

Greens NSW

Criminal Justice Policy



Principles

The Greens NSW believe:

1. A just and effective criminal justice system protects the community, reduces the social impacts of crime, addresses the causes of crime, protects the human rights of victims, suspects and perpetrators and offers a range of interventions in addition to loss of liberty.
2. That criminal justice policies should be based on a rational, evidence-based, non-emotive approach to issues rather than on simplistic 'law and order' campaigns.
3. The following basic principles of criminal justice must be protected, and any NSW law that overrides such principles should be repealed:
 - Freedom from prolonged detention without charge or trial
 - The presumption in favour of bail
 - The principle of double jeopardy
 - The legal presumption of innocence until proven guilty
 - The right to a trial by jury for all serious indictable offences
 - The requirement for unanimous jury verdicts
 - The independence of the judiciary from political interference.
 - Judicial discretion in sentencing and bail.
4. All persons in custody must be treated in accordance with international human rights obligations.
5. Addressing the over-representation of Aboriginal people in the criminal justice system in New South Wales must be a priority.
6. The government must deliver a full range of services to prevent the over-representation in the criminal justice system of people with intellectual disabilities, mental illnesses and substance addiction.
7. A reduction in the use of custodial interventions for remand and sentencing will release public funds that should be directed to the prevention of crime and the resolution of underlying social problems that give rise to criminal behaviour.
8. Policing and custodial services should not be privatised under any circumstances.
9. Victims of crime should have improved access to compensation, counselling and other such measures.

Detail

The Greens NSW will:

Crime Prevention

10. Prioritise programs that promote:
 - A reduction in the likelihood of entry into the criminal justice;
 - Alternatives to imprisonment that are widely available and not subject to geographic limitations
 - Prevention strategies, including:
 - a. access to education, training and work opportunities
 - b. drug and alcohol treatment and rehabilitation centres
 - c. breaking the cycle of social disadvantage that may result in child abuse and neglect;
 - Specific services for Indigenous Australians, people from Non-English Speaking Backgrounds, people with mental illness and people with disabilities;
 - Early intervention programs, such as community based residential, counselling and other support services;
 - Post release services to prevent re-offending;
 - Restriction of the excessive availability of alcohol and liquor outlets.
11. Introduce an adequately funded and integrated approach to combating domestic violence and sexual assault, with services available throughout the state.
12. Ongoing education of the public, the police, and the judiciary regarding domestic violence.
13. Introduce specific programs to combat hate crimes against people on the basis of their race, religion, gender identity or sexual orientation.
14. Continue to support a well-resourced and independent Bureau of Crime Statistics and Research.
15. Implement drug law reform in keeping with harm minimisation principles to reduce crime.
16. Support trials of “justice reinvestment” in disadvantaged communities in NSW, whereby money that would have been spent on the prison system is reinvested in programs and services in communities to address the underlying causes of crime and reduce re-offending.
17. Support the ongoing provision and expansion of safe proclaimed places for drug- and alcohol-affected persons.

Legal Services

18. Support increased funding for Legal Aid, Community Legal Centres, and Aboriginal Legal Services to increase the capacity for advice, representation, community legal education, and law reform.

Judicial Process and Sentencing

19. Advocate for the imposition, wherever possible, of non-custodial penalties for those convicted of relatively minor, non-violent crimes in order to maximise the likelihood of successful rehabilitation and reduce recidivism.
20. Oppose political pressure to extend sentences already imposed by a court.
21. Expand the range of restorative justice and properly supervised diversionary measures.
22. Extend the operation of the Drug Court and the Youth Drug and Alcohol Court to more locations across NSW.
23. Support the establishment of bail hostels to provide accommodation for those on bail;
24. Remove unjust restrictