as “impractical” as it requires lead time to arrange, a particular challenge when court dates and appointments are subject to last minute changes.

“There is a lack of referral pathways in regional and remote NSW. JAS is often called upon to step into the void, creating role and responsibility issues. It is often difficult to say no when you are aware that there is no other service or person to support [the] client.” - JAS staff

Police and court stakeholders identified a decline in the availability of the Service in more remote regions, beyond the main courts that JAS supports. This suggests that gaps in service delivery exist in locations outside of central court locations.

These stakeholders perceived JAS to prioritise supports in larger, more populated towns, whilst smaller courts on the same court circuit as the primary JAS location were reportedly left underserved. This challenge was reportedly compounded by the uncertainty around the re-contracting of JAS and the subsequent loss of staff and volunteers across NSW. This indicates that the transition between contracts was, and may continue to be, a procedural hurdle that requires considered handling to minimise the impact on service delivery.

Table 7 represents the number of court supports by JAS office location over the evaluation period, including the proportion of total court supports delivered in each JAS office location.

Table 7: Number of court supports by JAS office location between 1 April 2022 and 1 May 2023

JAS office location ³⁰	Number of court supports delivered	Proportion of total JAS court supports delivered by JAS office
Western Sydney	1,350	16.3%
Central Sydney	1,244	15.0%
Newcastle	1,206	14.5%
Southwestern Sydney	728	8.8%
Wollongong	467	5.6%
Tamworth	465	5.6%

³⁰ JAS office locations provide court and police supports in the office location, in addition to the surrounding areas.

JAS office location ³⁰	Number of court supports delivered	Proportion of total JAS court supports delivered by JAS office
Orange	461	5.6%
Lismore	370	4.5%
Dubbo	368	4.4%
Gosford	358	4.3%
Moree	318	3.8%
Port Macquarie	227	2.7%
Coffs Harbour	207	2.5%
Armidale	117	1.4%
Broken Hill	86	1.0%
Batemans Bay	70	0.8%
Griffith	67	0.8%
Wagga Wagga	61	0.7%
Goulburn	57	0.7%
Bourke	44	0.5%
Albury	29	0.3%

Source: JASPR Supports Database

Table 7 highlights that approximately 55% of court supports delivered across the evaluation period were serviced by just four JAS offices. However, in the absence of publicly available court-specific finalisation data, it is difficult to identify whether JAS court support data is proportionate to the number of total court caseload or finalisations, and therefore whether specific geographic areas are being over- or under-serviced by JAS.

Further analysis of external data would support an understanding of the alignment between current JAS resourcing and likely service demand, drawing on BOCSAR and other statewide data sources to provide a view on population need relative to JAS referrals and service provision. Whilst this is out of scope for the current process review, this analysis may be integrated into outcomes and economic analysis within the next phase of JAS evaluation.

Recommendation:

5. DCJ Diversion identify demand for JAS and the investment required to ensure consistent and equitable access to the Service across the state.

Access to client information

Improved access to client information was identified by JAS staff as an opportunity to better support them in carrying out their roles. Access to client information was cited by JAS staff as critical to service delivery, particularly for JAS clients who are new to the Service, or who have changed court locations.

JAS staff identified the following actions to enable improved access to client information:

- ▶ establishing new and growing existing relationships with NDIS providers to support JAS staff to access existing reports and documentation that may evidence cognitive impairment and contribute towards a Section 14 application
- ▶ developing relationships with Corrective Services to understand the criminal background of a new JAS client
- ▶ strengthening existing relationships with Justice Health to access historical medical records, rehabilitation plans and previous clinical assessments, and exchange information that may help develop a Section 14 application including housing situation and key partners that could support the client in the community
- ▶ enabling widespread access to Justice Link amongst JAS staff to identify past and future court listing dates and details of past orders made by the court against a JAS client.

Despite JAS' efforts to establish relationships with these external stakeholders, access to information was consistently highlighted as a barrier. This was cited to be particularly challenging for JAS Diversion clients with limited previous interactions with support and healthcare services, who lack records to evidence their cognitive impairment.

It is recommended that the DCJ Diversion team, in conjunction with JAS Working Group members, discuss opportunities to enhance JAS' access to data and information sharing considerations. These discussions can be used as an input in the development of the MOUs (referenced in Section 4.1.2) to clarify roles, responsibilities, and collaborative arrangements between relevant agencies.

Recommendation:

6. DCJ Diversion liaise with DCJ and NSW Health to increase JAS access to data on local court finalisations, historical and upcoming court cases, and client health data to assist with the development of Section 14 support plans.

Feedback loop closure

Feedback between JAS and external stakeholders was identified as an element of service delivery that could be strengthened to support quality service delivery. The following areas were identified as opportunities:

- ▶ legal, CTSD and Youth Justice representatives and external support services reported that they did not consistently receive information on whether their referral to JAS was successful
- ▶ clinicians reported that they infrequently received feedback from JAS on whether the diagnostic assessment materials to support Section 14 applications met the needs of JAS, the client's legal representatives and the client themselves
- ▶ JAS staff suggested they would benefit from further feedback from Magistrates on the quality of support plans and supporting diagnostic evidence.

“JAS should implement a feedback mechanism every few months [with us] to discuss what has worked and what has not worked.” – Diversion clinician

Recommendation:

7. JAS implement feedback mechanisms for clinicians undertaking diagnostic assessments to ensure assessment reports meet the needs of clients, the courts, and other JAS stakeholders.

Duration of Diversion support

Stakeholders expressed varied perspectives on the appropriateness of the duration of support provided to JAS Diversion clients. Currently, JAS provides up to 16 weeks of support to a JAS client from the date of their successful referral into the Service.

Some legal representatives suggested that due to resourcing issues, particularly in metropolitan courts, JAS staff were at times unable to meet deadlines with respect to developing Section 14 support plans, resulting in cases requiring adjournments. Additionally, some stakeholders reported that it was difficult to adequately transition case coordination responsibilities from JAS to external stakeholders within this timeframe, increasing the risk of recidivism for the client after they had exited the Service.

For the 159 Diversion clients who exited the Service between 1 April 2022 and 1 May 2023, the average time spent in the program was 10.2 weeks, indicating that the actual support provided was often shorter than the maximum 16-week period allocated. This suggests that the Diversion support period is generally sufficient to enable section 14 orders to be finalised.

Despite this, JAS staff suggested that the duration of Diversion support should be extended to allow for periodic check-ins with clients on an ‘as needs’ basis to ensure that they are engaged with appropriate supports outside of the criminal justice system. For example, JAS staff highlighted instances of a JAS Diversion clients re-offending after cessation of support, with a perception that additional check ins may have mitigated this risk.

Recommendation:

8. JAS explore opportunities to follow up with JAS Diversion clients about their support plans outside of the maximum 16-week JAS Diversion engagement period.

4.1.5 What adaptations have been made within service delivery to account for unforeseen challenges?

Prioritisation of incoming referrals

As previously discussed, JAS temporarily closed intake for all metropolitan Sydney courts with the exception of supports for victims, clients with existing matters and Diversion court referrals. During the period 23 January to 30 June 2023, 149 people were turned away from the Service, and 161 cases were not allocated for support by JAS.³¹

The decision to close intake was reported by IDRS to have been made to manage the high caseloads and wellbeing pressures on staff and volunteers, which was felt to be impacting the quality of support delivered to clients at the time.

During the intake closure period, IDRS developed and implemented a prioritisation framework to manage staff caseloads. Under this new system, priority was given to referrals from magistrates, lawyers, and correctional centres. Supports for victims, witnesses, and existing clients were also prioritised. This change was reported by IDRS staff to be effective in addressing short-term capacity challenges. However, the longer-term impact of its implementation was not able to be observed during the evaluation period and requires ongoing monitoring.

As the prioritisation framework was implemented at a localised level and in response to capacity challenges, it is recommended that a thorough review of the prioritisation process is conducted by IDRS, in collaboration with the DCJ Diversion team, to support consistency in prioritisation of clients going forward, and support with ongoing capacity management.

Recommendation:

9. JAS develop a standardised state-wide prioritisation framework to utilise where service demand outweighs capacity.

Flexible service delivery

A wide range of stakeholders highlighted the ability of JAS to remain flexible and navigate service delivery challenges to meet the needs of clients throughout the evaluation period. Instances of flexible service delivery by JAS staff identified by stakeholders included:

- ▶ transporting clients to court in their personal vehicles due to limited public transport options, despite this being outside of the scope of JAS support
- ▶ JAS staff employing various means to contact clients, including:
 - ▶ JAS staff travelling to locations the JAS client had been known to frequent to inform them of an upcoming court date
 - ▶ physically delivering mail to clients' registered home addresses
 - ▶ leveraging the network of external support services (where available) to contact the client or the client's family
- ▶ joining court appearances via Audio Visual Link (AVL), participating in legal meetings by phone conference and providing remote court support via phone check-in where necessary,

³¹ Analysis of unmet need associated with intake closure was conducted by IDRS. The figures are as quoted directly by IDRS.

to manage the legacy impacts of COVID-19 and minimise barriers to supporting incarcerated clients

- ▶ securing alternative legal representation for clients who did not qualify for government funded legal support, including sourcing private pro bono legal representation, or leveraging JAS' own networks within the private legal practice sector.

4.1.6 Has JAS reached its intended clients and client groups?

JAS aims to support “adults and young people with cognitive impairment who are in contact with the NSW criminal justice system – as victims, witnesses and suspects/defendants”.³² The *Mental Health and Cognitive Impairment Forensic Provisions Act 2020* outlines circumstances or conditions where an individual would be considered to have a cognitive impairment, including intellectual disability, borderline intellectual functioning, dementia, an acquired brain injury and drug or alcohol related brain damage.

Overall, evidence suggests JAS has reached its intended clients. There appear to be certain cohorts for whom JAS provides significant support, whilst there are cohorts with lower service utilisation, including witnesses, victims, young people, and clients belonging to CALD and LGBTIQ+ communities. This is explored in further detail below.

The demographic analysis within this section only considers unique clients referred between 1 April 2022 and 1 May 2023 (1,661 clients). For clients that were first referred to the Service during the evaluation period and returned to the service during the evaluation period, the demographic characteristics recorded upon the client's first entry to the Service have been considered in this analysis. Repeat client data entries have been excluded from the demographic analysis within this section to avoid duplicate counting of an individual client's demographic characteristics.

Table 8 presents an analysis of the key cognitive impairment type recorded by JAS staff for the unique clients referred to the Service during the evaluation period. For the 1,624 eligible JAS referrals within the JASPR client database, 81 individuals did not have a recorded cognitive impairment. It is noted that cognitive impairment type recorded in the JASPR database represents a suspected cognitive impairment based on the assessment of JAS staff upon initial screening of a potential client and does not indicate that the cognitive impairment type has been formally diagnosed or evidenced.

Table 8: Breakdown of cognitive impairment types amongst JAS Advocacy and Diversion clients referred to the Service between 1 April 2022 and 1 May 2023*

Cognitive impairment type**	Number of clients	Prevalence amongst cohort***
Intellectual (including borderline intellectual functioning)	786	38.3%
Autism Spectrum Disorder (including Asperger's Syndrome)	404	19.7%
Acquired brain injury	293	14.3%
Specific learning	216	10.5%
Developmental delay	88	4.3%
Other neurological disorder	84	4.1%
Foetal Alcohol Spectrum Disorder (FASD)	58	2.8%
Physical	30	1.5%
Dementia	29	1.4%
Hearing sensory	26	1.3%

³² DCJ (2023) Justice Advocacy Service, retrieved 7 July 2023, <https://www.dcj.nsw.gov.au/justice/justice-advocacy-service.html>.

Cognitive impairment type**	Number of clients	Prevalence amongst cohort***
Speech sensory	21	1.0%
Vision sensory	15	0.7%

Source: JASPR Client Database

*Cognitive impairment types are categorised as defined in the JASPR database. JAS clients may also have more than one cognitive impairment, hence the client count exceeds the number of JAS clients during the evaluation period.

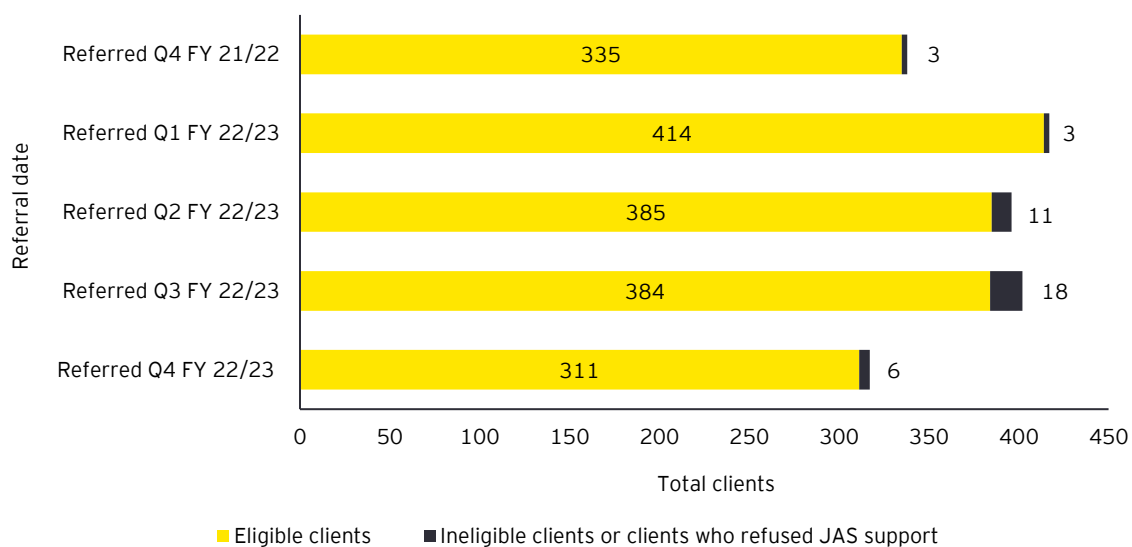
** The JASPR dataset also captured 468 clients with a "psychiatric" disability. In this context, "psychiatric" refers to psychiatric disability or mental health impairment. To be eligible for the Service, people identified as having a psychiatric disability must have a co-occurring cognitive impairment and it is used by JAS staff to flag potential co-occurring mental health and cognitive impairment.

*** Percentages may not add up to 100 due to rounding

Based on JASPR data between 1 April 2022 and 1 May 2023, approximately 2.2% (n = 37) of unique clients referred to the Service were deemed ineligible, including clients who did not consent to receiving JAS support. This suggests that referrals received are generally appropriate for the Service. However, it should be noted that the JASPR dataset may not capture the full extent of ineligible referrals as it is only reflective of referrals entered into JASPR.

The distribution of eligible and ineligible referrals received during the period 1 April 2022 to 30 June 2023* is displayed in Figure 11.

Figure 11: JAS Advocacy and Diversion clients referred between 1 April 2022 and 30 June 2023*



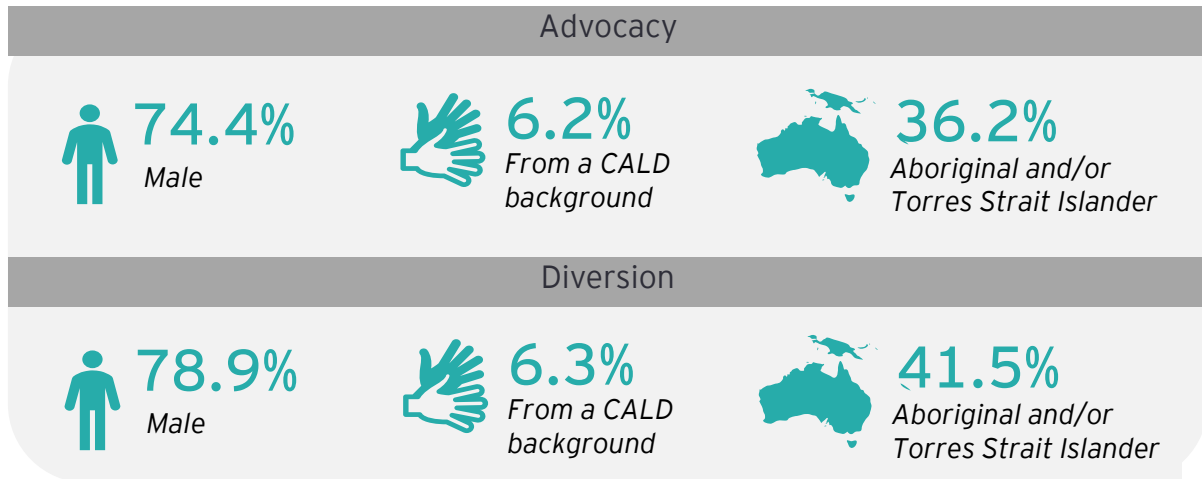
Source: JASPR Client Data

* Q4 FY 22/23 data only available until 1 May 2023. However, the total number of eligible and ineligible referrals for Q4 FY 22/23 has been extrapolated out to 30 June 2023 based on the data available for 1 April 2023 to 1 May 2023. This means that the referral levels for Q4 FY 22/23 may not be representative of the actual referral levels observed.

As evident in Figure 11, the number of ineligible referrals received per quarter is minimal. As previously noted, Figure 11 is only representative of referrals entered into the JASPR client database and may not capture the full extent of ineligible referrals.

While both JAS staff and external stakeholders considered JAS to be reaching its intended clients, they identified several cohorts with whom the Service may strengthen its reach. Figure 12 presents analysis of the cohorts of eligible JAS Advocacy and Diversion clients who were referred to the Service during the evaluation period.

Figure 12: Cohorts of eligible JAS Advocacy and Diversion clients from 1 April 2022 to 1 May 2023



Source: JASPR Client Data

The administrative data shows that approximately 36% of JAS Advocacy clients identify as Aboriginal and/or Torres Strait Islander, and almost 42% of JAS Diversion clients identify as Aboriginal and/or Torres Strait Islander.

The representation of Aboriginal and Torres Strait Islander people in the Service is higher than the already disproportionate representation of Aboriginal and Torres Strait Islander adults appearing before NSW courts in Q3 of FY 22/23 (26.2%).³³ Available literature suggests that increased rates of cognitive impairment for Aboriginal and Torres Strait Islander court users are likely.³⁴ It is challenging to accurately ascertain the prevalence of cognitive impairment in this cohort in order to definitively consider the adequacy of JAS' support.

While stakeholders observed that JAS offered culturally sensitive and safe support, some stakeholders commented that JAS could strengthen efforts to ensure that the cultural background of its workforce aligns with its client demographics, by increasing the Service's Aboriginal and Torres Strait Islander staff and volunteer base. As explored in Section 4.1.2, JAS has identified this as an area for improvement and is actively recruiting for Aboriginal and Torres Strait Islander staff and volunteers.

"JAS does not have enough Aboriginal and Torres Strait Islander and Culturally and Linguistically Diverse staff or volunteers to support clients". - JAS staff

Additionally, the administrative data shows that across JAS' Advocacy and Diversion services, approximately 3 in 4 JAS clients over the evaluation period were men, representing 74.4% of JAS Advocacy clients, and almost 80% of JAS Diversion clients. The representation of male JAS clients

³³ BOCSAR (2023) Aboriginal over-representation in the NSW Criminal Justice System quarterly update March 2023, retrieved 29 June 2023, https://www.bocsar.nsw.gov.au/Pages/bocsar_publication/Pub_Summary/AOR/CJS-Aboriginal-over-representation-quarterly-Mar-2023.aspx.

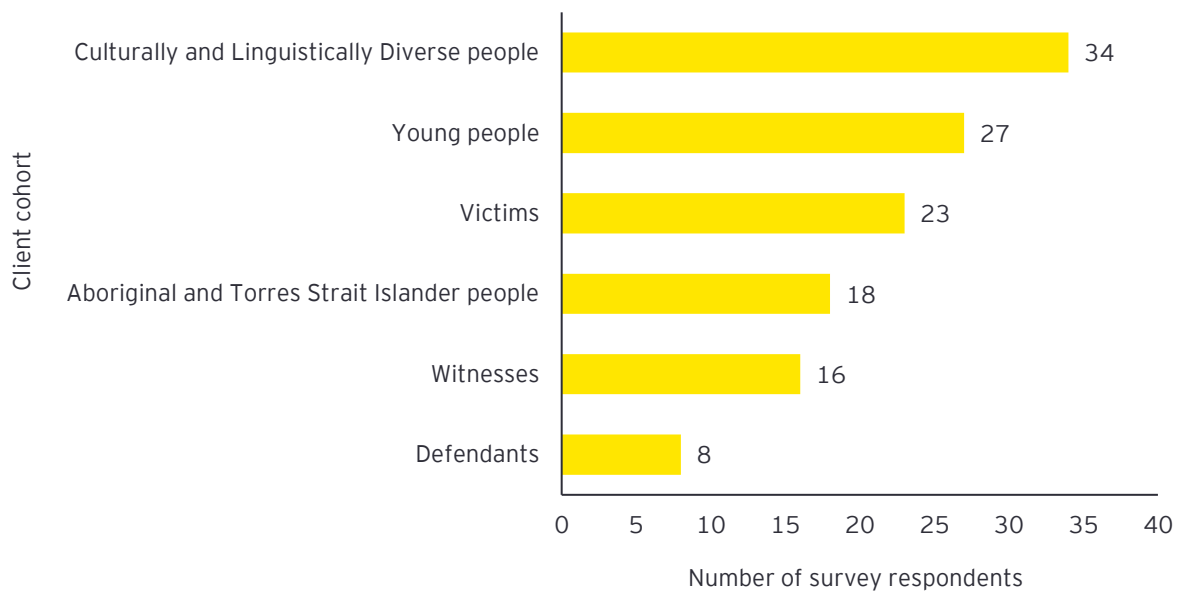
³⁴ Baldry, E., Dowse, L., and Clarence M (2012) People with intellectual and other cognitive disability in the criminal justice system. Report for NSW Family and Community Services Ageing, Disability and Home Care.

aligns with the over-representation of men in the criminal justice system, comprising almost 78% of defendants with a finalised court appearance across all NSW courts in the 2022 calendar year.³⁵

Additional detail on the gender distribution of JAS clients, and proportion of JAS clients from Aboriginal and/or Torres Strait Islander backgrounds or CALD backgrounds is provided in Appendix G.

Figure 13 represents the perspectives of JAS staff and volunteers on client cohorts that JAS is not adequately supporting.

Figure 13: Perspectives of JAS staff and volunteers on people that JAS is not currently supporting enough or needs to reach out to more (n = 126)



Source: JAS Staff and Volunteer Survey

As can be seen in Figure 13, the main cohorts requiring additional support from JAS as identified by JAS staff and volunteer survey respondents were CALD people, young people and victims. In consultations, some staff and volunteers highlighted opportunities for JAS to better target clients belonging to LGBTIQ+ communities.

JAS staff and volunteers highlighted the barriers to maintaining ongoing engagement with CALD clients, particularly where a language barrier exists. A perspective shared by some JAS staff members was that CALD clients typically do not receive the same level of engagement or frequency of updates from JAS as English-speaking clients. Some JAS staff attributed this to difficulties securing interpreters to support CALD clients.

To better target the cohorts identified in Figure 13, stakeholders suggested that the Service:

- ▶ undertake greater outreach activities to these cohorts

³⁵ BOCSAR (2023) NSW Criminal Courts Statistics Jan 2018 - Dec 2022, retrieved 29 June 2023, https://www.bocsar.nsw.gov.au/Pages/bocsar_publication/Pub_Summary/CCS-Annual/Criminal-Court-Statistics-Dec-2022.aspx

- ▶ maximise presence in geographic areas (including police stations and courts) with high populations of such client cohorts
- ▶ develop strong relationships and partnerships with stakeholders interacting with these cohorts
- ▶ build a network of interpreters around the Service for CALD clients.

The importance of ensuring JAS' outreach efforts are accessible to people with cognitive impairment was a consistent theme identified throughout the evaluation. Stakeholders noted that the provision of any information regarding the Service must be responsive to the capabilities of people with cognitive impairment in understanding, reading, writing, and accessing online information. In particular, "easy read" versions of JAS content, supported by multi-lingual and read-aloud or listen functions, were identified to be useful to enable engagement.

People in custody

JAS staff identified challenges providing support to people in custody at correctional centres, resulting in a gap in supports for this cohort. Obtaining security clearance to access centres was cited as a key barrier to supporting clients in custody, particularly where JAS does not have an existing relationship with the correctional centre, or when Justice Advocates and/or volunteers receive minimal notice of an upcoming court hearing. JAS Diversion staff highlighted challenges contacting and communicating with JAS clients who are inmates in correctional centres, impacting JAS' ability to collate evidence to develop Section 14 applications.

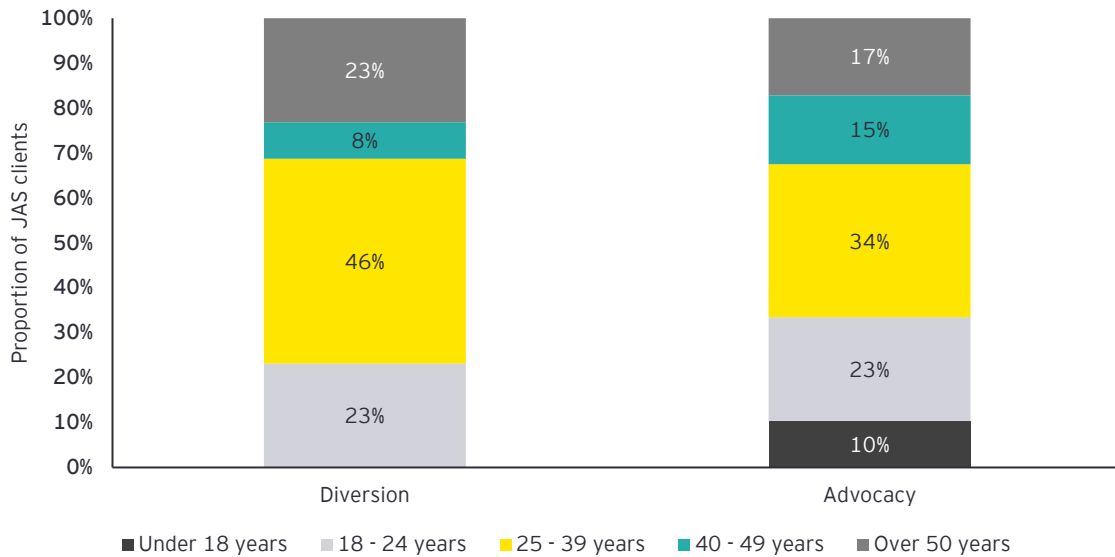
JAS has made adaptations to standard service delivery to improve access to support for clients in custody, including joining court appearances by AVL and supporting AVL clients from the courthouse rather than prison. Despite these adaptations, some JAS staff and external stakeholders perceived there to be persistent gaps in support for people in custody, suggesting that stronger relationships between JAS and Corrective Services would improve JAS' capability to meet the needs of these individuals.

Aligned to the recommendation in Section 4.1.2, it is anticipated that the development of MOUs between Corrective Services and JAS would improve JAS' capability to meet the individual needs of people in custody.

Young people

Figure 14 demonstrates the age distribution of JAS Advocacy and Diversion clients referred to the Service during the evaluation period.

Figure 14: Aggregate age distribution of JAS Advocacy and Diversion clients referred to the Service between 1 April 2022 and 1 May 2023*



Source: JASPR Client Data

* Defendants under the age of 18 are not eligible for JAS Diversion.

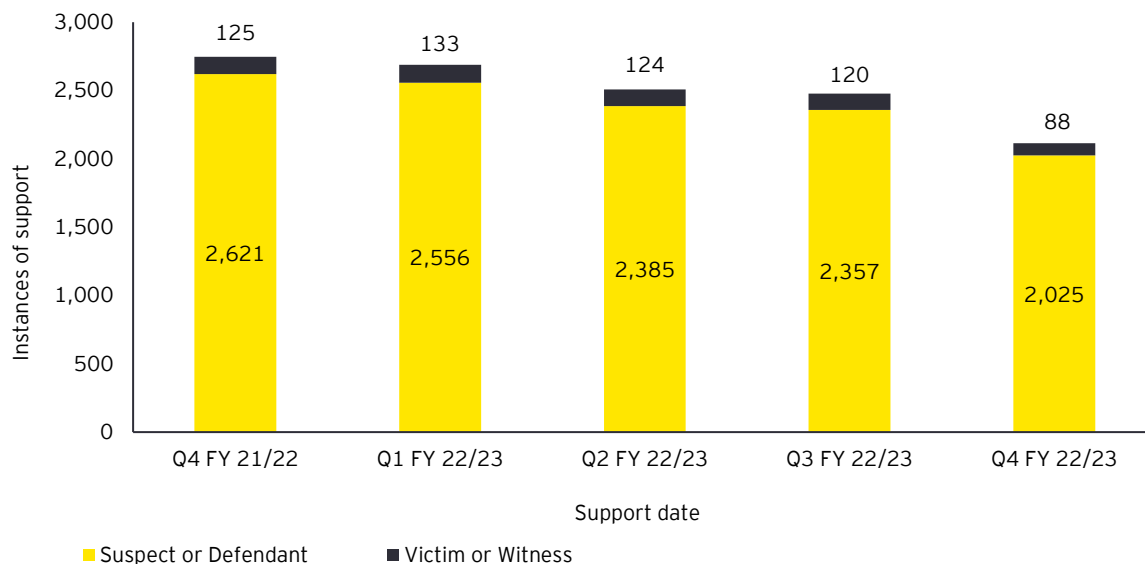
Administrative data shows that over the evaluation period, 69% of JAS Diversion clients and 67% of JAS Advocacy clients were under the age of 39 (Figure 14).³⁶ Within this cohort, 10% of JAS Advocacy clients were under the age of 18, supporting stakeholder feedback that the Service should work closely with Youth Justice to establish ways of working to manage shared clients going forward. The nature of collaboration between JAS and Youth Justice is explored in further detail in Section 4.1.2.

Victims and witnesses

External stakeholders reported not being aware of the availability of JAS Advocacy support for victims and witnesses, with many IDRS staff and volunteers reporting not having been involved in supporting victims and witnesses. The number of supports provided by client type across JAS' Advocacy services can be seen in Figure 15.

³⁶Clients under the age of 18 are not eligible for JAS' Diversion service.

Figure 15: Instances of JAS support for JAS Advocacy clients by client type*



Source: JASPR Support Data

* Q4 FY 22/23 data only available until 1 May 2023. However, the total number of supports by client type has been extrapolated out to 30 June 2023 based on the data available for 1 April 2023 to 1 May 2023.

Figure 15 shows JAS Advocacy consistently provided a high volume of support to suspects and defendants over the evaluation period. In contrast, supports for victims and witnesses were limited. This is supported by Table 9, which provides a more detailed breakdown of JAS Advocacy supports provided by client type at the aggregate level between 1 April 2022 and 1 May 2023. Across all support types, it can be seen that JAS Advocacy provided a disproportionately high level of supports to suspects and defendants, relative to witnesses and victims.

Table 9: Distribution of JAS Advocacy supports by client type across 1 April 2022 to 1 May 2023

Support type/ Client type	Police support	Conferencing/ Mediation	Legal meeting	Court support	AVL support	All support types
Victims	81	9	31	356	2	479
Witnesses	8	1	1	43	0	53
Suspects/Defendant	1,072	92	464	7,289	1,692	10,609
All clients	1,161	102	496	7,688	1,694	11,141

Source: JASPR Support Data

Of the 532 victim and witness supports delivered between 1 April 2022 and 1 May 2023, 58.1% ($n = 309$) were delivered to clients who identified as female. The representation of women and men as victims of crime in NSW varies significantly based on the type of crime, where women are significantly over-represented as victims of sexual assault (approximately 80%), whereas men are over-represented as victims of blackmail/extortion and victims of robbery.³⁷ These statistics, in conjunction with the low level of stakeholder awareness of victim supports offered by JAS and low

³⁷ ABS (2023) Crime Victimization, Australia, retrieved 8 August 2023, from <https://www.abs.gov.au/statistics/people/crime-and-justice/crime-victimisation-australia/latest-release#methodology>

level of victim supports presented in Figure 15, suggest opportunities for JAS to further engage women with cognitive impairment or similar who are victims of crime.³⁸

“We [the witness-related service] do not always have capacity to support witnesses. This is where JAS could step in to ensure witnesses understand their role, the processes, and what happens at court.” - Witness-related stakeholder

“We don't hear from JAS in relation to their clients who are female and have domestic violence issues (as victims or defendants). This could be done better to address the gap in support for victims.” - Domestic and Family Violence (DFV) stakeholder

The need for JAS to strengthen stakeholder awareness of the scope of supports available to victims and witnesses was emphasised throughout the evaluation. To facilitate increased victim and witness referrals, stakeholders suggested that JAS should work closely with NSW Police Prosecutors and targeted support services for victims and witnesses of crime, such as the Witness Assistance Service (within the ODPP), the Women's Domestic Violence Court Advocacy Service (WDVCAS) NSW and the Victims Support Scheme.

Recommendation:

10. JAS, in consultation with JAS Working Group members, design and implement targeted awareness raising initiatives to increase the number of victim and witness referrals received by the Service.

Recommendation:

11. JAS, the Office of the Director of Public Prosecutions (ODPP) Witness Assistance Service and Victims Support Scheme collaboratively develop training materials to outline the specialised support needs of people with cognitive impairment who are victims or witnesses of crime. These training materials should be administered to JAS staff and volunteers to ensure provision of trauma-informed approaches.

³⁸ ABS (2023) Crime Victimization, Australia, retrieved 8 August 2023, from <https://www.abs.gov.au/statistics/people/crime-and-justice/crime-victimisation-australia/latest-release#methodology>

4.1.7 What are the current referral pathways into and out of JAS and have they been effective?

Client referrals made to JAS

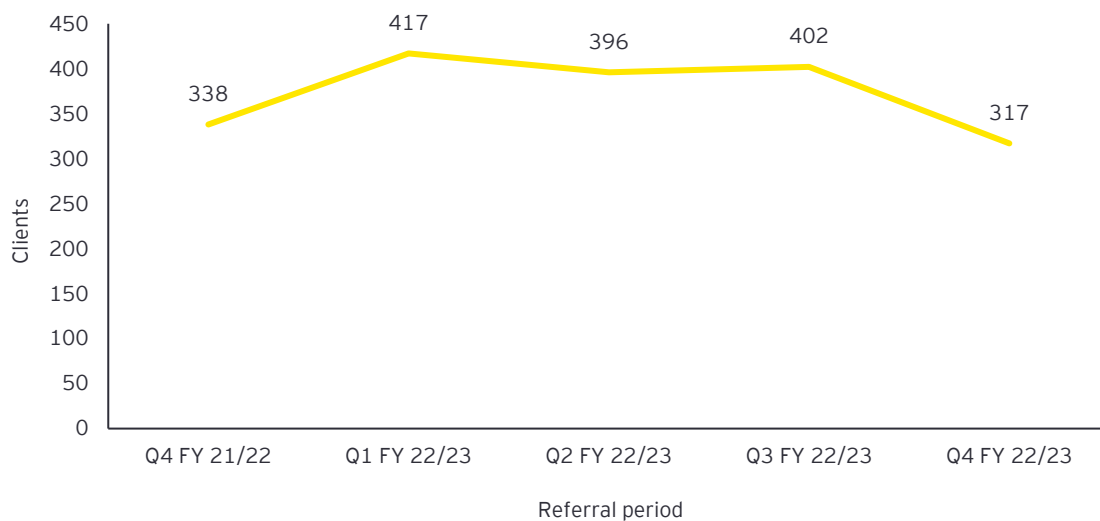
External stakeholders reported that referral pathways into JAS were largely effective and relatively easy to navigate, with a majority of stakeholders indicating that JAS was prompt in responding to referrals irrespective of the referral mechanism. Referral mechanisms varied depending on stakeholder preference, and included:

- ▶ the JAS online referral form
- ▶ the 1300 JAS referral phone line
- ▶ direct phone calls to JAS Justice Advocates and Diversion Coordinators through existing relationships
- ▶ same-day in-person referrals at court.

"I have had no issues with referrals to JAS and have been met with exceptional service. There have been times where I have required assistance and managed to have someone [support] as soon as possible." - Aboriginal Services Unit representative

To understand variations in awareness of the Service amongst external stakeholders, the analysis below specifically considers unique clients referred during the evaluation period and excludes instances where the client may have been referred to JAS more than once during that timeframe. Therefore, the first referral pathway is interpreted as the lead indicator for awareness of the Service. Figure 16 presents the volume of unique Advocacy and Diversion referrals for each quarter during the evaluation period.

Figure 16: Total JAS Advocacy and Diversion referrals*



Source: JASPR Clients Data

* Only representative of eligible or ineligible clients entered into the JASPR Clients Database and their corresponding referral date data. Note that the Q4 FY23 data is only available until 1 May 2023. However, the total number of eligible and ineligible referrals for Q4 FY 22/23 has been extrapolated out to 30 June 2023 based on the data available for 1 April 2023 to 1 May 2023.

As evident in Figure 16, referrals remained relatively consistent over the evaluation period, with the exception of a decrease of 85 referrals observed between Q3 FY 22/23 and Q4 FY 22/23.

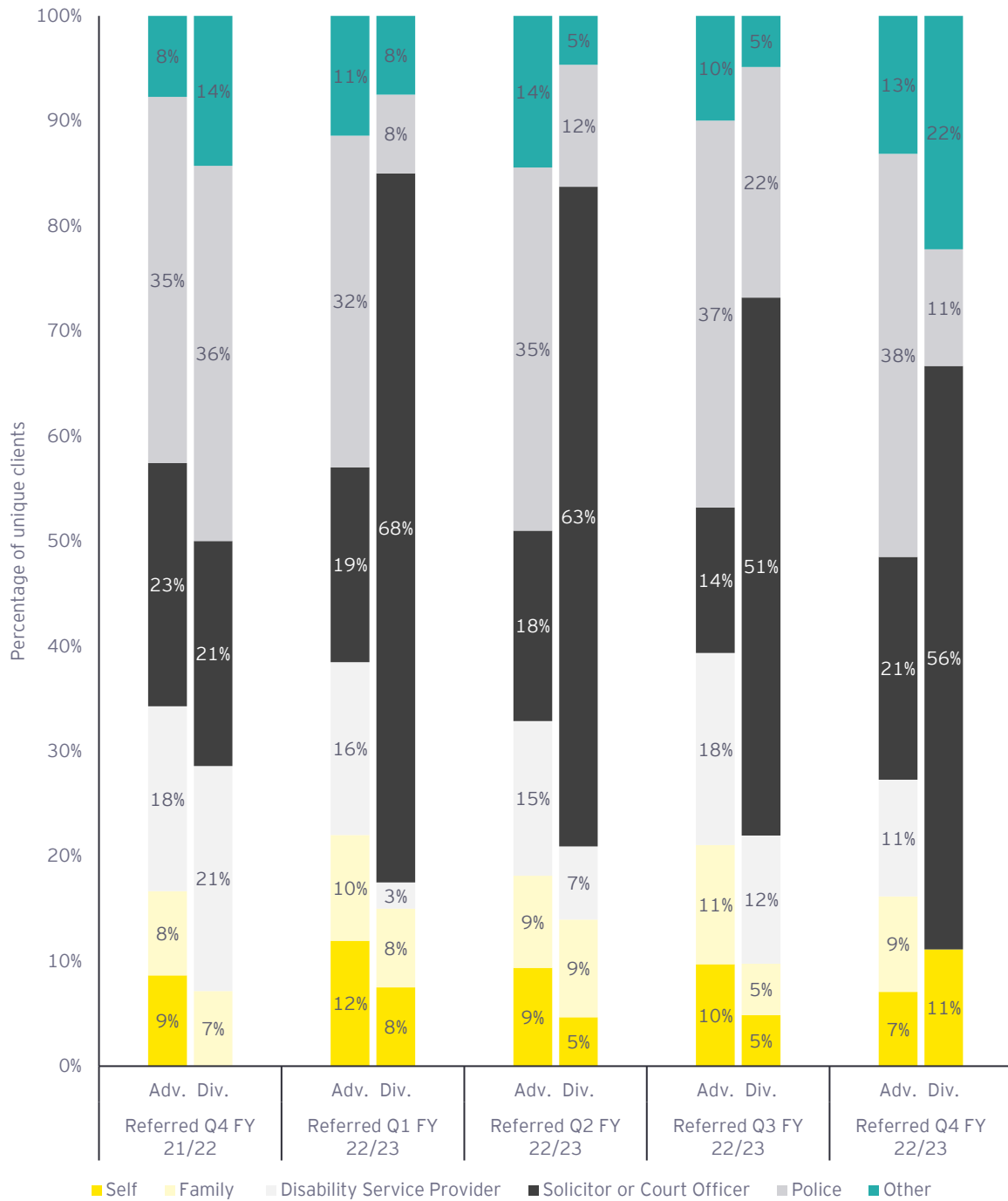
As explored in Section 4.1.1, it should be noted that data for the April - June 2023 quarter (Q4 FY 22/23) has been extrapolated due to actual data not being available at the time of reporting. There may be a number of external influences that impacted the number of referrals during the April to June 2023 quarter (Q4 FY 22/23), including NSW public holidays and JAS having partially closed intake in Sydney metropolitan courts.

Referral sources into JAS Advocacy were diverse, with referrals from police representing the largest referral source, followed by solicitors and court stakeholders.³⁹ There was more variation for JAS Diversion referral pathways, with solicitors and court stakeholders the largest source of referrals from the July to September 2022 quarter (Q1 FY 22/23) onwards. This can be seen in Figure 17 which presents the referral pathways for unique JAS Advocacy and Diversion clients referred to the Service.

It should be noted that JAS' Diversion service was not formally implemented until 1 July 2022, however, JAS staff reported receiving Diversion referrals prior to this date, as reflected in administrative data. Hence, trends in Diversion referrals from the July to September 2022 quarter (Q1 FY 22/23) onwards are a more accurate reflection of referrals into the Diversion service.

³⁹ Legal and court stakeholders have been grouped consistent with the categorisation in the JASPR database.

Figure 17: Referral pathways* for unique JAS Advocacy and Diversion clients between 1 April 2022 and 1 May 2023**



Source: JASPR Clients & Cases Data

* 'Other' referral sources captures a range of organisations/agencies including Corrective Services, Correctional Centres, private psychologists and other external services.

** Q4 FY 22/23 data only available until 1 May 2023. Per the JASPR database

As evident in Figure 17, police represented the largest referral source to JAS Advocacy, with approximately 35% of total referrals over the evaluation period. Other significant referral partners for the Service included court-based and disability service providers, who accounted for 18% and 16% of total referrals to JAS Advocacy over the evaluation period respectively. Court-based stakeholders accounted for approximately 56% of total referrals to JAS Diversion, followed by police, who accounted for approximately 16% of Diversion referrals.

Court-based stakeholders expressed a strong preference for referring to JAS representatives in person where possible over the JAS referral phone line or online referral form, particularly favouring the physical presence of JAS at courts as the means of accessing referral pathways or “walk-ins” for a potential client.

Legal stakeholders echoed this preference for in-person referrals, with some legal representatives reporting that they believed the online referral form to be lengthy and impractical for time-poor practitioners, indicating that the form could take “up to 10 minutes to complete”.

“It is easy to contact [JAS] at court, but the level of service provided is inconsistent. I have struck upon good advocates by chance following past JAS referrals and started emailing them directly.” - Legal services representative

“I found the online referral process clunky. The form was not drafted for the purposes of the Diversion program, so I had to put a fair bit of information in the free-text section. However, from that point onward, [JAS] was very fast to process the referral and provide support.” - Legal services representative

Diversion referrals to clinicians

Overall, Diversion clinicians consulted throughout the evaluation were satisfied with their interactions with the Service. As indicated in Figure 8, JAS made 40 referrals to Diversion clinicians for cognitive impairment assessments, indicating that JAS commissioned diagnostic assessments for approximately 1 in 5 Diversion clients referred between 1 April 2022 and 1 May 2023.

Diversion clinicians suggested there were opportunities to improve collaboration by strengthening relationships and communicating more closely with JAS, including through provision of feedback on diagnostic assessment reports. Some clinicians highlighted that they had developed a referral form for JAS to complete when commissioning diagnostic assessments to expedite the referral process and ensure access to the required information to undertake the assessment. This referral form was perceived to be effective in supporting efficiencies in the referral process.

Referrals to external services

While it is understood that both the JAS Advocacy and Diversion streams make referrals to external organisations, there was little available administrative data to explore this further. A critical component of the Diversion service was perceived by stakeholders to be JAS’ role in linking clients to external support services. Ensuring clients receive adequate supports to address their needs and adhere to court-ordered conditions was perceived to be associated with reduced recidivism amongst clients.

According to JASPR data captured for Diversion clients referred between 1 April 2022 and 1 May 2023, 47 clients have been supported to access the NDIS through new applications or variations to existing NDIS plans. Per Figure 8, 40 Diversion clients were referred to a clinician for a diagnostic assessment. However, beyond these indicators, there is little administrative data to explore the level of outbound client referrals to external services and it is recommended that IDRS explore

options to capture this data, including an expanded set of data indicators to provide deeper insight into the level of Diversion referral activity with external support services.

Recommendation:

12. JAS record data for all JAS clients referred to external support services.

4.1.8 What has been implemented to facilitate awareness and understanding of JAS, and has this been effective?

Awareness of JAS throughout the criminal justice system

Awareness of JAS appeared to be location- and stakeholder-dependent, indicating there are opportunities to broaden awareness of the Service across the criminal justice system. Given the reported high turnover of certain stakeholder groups within the system, stakeholders emphasised the need for awareness raising to be an ongoing and iterative process to reach new staff, as well as retain the benefits accrued from past initiatives.

"[To improve collaboration with JAS there needs to be] more awareness of the different services JAS provides, how to refer a client directly to the right person, and who can provide the support they need in a timely manner" - Legal services representative

Stakeholders put forward a range of practical suggestions for JAS to raise its profile within the criminal justice system, some of which included activities that JAS were reportedly already undertaking. These included:

- ▶ JAS' attendance and presentation at Court User Forums and Magistrates Conferences. The Service was encouraged to continue attending and presenting at these and other forums, such as the Law Society, Specialist Criminal Cohorts, and Legal Aid conferences
- ▶ attending courts on list days and building local networks with court-based stakeholders, including making the court Registrar aware of JAS' presence when they are at court and their capacity to accept same-day referrals
- ▶ legal representatives advising Magistrates and CTSD staff when a client is being supported by JAS at the start of a court hearing.

Training delivered by JAS to support external stakeholders in identifying, responding to, and working with people with a cognitive impairment

A concerted effort to educate external stakeholders on how to best utilise JAS was identified as an area of opportunity for JAS. The evaluation found that consistency of education activities appeared to vary by stakeholder group. For example, some CTSD stakeholders noted that JAS training was regularly implemented through a central forum. However, police stakeholders largely expressed their preference for more information on the support offered by JAS to be provided to custody managers. This inconsistency was supported by survey findings, with only 10% ($n = 11$) of the 114 external stakeholders surveyed reporting having accessed training opportunities through JAS.

It is understood that the Service did not have a formal JAS Education Coordinator for the majority of the evaluation period. While IDRS are currently recruiting for this role, it is anticipated that the Education Coordinator will actively engage with stakeholders to understand their training needs, and facilitate training for external stakeholders, JAS staff and volunteers on an ongoing basis.

Identifying cognitive impairment and making referrals to JAS

Training on identifying signs of cognitive impairment and making a referral to JAS were reported to have been provided to JAS staff and volunteers, as well as external stakeholders. Throughout the course of the evaluation, a number of stakeholders reported that either themselves, or other stakeholders, had the tendency to conflate mental health impairment and cognitive impairment.

This confusion was said to have created challenges in collaboration between JAS and external stakeholders and resulted in inappropriate referrals to both JAS and Justice Health.

“I’m getting more mental health referrals than intellectual or cognitive impairment. I think the [Justice Health] nurse is sending it through anyway.” - Diversion clinician

To address this challenge, a number of external stakeholders suggested that the provision of additional training on identifying signs of cognitive impairment would be useful to support them in making appropriate referrals to the Service. It was recommended that these sessions be conducted consistently and supplemented with follow-up communications reinforcing the material presented. Stakeholders that identified this training opportunity included:

- ▶ NSWPF
- ▶ Community Corrections
- ▶ CTSD
- ▶ Justice Health
- ▶ Magistrates

Screening tools and eligibility criteria

JAS’ Diversion service has a clear screening process that includes assessing a referral against defined eligibility criteria. The screening process uses a range of tools, including the Montreal Cognitive Assessment (MoCA), in conjunction with a structured questionnaire. Staff noted the importance of provision of training on the screening process to support with building confidence to administer the tool.

Some JAS staff perceived the MoCA tool to be “de-humanising”, and reported that it undermined the abilities of people being screened and needs to cater for a range of abilities. Staff highlighted that screening is difficult as there are no two people with cognitive impairment that present with the same behaviours, even where they have the same diagnosis.

“MoCA only screens for cognitive impairment, I don’t like it. It is too simplistic and demeaning. We have many clients who manipulate the information, it’s obvious they have.” - JAS staff

It was acknowledged that there are negotiations between JAS and a non-governmental brain injury organisation for the license of a tailored screening tool to identify cognitive impairment in Aboriginal and Torres Strait Islander peoples. The screening tool has been developed to identify cognitive impairment in a culturally informed manner, and includes culturally sensitive questions relating to cognition, disability and psychosocial functioning.

The screening process for JAS’ Diversion clients was perceived by a minority of clinical stakeholders, including Justice Health and clinical services, to be somewhat ineffective, and suggested that screening is best undertaken by stakeholders with a clinical background in cognitive impairment. These stakeholders suggested that people with cognitive impairment may be “slipping through the cracks” where courts do not have a clinician on site to perform screening for JAS eligibility.

“I think we are missing clients by not having a clinician on site. Prosecutors, Magistrates, defence lawyers, would come to the office and say, “I think I’ve got someone”, then I could do a 30min interview with the client [to effectively screen for eligibility].” – Diversion clinician

Scope of services

Overall, stakeholder feedback indicated that there may be gaps in their knowledge of the support JAS offers and the value that it could provide to their organisations. External stakeholders that indicated that they would benefit from further training on the scope of JAS support for suspects, defendants, victims, and witnesses, included:

- ▶ NSWPF, including targeted presentations for Police Prosecutors and Custody Managers
- ▶ CTSD
- ▶ Justice Health
- ▶ Youth Justice.

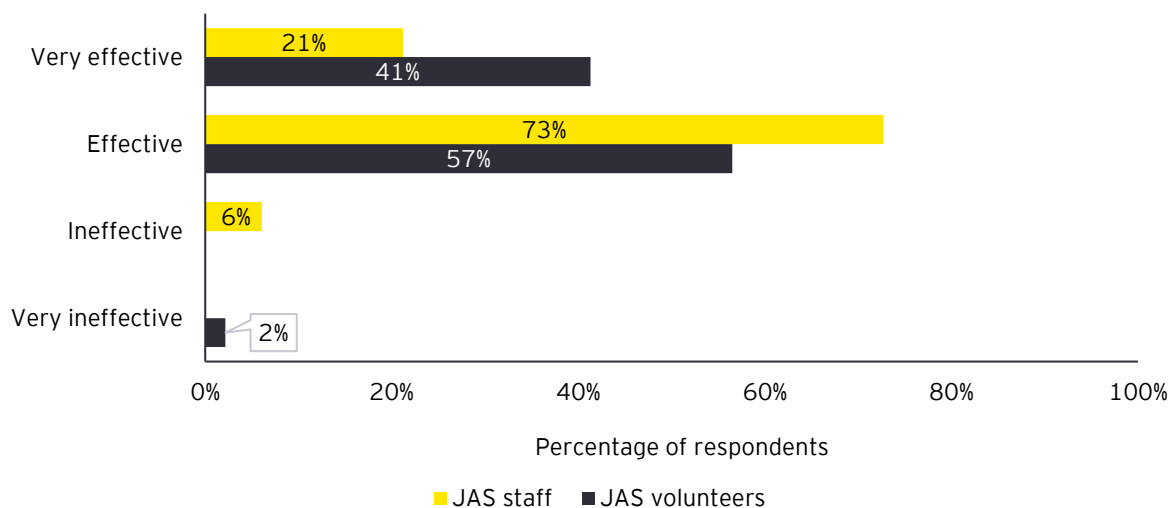
Recommendation:

13. JAS collaborates with JAS Working Group members to develop and facilitate targeted training sessions for specific stakeholder groups, including Magistrates.

Internal training opportunities for the JAS workforce

As represented in Figure 18, both JAS staff and volunteers perceived the training provided to them to be effective. Of the staff who indicated that they had accessed training opportunities through JAS, 21% (n = 7) and 73% (n = 24) considered the training to be very effective and effective, respectively. Of the JAS volunteers who had reportedly accessed training opportunities, 41% (n = 19) and 57% (n = 26) considered the training to be very effective and effective, respectively.

Figure 18: Perspectives of JAS staff and volunteers on the effectiveness of the client support training provided to them (n = 79)



Source: JAS Staff and Volunteer Survey

However, access to training opportunities were not evenly spread across the JAS workforce. Thirteen staff members, or 28% of the JAS staff surveyed ($n = 46$), reported not being provided with training and development opportunities to better support JAS clients. Seven volunteers, or 13% of the volunteers surveyed ($n = 53$), reported not being provided with these opportunities. Several volunteers also noted that they had not been assigned a “buddy” shift despite some time lapsing since they had completed the onboarding training.

JAS staff suggested there were variations in training delivered as a result of resourcing challenges and high demand for the Service. JAS was encouraged to expand the training and development opportunities available to its workforce to ensure staff and volunteers feel adequately supported to deliver quality services to clients with specialised needs, and mitigate high staff turnover.

“There has been no training or recruitment for a very long time and current volunteers are over worked to the extent that they are thinking about walking away from JAS. [Due to the lack of internal support] we are taking 80-100 clients supports out of the system each year.”
- JAS staff member

Training opportunities identified to be of benefit by JAS staff and volunteers included:

- ▶ the structure and functioning of the criminal justice system, including legal processes, and the roles of key stakeholders and agencies
- ▶ conducting risk assessments
- ▶ managing client behaviours and de-escalation strategies
- ▶ making referrals to external services
- ▶ procedural information on providing support in different settings, including at police stations, in court, and at correctional centres.

“Training is needed in post court hearing procedures such as Work Development Orders including referrals to other organisations. We cannot cease support at the court door, we must assist and complete a handover to other appropriate support organisations and procedures.” - JAS staff

4.2 Outcomes

The following outcomes evaluation questions were considered during the evaluation:

Evaluation question	Key findings
<p>To what extent is the Service demonstrating emerging achievement of short- and medium-term outcomes for clients and other key stakeholders?</p>	<ul style="list-style-type: none"> ▶ Broadly, JAS was identified by stakeholders as a critical, invaluable, and resourceful service, who spoke highly of the Service and perceived JAS to have been relatively successful in supporting clients to navigate, understand and participate in the criminal justice system. ▶ Magistrates engaged in the evaluation highlighted the value in supporting clients to be diverted from the criminal justice system. ▶ When considering the experience of individuals with cognitive impairment in navigating the criminal justice system with JAS support with the experience of individuals without JAS support, the perceived impact of JAS is evident, with 18% ($n = 21$) of stakeholder survey respondents indicating people without JAS support are receiving the required supports to navigate the system, whilst 57% ($n = 65$) of respondents indicated JAS clients are receiving the required supports to navigate the system. ▶ JAS' Diversion service was successful in achieving Section 14 orders for clients, with 79.5% of the 117 JAS Diversion clients achieving a successful Diversion order. The diversion rate for JAS during its first ten months of operation compares favourably with other diversion-oriented services in NSW; a 2018 study of the SCCLS reported the diversion rate to be approximately 57.3%,⁴⁰ and the NSW Adolescent Court and Community Team (ACCT) at Children's Courts reportedly achieved a diversion rate of 46.5% for young people.⁴¹
<p>What elements have been most effective in driving outcomes and how can they be leveraged?</p>	<ul style="list-style-type: none"> ▶ Stakeholders identified positive working relationships between JAS and non-JAS parties as the leading driver behind positive client outcomes.

⁴⁰ Yin-Lan Soon, Natasha Rae, Daria Korobanova, Calum Smith, Claire Gaskin,Carolynn Dixon, David Greenberg & Kimberlie Dean (2018) Mentally ill offenders eligible for diversion at local court in New South Wales (NSW), Australia: factors associated with initially successful diversion, *The Journal of Forensic Psychiatry & Psychology*, 29:5, 705-716, DOI: [10.1080/14789949.2018.1508487](https://doi.org/10.1080/14789949.2018.1508487).

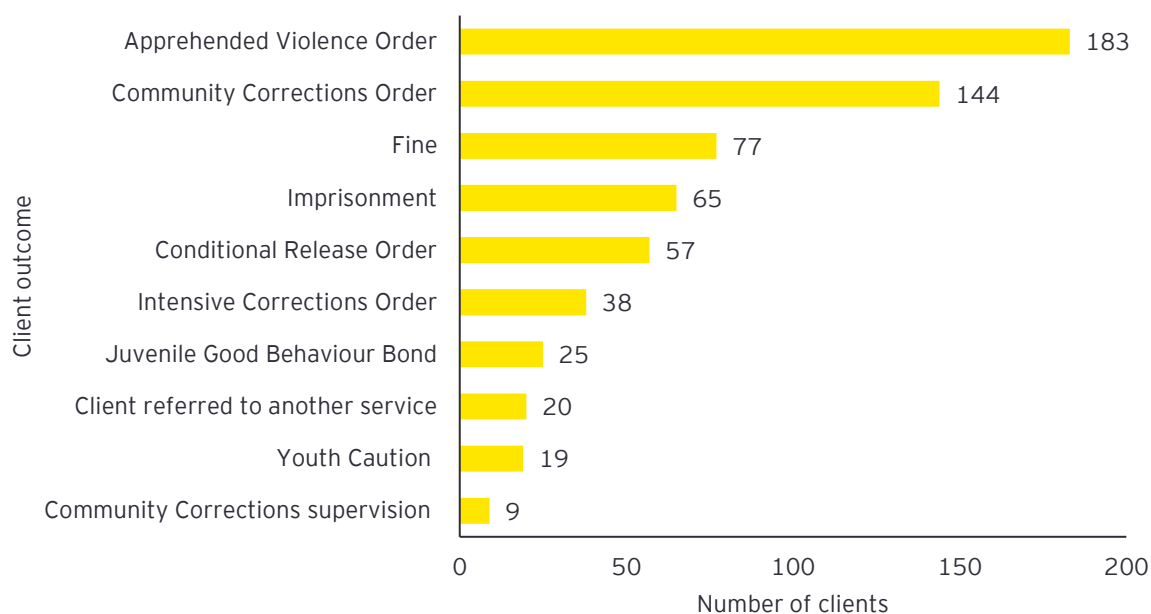
⁴¹ Gaskin, C., Singh, S., Soon, Y. L., Korobanova, D., Hawes, D., Lloyd, T., ... & Dean, K. (2022). Youth mental health diversion at court: barriers to diversion and impact on reoffending. *Crime & Delinquency*, 00111287221122755.

Evaluation question	Key findings
	<ul style="list-style-type: none"> ▶ Where positive relationships existed with police, JAS could readily support clients during their early interactions with the criminal justice system. ▶ Local relationships with external support services were cited to have enabled JAS to connect clients to a network of supports that may prevent recidivism once they had exited JAS.
<p>What barriers are preventing the achievement of outcomes, and how can they be overcome?</p>	<ul style="list-style-type: none"> ▶ Stakeholders cited workforce and resourcing challenges as barriers to the achievement of outcomes, including the need for further training and a shortage of available volunteers, as the primary barriers to positive client outcomes.

4.2.1 To what extent is the Service demonstrating emerging achievement of short- and medium-term outcomes for clients and other key stakeholders?

The various sentencing outcomes for defendants referred to the Service during the evaluation period are presented in Figure 19. The most common outcome for JAS defendants is an Apprehended Violence Order (AVO), followed by a Community Corrections Order (CCO) and the issuing of a fine.

Figure 19: Individual outcomes for JAS Advocacy and Diversion clients referred to the Service between 1 April 2022 and 1 May 2023*



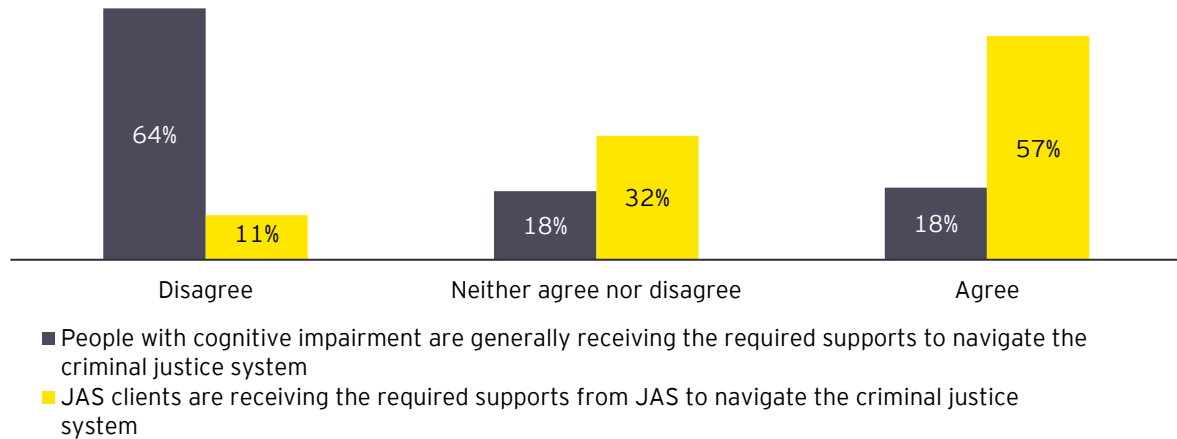
Source: JASPR Cases Database

*These are representative of outcomes that are captured in the JASPR dataset only and therefore, may not be reflective of all outcomes experienced by JAS clients.

For the cohort of clients referred to JAS during the evaluation period, 20 were referred to another external service based on JASPR administrative data. Given the data limitations on referrals made to external services noted in Section 4.1.7, this may not capture the full extent of referrals made to third-party organisations.

Broadly, JAS was identified by stakeholders as a critical, invaluable, and resourceful service. Stakeholder survey results, presented in Figure 20, highlight that external stakeholders perceived JAS to be relatively successful in supporting clients to navigate, understand and participate in the criminal justice system, when compared to people with cognitive impairment not supported by JAS.

Figure 20: Perspectives of external stakeholders on the level of support for people with cognitive impairment in the criminal justice system (n = 118)



Source: JAS Stakeholder Survey

As evident in Figure 20, 57% ($n = 65$) of respondents agreed that JAS clients received the required supports to navigate the criminal justice system, whilst 18% ($n = 21$) of stakeholders agreed that people with cognitive impairment who did not access JAS were still receiving the required supports. At a high-level this difference points to the benefits of JAS intervention for an individual with cognitive impairment.

Many court-based stakeholders reported that JAS support had the following impact on the client and the court system itself:

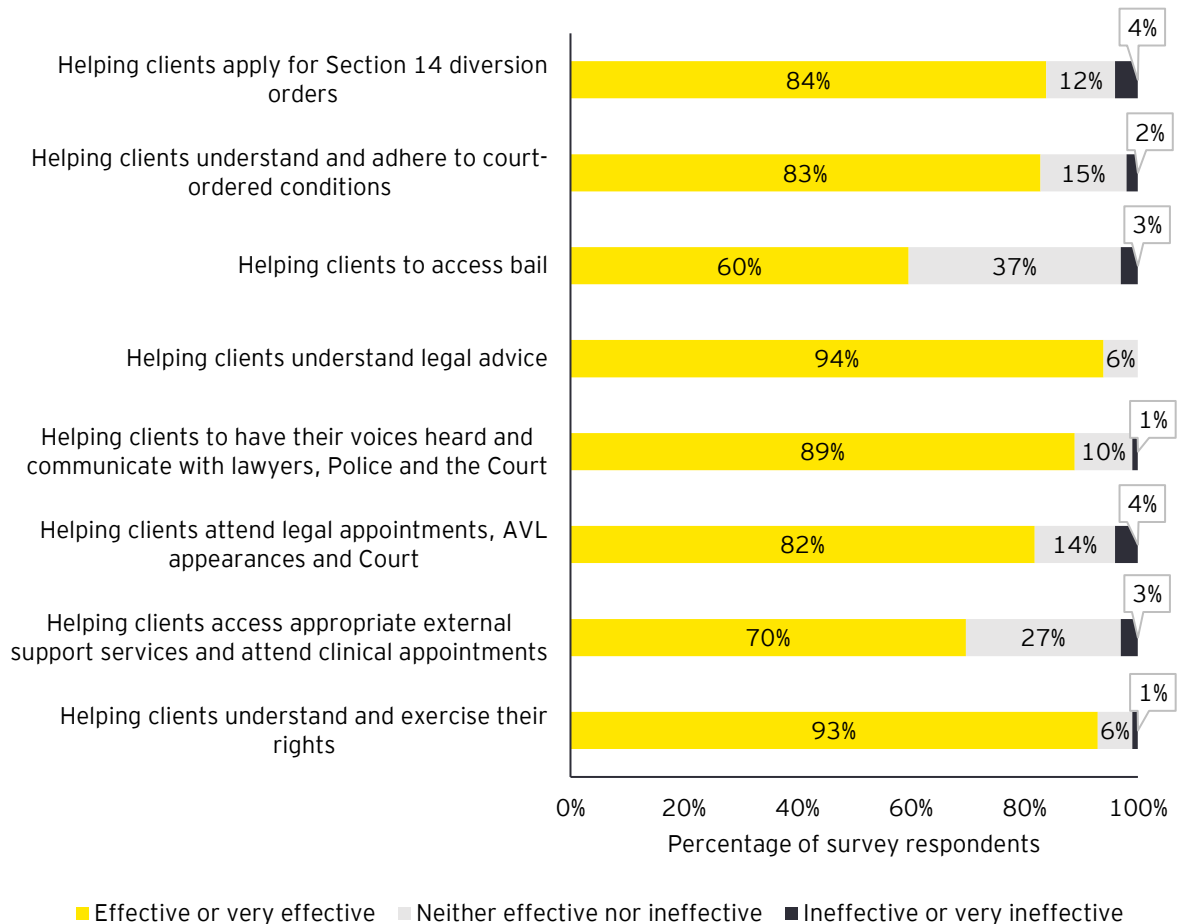
- ▶ both JAS Advocacy and Diversion clients were suggested to be more likely to attend and remain at court, appeared calmer, more engaged, and better prepared regarding court processes and required documentation
- ▶ both JAS Advocacy and Diversion support contributed to a reduction in the number of court adjournments, warrants for arrest issued at court, and security intervention incidents managed by court sheriffs
- ▶ legal representatives expressed that they “were only as good as their instructions from the client” and accordingly, identified that JAS Advocacy and Diversion clients were better able to provide instructions to their legal representatives than people with cognitive impairment without JAS support
- ▶ magistrates similarly reported that JAS Advocacy and Diversion support enables clients to communicate effectively and understand legal processes, including understanding court-ordered conditions.

“Having a reliable support person in the court room is really important so clients don’t feel completely lost. [People with cognitive impairment] will inherently agree with whatever I say, so it’s important to have JAS there to make sure they actually do understand when they leave the court room.” – Magistrate

“JAS workers sitting in with clients during conferences [is] of huge assistance to lawyers in helping the client feel comfortable and supported.” - Legal services representative

This positive sentiment was shared by the JAS workforce, with staff and volunteer survey feedback, presented in Figure 21, suggesting that the Service had been largely successful in supporting clients who are defendants or suspects.

Figure 21: Perspectives of JAS staff and volunteers on how effective the Service has been in meeting the following objectives for clients who are suspects or defendants (n = 99)



Source: JAS Staff and Volunteer Survey

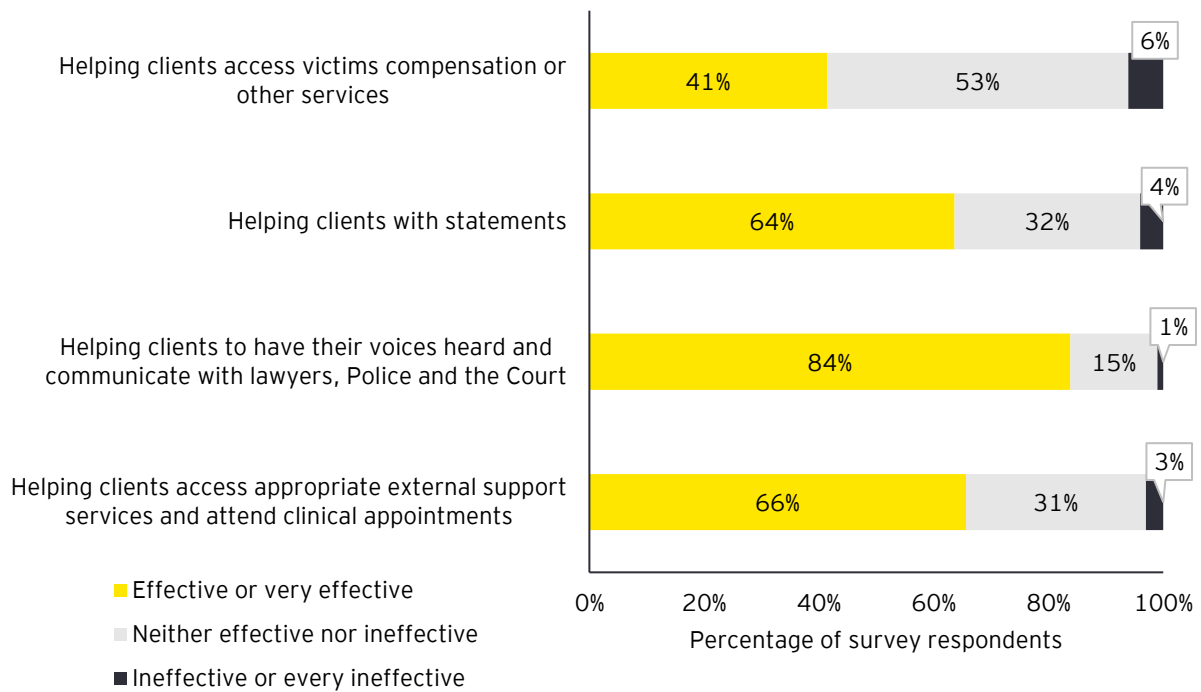
Across the range of individual-level outcomes surveyed, JAS staff and volunteers perceived the Service to be successful in providing the necessary support for defendants and suspects. However, approximately 37% (n = 37) and 27% (n = 27) of respondents were neutral on the ability of the Service to support clients to access bail and external support services respectively, indicating that there may be an opportunity for JAS to improve in these areas.

Support for victims and witnesses

Staff and volunteer perspectives on the effectiveness of JAS support for witnesses and victims, were generally positive. This can be seen in Figure 22, where the majority of respondents believed the Service was meeting key client objectives for witnesses and victims.

Comparing the perspectives of JAS staff and volunteers on the Service’s effectiveness in meeting objectives for victims and witnesses (Figure 22) against objectives for defendants (Figure 21) demonstrates that there are opportunities to improve the strength of JAS supports for victims and witnesses. These statistics should be considered in the context of weaker stakeholder awareness around this offering of the Service, as explored in Section 4.1.8.

Figure 22: Perspectives of JAS staff and volunteers on how effective the Service has been in meeting the following objectives for clients who are witnesses and victims (n = 99)

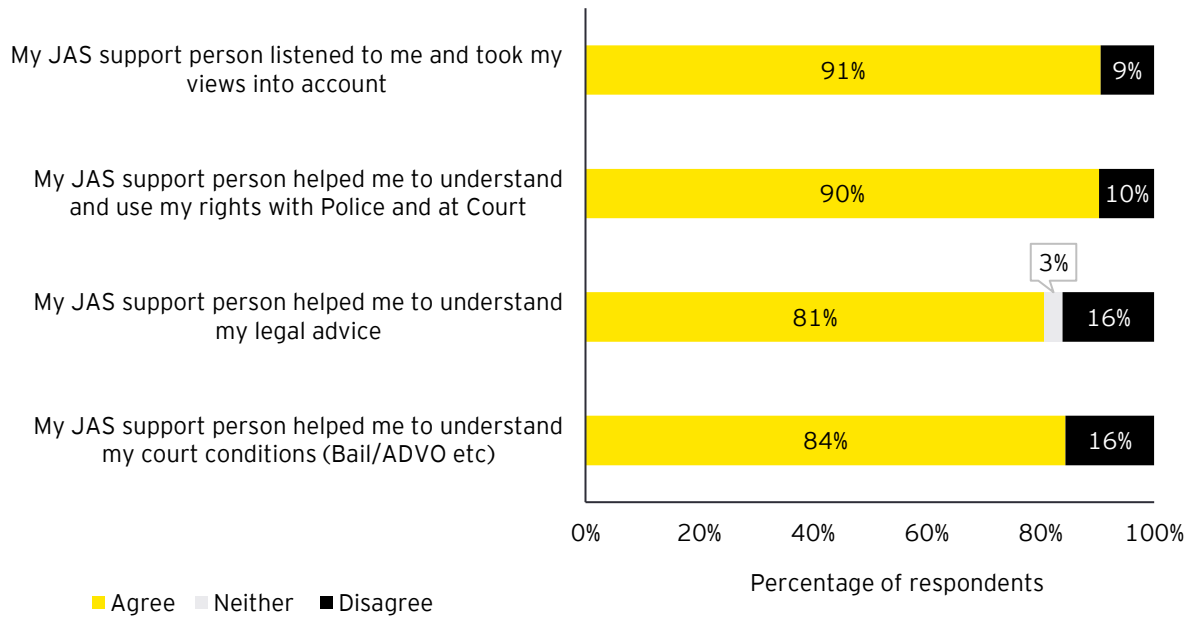


Source: JAS Staff and Volunteer Survey

Client empowerment

A wide range of stakeholders identified that JAS support bridges the communication gap between clients and their legal representative at court, reinstating a sense of agency in the client’s ability to participate in their own decision making. This was supported by the client exit survey data presented in Figure 23.

Figure 23: Perspectives of JAS clients on individual- and service-level outcome domains (n = 31)



Source: JAS Client Exit Survey

* The response rate for Figure 23 is for a specific question within the JAS client exit survey and varies from the 124 responses received for the survey overall.

This analysis suggests that JAS is highly effective in ensuring that clients feel heard and are supported to understand and exercise their rights when in contact with the police or at court. Over 90% of client exit survey respondents agreed that JAS is effective in these domains, with one client reporting that they “felt brave” at court when supported by JAS. JAS clients interviewed also shared that the support provided met their individual needs and expressed their gratitude to JAS for supporting them to navigate a challenging period in their life.

“Before JAS got involved, nobody from police to magistrates to court staff cared or helped. JAS involvement [meant] people listened and [this] changed the whole experience and outcome [for me].” – JAS client

Section 14 outcomes

The value of JAS’ Diversion service during its first ten months of operation was widely emphasised by stakeholders. Court-based stakeholders, including magistrates, expressed high levels of trust in the ability of JAS to assist a client to regain agency in their experience of the criminal justice system, in reducing court delays, and in the Service’s ability to prepare material for successful Section 14 applications.

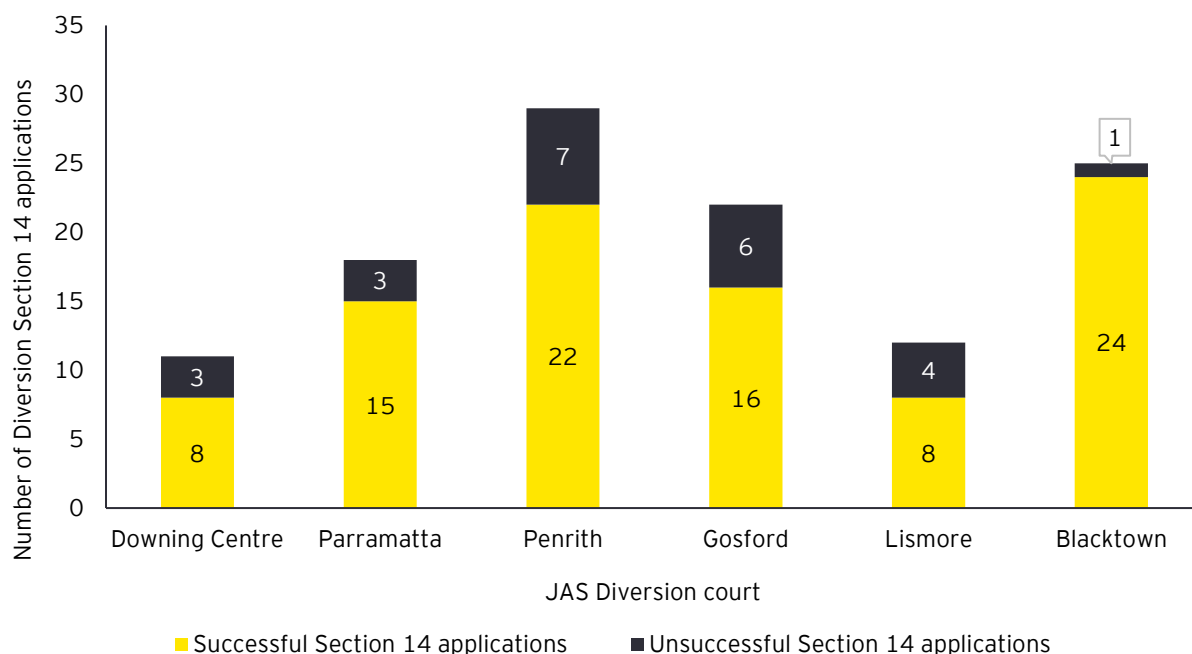
“I believe that JAS has been instrumental in facilitating access to Section 14 orders for many people who have previously been dealt with at law. I recall one specific matter where a defendant had been in the care system and criminal justice system as a child... and it was not until JAS saw him that he was properly diagnosed with an intellectual disability that he had for probably his whole life.” – Magistrate

“The material that is put before the court in a Section 14 application where JAS are involved is of much higher quality. They also have connections with support providers and an understanding of the challenges faced by defendants. They problem solve in matters that would otherwise have just fallen by the wayside. This gives magistrates greater options, and for me personally, it gives me greater confidence that the outcomes will actually happen.” - Magistrate

“It is so essential what JAS do. Since losing our JAS worker, we do not have anyone that can write a report to support a Section 14 application and nobody who can talk to external support services. Applications have gone from great applications with great approval from the court... to a downturn in the success of Section 14 applications.” - Legal services representative

An analysis of Section 14 outcomes for Diversion clients during the evaluation period indicates that JAS was highly effective in achieving successful Section 14 applications and diverting people with cognitive impairment away from the criminal justice system. Section 14 application outcomes for Diversion clients by court are available in Figure 24.

Figure 24: Section 14 application outcomes for Diversion clients by court between 1 April 2022 and 1 May 2023



Source: JASPR cases database

As can be seen in Figure 24, 93 Diversion clients were supported to achieve a successful Section 14 outcome between 1 April 2022 and 1 May 2023, indicating that 79.5% of Section 14 applications supported by JAS Diversion were successful over the evaluation period. The relative success rate for each Diversion court location over the evaluation period has been summarised in Table 10.

Table 10: Section 14 success rate for each Diversion court between 1 April 2022 and 1 May 2023

Diversion court	Successful Section 14 applications	Unsuccessful Section 14 applications	Section 14 success rate (%)
Blacktown	24	1	96.0%
Parramatta	15	3	83.3%
Penrith	22	7	75.9%
Gosford	16	6	72.7%
Downing Centre	8	3	72.7%
Lismore	8	4	66.7%

While Figure 24 demonstrates that, overall, the Diversion service was highly effective in supporting clients to achieve successful Section 14 outcomes, Table 10 shows variation in Section 14 outcomes by Diversion location. As evident in Table 10, Blacktown was the most successful Diversion court for JAS, followed by Parramatta and Penrith.

Lismore had the lowest success rate in Section 14 applications, and also had less Section 14 applications relative to other JAS Diversion courts. Lismore experienced significant flooding in 2022, which created a challenging operating environment for support services in the area. The relatively low level of Section 14 applications and corresponding low success rate for JAS at Lismore court may be attributed to the 2022 floods and recovery efforts. Table 10 suggests there may be opportunities to refine the Section 14 application process at Lismore local court. This may be achieved through improved collaboration with legal representatives and engagement with local Magistrates to understand preferred styles and supporting evidence for Section 14 applications.

In comparison, a 2018 study of the SCCLS in NSW⁴² found that of the 8,317 individuals who were identified as being eligible for court diversion on at least one occasion during the study period (1 July 2008 to 30 June 2015), 57.3% were subsequently diverted by Magistrates.⁴³ Successful diversion was associated with being female, older, of non-Aboriginal and/or Torres Strait Islander background, and having a serious mental illness.⁴⁴

Amongst young people, success rates for diversion applications are lower. A 2022 study of young people (aged 18 years or younger) referred to the NSW ACCT at Children's Courts on at least one occasion between 11 January 2008 and 18 December 2015, found that 46.5% were granted a diversion order by a magistrate.⁴⁵ Factors found to be independently associated with the likelihood of being granted a diversion order included being of non-Aboriginal and/or Torres Strait Islander background, having primary mental health problems only, no prior offending history, and having a prior history of a mental health diversion.⁴⁶

⁴³ Yin-Lan Soon, Natasha Rae, Daria Korobanova, Calum Smith, Claire Gaskin, Carolyn Dixon, David Greenberg & Kimberlie Dean (2018) Mentally ill offenders eligible for diversion at local court in New South Wales (NSW), Australia: factors associated with initially successful diversion, *The Journal of Forensic Psychiatry & Psychology*, 29:5, 705-716, DOI: [10.1080/14789949.2018.1508487](https://doi.org/10.1080/14789949.2018.1508487)

⁴⁴ Ibid.

⁴⁵ Gaskin, C., Singh, S., Soon, Y. L., Korobanova, D., Hawes, D., Lloyd, T., ... & Dean, K. (2022). Youth mental health diversion at court: barriers to diversion and impact on reoffending. *Crime & Delinquency*, 00111287221122755.

⁴⁶ Ibid.

4.2.2 What elements have been most effective in driving outcomes and how can they be leveraged?

Positive working relationships between JAS and external stakeholders were widely identified as the critical success factor behind positive client outcomes. Relationships, particularly with the police, were said to enable JAS to intervene early at the custody stage.

Stakeholders posited that the earlier that JAS could intervene during someone's experience with the criminal justice system, the more likely their personal outcome was to be positive. Positive outcomes could include a higher likelihood that clients felt listened to by police and their legal team, or being diverted from the criminal justice system entirely.

Furthermore, it was suggested that relationships were critical to enable JAS to reach specific client cohorts, such as individuals on bail, and witnesses and victims. As referenced in the report, relationships were variable across different stakeholder groups and occasionally, a product of local knowledge and staff roots in the area.

Other key drivers of successful outcomes for JAS have been explored in detail throughout Section 4.1.3.

4.2.3 What barriers are preventing the achievement of outcomes, and how can they be overcome?

Resourcing constraints and workforce training

A wide range of stakeholders identified resourcing constraints and inconsistencies in workforce training as key barriers to the achievement of positive client outcomes. These have been explored in greater detail throughout Section 4.1.4 with a high-level summary of key barriers provided below.

- ▶ Geographic gaps in JAS support, particularly at police stations, were said to have reduced the ability of the Service to support clients at a critical juncture in their interaction with the criminal justice system.
- ▶ JAS was encouraged to focus on supporting more people with cognitive impairment during the custody-stage to improve the likelihood that clients would understand their rights and obligations and be able to properly participate in decision-making.
- ▶ Both internal and external stakeholders reported that JAS should provide further training opportunities for its staff and volunteer network to increase the quality of support provided to JAS clients.

Data collection

Data collection was reported to be an administrative burden for a number of JAS staff and volunteers, who linked time spent on data collection and reporting with decreased time spent supporting clients. The JASPR database was often described as duplicative, time consuming and difficult to navigate, particularly by JAS staff and volunteers with limited capacity to perform data entry. This was reported to result in staff and volunteers missing inputting specific client, case, and support details.

"From my point of view, the constant repetition in [JASPR] tabs is annoying. It's just a copy and paste job, but still time consuming." - JAS staff

"Database is very slow, [it is] very bitsy and sensitive, [there is] a lot of double entry. Job role is a lot of data entry. [There are] quite a few problems with current system but Management only change parts relevant to them." - JAS staff

"JASPR can be clunky to use. [I am] not aware of how to generate specialist reports. [I] find it difficult to use drop-down menus to compile or check information." - JAS staff

To reduce the administrative burden of data input and improve consistency in data input, it is recommended that JAS clients, cases and supports data is linked using the unique client identification number. Linkage by client identification number would enhance JAS' ability to monitor client outcomes, particularly for return clients, and support with access to historical information available in JASPR for return clients. This would support with increasing consistency in

reporting and monitoring client outcomes, which was identified to be an issue for data maintenance and reporting.

Recommendation:

14. JAS integrate 'clients', 'cases' and 'supports' data in JASPR to reduce the administrative burden of data input, improve data consistency, and improve the tracking of client outcomes.

Magistrate receptiveness to Section 14 applications

Magistrates generally had positive feedback regarding the impact of the Service in supporting the achievement of outcomes for JAS clients and in creating efficiencies for the court, as explored in Section 4.2.1. However, some Magistrates noted a recent increase in the number of Section 14 applications being submitted by legal representatives, including private solicitors and Legal Aid.

This increase in Section 14 applications was attributed in-part to recent changes to mental health legislation. The increase appeared to have resulted in increased scepticism and cynicism of Section 14 applications amongst some Magistrates posing a potential barrier to achievement of JAS' aims of supporting access to diversionary orders, with one magistrate citing "we now have quite wealthy people taking advantage of the legislation, attempting to be diverted from the criminal justice system."

While this is a complex and sensitive issue, it should also be acknowledged that cognitive impairment is distinct from undulating mental health issues. As the NSW Law Reform Commission noted, cognitive impairment cannot be "treated" and is not "reversible" for the individual, which sets it apart from a mental illness.⁴⁷ It is, therefore, a lifelong challenge that significantly limits the individual's ability to respond to common life demands, and it has not been historically well recognised within the criminal justice system.⁴⁸

"As a result of this [increase in the number of Section 14 applications], it is inevitable there will be an element of scepticism that will creep in through Magistrates in NSW. It will be difficult for JAS to keep their integrity with everyone trying to get into the Service." - Magistrate

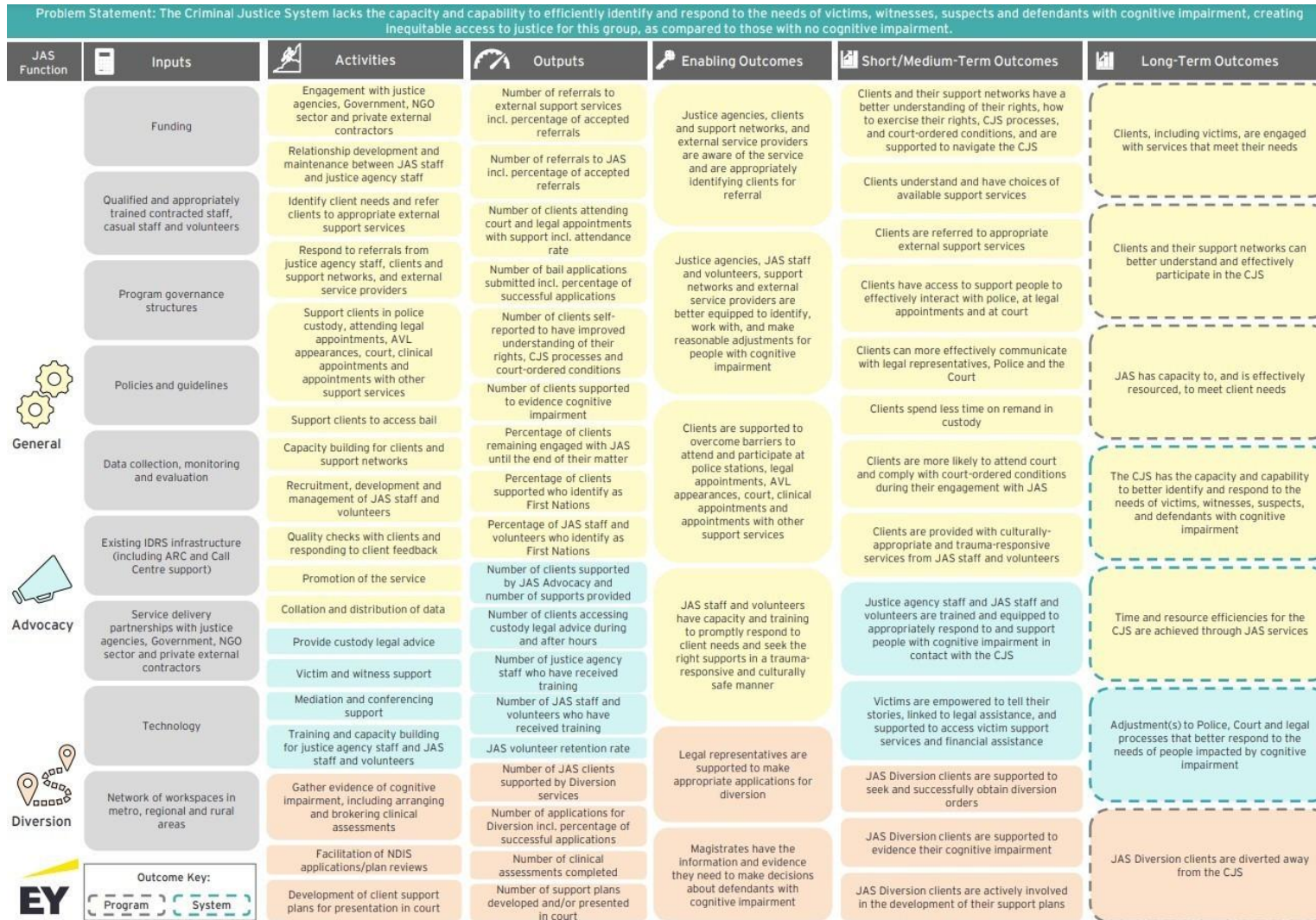
To mitigate cynicism and scepticism of Section 14 applications amongst Magistrates, it is recommended that JAS educate Magistrates on cognitive impairment, and the difference between cognitive impairment and mental health impairment, as well as continue to spread awareness of the Service through participation in court-based stakeholder forums to build the integrity of the Service.

To support with building trust in the Service, it is recommended that JAS seek out opportunities to be provided with feedback from Magistrates and legal representatives on Section 14 support plans, to ensure support plans prepared by JAS meet the needs of key stakeholders and the client. The need to strengthen feedback loops has been explored further in Section 4.1.4.

⁴⁷ NSW Law Reform Commission (2012). *People with cognitive and mental health impairments in the criminal justice System, Diversion*, Report 135. Retrieved 15 September 2023, from https://www.lawreform.justice.nsw.gov.au/Pages/lrc/lrc_completed_projects/lrc_peoplewithcognitiveandmentalhealthimpairmentsinthecriminaljusticesystem/lrc_peoplewithcognitiveandmentalhealthimpairmentsinthecriminaljusticesystem.aspx

⁴⁸ Ibid.

Appendix A JAS Program Logic



Justice Advocacy Service Process and Emerging Outcomes Evaluation

Appendix B Methodology

Qualitative Analysis: Stakeholder Engagement

Qualitative data was collected to explore external stakeholder, service provider and client experiences. Analysis of qualitative data enabled the identification of potential service system improvements, best practice approaches and lessons learned for JAS resourcing.

Key stakeholders for engagement in data collection activities were collectively identified with the Department, IDRS and the JAS Working Group to ensure a broad range of stakeholder voices were captured in the design and delivery of the evaluation. To maximise engagement in the evaluation, stakeholders were provided with multiple opportunities to participate in evaluation activities.

Qualitative data collected through stakeholder engagement followed an iterative and phased process whereby thematic analysis was applied to identify emerging themes. The emerging themes and findings from qualitative data collection activities were drawn on to inform the questions asked in the subsequent consultations with key stakeholder groups, enabling findings to be explored as they emerged.

Phase 1: Qualitative Data Collection

The qualitative data collection phase of the evaluation was comprised of five key components and involved engagement with approximately 340 stakeholders.⁴⁹ The key components of qualitative data collection included:

1. Three targeted surveys of:
 - ▶ JAS staff and volunteers
 - ▶ External stakeholders, including criminal justice system stakeholders and support services
 - ▶ NSW Magistrates.
2. Seven virtual focus groups with key stakeholder groups.
3. Face-to-face interviews with key stakeholders during the 11 site visits to JAS courts across metropolitan, regional and rural NSW.
4. Review of JAS client exit survey results.
5. Five interviews with JAS clients.

An overview of the qualitative data collection undertaken for the evaluation is provided below.

⁴⁹ The number of stakeholders engaged is approximate in nature, as survey respondents had the option to participate anonymously, and therefore there may be duplication where stakeholders responded to the survey anonymously, in addition to participating in a focus group and/or interview.

Surveys

Staff and volunteer survey, stakeholder survey and Magistrate survey

To explore the perspectives of key stakeholder groups on the overall design and delivery of the Service, three surveys were developed by the evaluation team and distributed to JAS staff and volunteers, a broad range of external JAS stakeholders, and NSW Magistrates.

The evaluation team worked collaboratively with the DCJ Diversion team, IDRS and JAS Working Group members to develop and identify stakeholders to participate in the surveys. The JAS Working Group performed an important role in distributing these surveys to their internal agency networks.

The survey data was analysed using two methods, with free-text responses thematically analysed using a grounded theory approach aligned to evaluation questions, and the Likert⁵⁰ responses analysed quantitatively.

Findings from the survey informed the structure and design of subsequent focus groups and interviews. This provided an opportunity to explore key themes in further detail and address gaps in the data collection approach. Details on the number of survey responses and response rate for each survey are available in Appendix A.

Focus groups

JAS brings together a diverse range of government and Non-Governmental Organisation (NGO) stakeholders. To understand the perspectives of stakeholders involved in the implementation and operations of JAS, the evaluation team conducted seven focus groups. All focus group participants were identified and contacted in the first instance by the DCJ Diversion team, with the exception of IDRS focus group participants.

De-identified notes were taken during consultations, then consolidated and grouped into emerging themes in relation to the relevant evaluation questions. Using a process of inductive analysis, emerging themes from earlier consultations were used to inform the questions asked in subsequent consultations with key stakeholder groups.

Site visits and semi-structured interviews

To explore how the JAS model operates on the ground and engage with key delivery stakeholders, the evaluation team visited 11 JAS court locations across metropolitan, regional and rural NSW, including all six JAS Diversion courts.⁵¹ These site visits provided opportunity for the evaluation team to meaningfully engage with JAS staff and volunteers, and criminal justice system stakeholders.

Throughout May 2023, the evaluation team visited 11 local NSW courts, including Parramatta, Batemans Bay, Penrith, Downing Centre, Blacktown, Lismore, Coffs Harbour, Moree, Newcastle, Gosford, and Dubbo local courts. The court locations visited by the evaluation team were selected in collaboration with IDRS and the DCJ Diversion team, ensuring representation of diverse regions within NSW, and considering the case load and number of JAS staff and volunteers servicing each court. A list of the site visit locations and dates is provided in Appendix E.

The DCJ Diversion Team, IDRS and JAS Working Group members supported the evaluation team by informing court-based stakeholders of the evaluation team's visitation dates and organising stakeholders from their respective agencies to participate in semi-structured interviews. IDRS also

⁵⁰ A Likert scale is a rating system used in surveys to measure respondent's attitudes, opinions, or perceptions on a sliding scale with multiple response options.

⁵¹ JAS' Diversion service operates at Downing Centre, Parramatta, Penrith, Blacktown, Gosford and Lismore local courts.

supported the coordination of interview schedules and the introductions between key stakeholders at local courts and the evaluation team.

Client exit survey

Ensuring the voice and lived experience of JAS clients was captured in the evaluation was a priority in the design of the evaluation methodology. Accordingly, the evaluation methodology was developed with the intention to leverage the client exit survey results collated by JAS upon a client's exit from the Service to understand client experiences of JAS and the impact of the Service.

During evaluation design, it was identified that IDRS had not been routinely administering surveys to clients upon exiting the Service during the evaluation period. As such, the client exit survey was administered retrospectively in May 2023 to JAS clients that exited the Service during the evaluation period, with 124 survey responses received. This reflects a response rate of approximately 50%.⁵² Limitations relating to availability of client exit survey data are explored in Section 3.7.

To complement client exit survey results, the evaluation team conducted semi-structured interviews with JAS clients to further explore themes identified in the analysis of client exit survey responses.

JAS client interviews

During the site visits, the evaluation team conducted five semi-structured interviews with JAS Advocacy and Diversion clients to understand their experience with the Service and the overall impact of the Service.⁵³ Clients able to participate in interviews were identified by IDRS, who supported scheduling with interviews and ensured clients had a support person present where preferred.

A Participant Information and Consent Form was provided for clients to review alongside their key JAS contacts or support person. An 'easy read' version of this consent form was developed to ensure accessibility for JAS clients. The consent forms explained the purpose of the evaluation, interview procedures, confidentiality, informed consent, the ability to withdraw consent and outlined remuneration processes in the form of modest gift vouchers for interview participants.

These interviews explored clients' experience of the Service, including the engagement of the JAS Justice Advocate and/or volunteer with the client, the application of culturally appropriate and trauma-informed responses, the process of referral to other services and the impact of JAS on the overall wellbeing of the client. For the JAS Diversion client interview, the discussion explored the outcomes of the Section 14 application, and support to adhere to Section 14 support plan conditions.

Phase 2: Qualitative Data Analysis

Thematic analysis

Transcripts and other session notes from stakeholder consultations were analysed in detail to identify key themes. Emerging themes were grouped and analysed in relation to key evaluation questions.

⁵² The total number of client exit survey responses and response rate are based on figures by IDRS, as the evaluation team was not involved in survey administration or data collection.

⁵³ Due to client availability to participate in interviews, three interviews were conducted in-person during the site visits, and two interviews were conducted via phone.

Survey analysis

Surveys were analysed using two methods. Free-text answers were analysed using the thematic approach described above, and Likert scale questions were analysed quantitatively using frequency analysis.

Key findings

Key findings were presented to the JAS Working Group throughout the qualitative data collection phase. Findings from the qualitative analysis were interpreted in conjunction with the quantitative analysis.

Quantitative Analysis: Data Review

As highlighted in Section 3.6, the evaluation leveraged JASPR administrative data to inform the qualitative data analysis. Within the JASPR dataset there are three separate tabs, which were utilised for this analysis:

- ▶ each JAS client has a unique client identification captured in *JASPR clients data*;
- ▶ each client's criminal matter/s are captured in *JASPR cases data*;
- ▶ each instance of support provided to each client, including support in police custody, support at court, or support to attend appointments, is captured in *JASPR supports data*.⁵⁴

The quantitative analysis was conducted in two steps:

- ▶ **Step 1:** Step 1 involved a cohort analysis of the JAS cohort, including analysis of trends and patterns in client characteristics and client support needs. The findings of this sub-analysis drew on descriptive statistics for demographic variables, exploring group means and ranges.
- ▶ **Step 2:** Step 2 reviewed the emerging outcomes of the Service and explored the achievement of outcomes for the JAS client cohort. This included examining variation in geographic location (metro/regional/rural) and site location (court locations/police stations). This analysis examined JAS' achievement of its intended implementation outcomes, highlighting cohorts, locations and criminal justice settings that may be overserved or underserved.

⁵⁴ Throughout this evaluation report, JASPR data sources are referred to as *JASPR clients data*, *JASPR cases data* and *JASPR supports data*.

Appendix C Stakeholder Engagement Overview

Stakeholder group	Purpose of engagement	Data collection method			Evaluation question alignment	Number of representatives engaged ⁵⁵
		Survey	Focus group	Interview		
JAS staff and leadership	To understand perspectives of frontline JAS staff and IDRS leadership on the design and delivery of the Service, including barriers and facilitators to service delivery and achieving client outcomes.	✓	✓	✓	P1-P3, O1	68
JAS volunteers	To explore the perspectives of frontline volunteers on JAS operations, including what is working well, and areas for improvement in service delivery.	✓	✗	✓	P1-P3, O1	63
JAS clients	To gain a deeper understanding of JAS client experiences of the Service, including pathways and outcomes.	✓	✗	✓	P1, P2, O1	5 ⁵⁶
NSW Magistrates	To understand perspectives of NSW Magistrates on the impact of the Service for people with	✓	✗	✓	P1, P2, O1	15

⁵⁵ The number of representatives engaged is approximate in nature, as survey respondents had the option to participate anonymously, and therefore there may be duplication where stakeholders responded to the survey anonymously, in addition to participating in a focus group and/or interview.

⁵⁶ The number of clients engaged includes only those that were interviewed for the purpose of the evaluation. The evaluation team leveraged client exit survey responses to support the analysis, however, the exit surveys were administered by IDRS and not directly for the purpose of the evaluation. The evaluation analysis drew on 124 client exit survey responses received. Further details on the incorporation of client voice into the evaluation are available in Appendix B.

Stakeholder group	Purpose of engagement	Data collection method			Evaluation question alignment	Number of representatives engaged ⁵⁵
		Survey	Focus group	Interview		
	cognitive impairment and overall awareness of the Service amongst court-based stakeholders.					
Legal Aid NSW	To explore perspectives of solicitors and legal representatives on the impact of JAS for their clients, and the extent to which JAS support contributes to efficiencies in their roles when representing people with cognitive impairment.	✓	✓	✓	P1, P2, O1	31
Aboriginal Legal Service (ALS) NSW/ACT	To explore perspectives of solicitors and legal representatives on the impact of JAS for their clients, and the extent to which JAS support contributes to efficiencies in their roles when representing people with cognitive impairment.	✓	✓	✓	P1, P2, O1	9
Private solicitors and Community Legal Centres	To explore perspectives of solicitors and legal representatives on the impact of JAS for their clients, and the extent to which JAS support contributes to efficiencies in their roles when representing people with cognitive impairment.	✓	✓	✓	P1, P2, O1	19
Aboriginal Services Unit, including Aboriginal Client and Community	To explore perspectives of stakeholders on the cultural appropriateness and impact of JAS support for Aboriginal and Torres Strait Islander	✓	✓	✓	P1, P2, O1	15

Stakeholder group	Purpose of engagement	Data collection method			Evaluation question alignment	Number of representatives engaged ⁵⁵
		Survey	Focus group	Interview		
Support Officers (ACCSOs)	clients, referral pathways and the effectiveness of collaboration.					
NSW Police Force (NSWPF), including Aboriginal Community Liaison Officers (ACLOs)	To gain an understanding of the awareness of JAS and ability to identify cognitive impairment amongst the NSWPF, and identify facilitators and barriers to referrals and collaboration.	✓	✓	✓	P1, P2	18
Courts, Tribunals and Service Delivery (CTSD)	To consider perspectives of CTSD stakeholders on the effectiveness of collaboration with JAS, the strength of referral pathways and awareness of the Service across geographic locations.	✓	✓	✓	P1, P2	25
Youth Justice	To understand perspectives of Youth Justice on the impact of JAS support for young people, and understand need for the Service for Youth Justice clients across geographic locations.	✓	✓	✓	P1, P2, O1	35
Justice Health and other NSW Health	To gain an understanding of perspectives of Health stakeholders, including Clinical Nurse Consultants, on the strength of referral pathways, opportunities to improve collaboration, and best practices in information sharing.	✓	✓	✓	P1, P2	14

Stakeholder group	Purpose of engagement	Data collection method			Evaluation question alignment	Number of representatives engaged ⁵⁵
		Survey	Focus group	Interview		
Corrective Services	To explore perspectives of external stakeholders on the impact of JAS support for Corrective Services clients, and the nature of collaboration.	✓	✓	✓	P1, P2, O1	2
National Disability Insurance Agency (NDIA)	To understand perspectives of NDIA stakeholders on the effectiveness of communication and collaboration with JAS, and best practices in information sharing.	✓	✓	✗	P1, P2, O1	2
Office of the Director of Public Prosecutions (ODPP)	To understand the extent of JAS' support to victims and witnesses, and the effectiveness of collaboration with JAS.	✓	✗	✗	P1, P2	2
Clinical Services, NDIS Service Providers, Peaks and other Non-Governmental Organisations	To explore perspectives of external stakeholders on the effectiveness of collaboration with JAS, the strength of referral pathways and the ability of the Service to meet client needs in various geographic locations	✓	✓	✓	P1, P2, O1	21

Appendix D JAS Survey Responses

Survey	Distribution	Survey period	Responses ⁵⁷
JAS Staff & Volunteer Survey	Directly to 188 stakeholders.	Monday 17 April 2023 - Monday 15 May 2023	99 (52.6% response rate).
JAS Stakeholder Survey	To an unspecified number of respondents through a mixture of direct stakeholder contact or through a lead agency contact.	Monday 1 May 2023 - Wednesday 7 June 2023	144
Magistrate Survey	To Magistrates across NSW through the Chief Magistrate's Office.	Thursday 1 June 2023 - Friday 9 June 2023	8

⁵⁷ The response column refers to complete responses only.

Appendix E Site visit locations and dates

Name	Date
Western Metro Sydney, Parramatta Local Court	Tuesday 2 May 2023
Western Metro Sydney, Penrith Local Court	Friday 5 May 2023
Batemans Bay, Batemans Bay Local Court	Monday 8 May 2023
Central Metro Sydney, Downing Local Centre	Friday 12 May 2023
Western Metro Sydney, Blacktown Local Court	Friday 12 May 2023
Lismore, Lismore Local Court	Monday 15 May 2023
Coffs Harbour, Coffs Harbour Local Court	Tuesday 16 May 2023
Moree, Moree Local Court	Wednesday 17 May 2023
Newcastle, Newcastle Local Court	Monday 22 May 2023
Gosford, Gosford Local Court	Tuesday 23 May 2023
Dubbo, Dubbo Local Court	Wednesday 24 May 2023

Appendix F Refined Client Exit Survey

1. Client's first name (You do not have to give your name if you do not want to)
2. Client's age - obtain from JASPR*
3. Did they obtain Legal Advice in custody from IDRS - obtain from JASPR*
 - ▶ Yes
 - ▶ No
 - ▶ Information not available
4. Cultural background - obtain from JASPR*
 - ▶ CALD
 - ▶ Aboriginal and/or Torres Strait Islander
 - ▶ Other
5. Client situation with JAS - obtain from JASPR*
 - ▶ Victim
 - ▶ Witness
 - ▶ Suspect
 - ▶ Defendant
6. Survey respondent's relationship to JAS
 - ▶ Client
 - ▶ Family member of JAS client
 - ▶ Service support of JAS client
 - ▶ Other
7. How did JAS support you/your family member/client? Select all that apply
 - ▶ When I was/they were being interviewed by the Police or making a report about a crime to the Police
 - ▶ At a meeting with my/their lawyer
 - ▶ When I/they went to Court
 - ▶ When I was/they were in gaol
 - ▶ To get legal advice
 - ▶ To get a service from another agency
 - ▶ Other
8. If 'Other' is selected in Question 7, describe what the support was
9. How did you or your family member/client feel about the support given by JAS? Complete any that apply:

	Totally Disagree	Disagree	Neither	Agree	Totally Agree
JAS was easy to find and use	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

My JAS support person treated me with respect	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
My JAS support person listened to me and took my views into account	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I felt safe with my JAS support person	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
My JAS support person helped me to understand and use my rights with Police and at Court	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
My JAS support person helped me to understand my legal problem	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
JAS helped me get legal advice	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
My JAS support person helped me to understand my legal advice	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
My JAS support person helped me to understand my court conditions (Bail/ADVO etc.)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
My JAS support person helped me to attend court and other appointments	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

10. Did you get the chance to tell the Police, the Court staff/Magistrate and/or your Lawyer what you wanted them to know about your case?

- ▶ Yes
- ▶ No
- ▶ Not sure

11. Do you feel like you understand the justice system better now?

- ▶ Yes
- ▶ No
- ▶ Not sure

12. Did you feel the Police, the Court staff/Magistrate, and/or your Lawyer listened to you and took your views into account?

13. Do you think JAS support made a difference to what happened?

- ▶ Yes
- ▶ No
- ▶ Not sure

14. Add comments if they describe the difference JAS made to what happened

15. Did you get the help you needed from JAS?

- ▶ Yes
- ▶ No
- ▶ Not sure

16. Did JAS help you get services/supports for other things you needed help with?

- ▶ Yes
- ▶ No
- ▶ Not sure

17. Note comments if they talk about the types of services or supports they had assistance with in Q16.

18. Has JAS helped you feel more confident getting help from other services?

- ▶ Yes
- ▶ No
- ▶ Not sure

19. Could JAS do something better?

20. Would you like support from JAS again if you needed it?

- ▶ Yes
- ▶ No
- ▶ Not sure

21. Survey complete*

- ▶ Yes
- ▶ No

22. Reason for incomplete survey

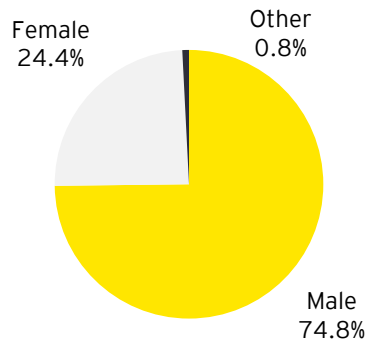
- ▶ Client could not be contacted
- ▶ Client is in custody
- ▶ Client refused
- ▶ Client's contact number has been disconnected
- ▶ Other

**Indicates the survey question is mandatory*

Appendix G JAS Client Demographics

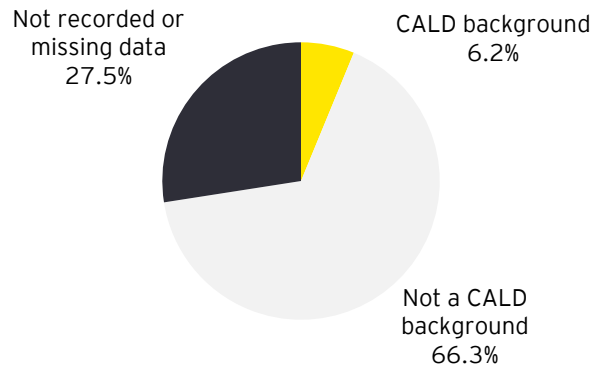
Note: This analysis refers to eligible JAS clients referred to the Service during the evaluation period and does not consider clients referred to the Service prior to 1 April 2022.

Figure 25: Aggregate gender distribution of eligible JAS clients referred between 1 April 2022 and 1 May 2023



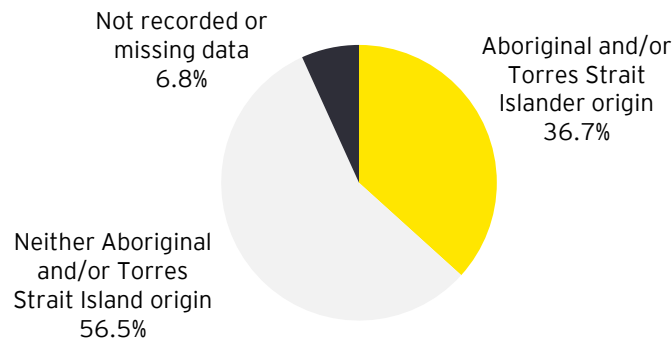
Source: JASPR Client Data

Figure 26: Percentage of eligible JAS clients referred between 1 April 2022 and 1 May 2023 who were from a CALD background



Source: JASPR Client Data

Figure 27: Percentage of eligible JAS clients referred between 1 April 2022 and 1 May 2023 who were of Aboriginal and/or Torres Strait Islander origin



Source: JASPR Client Data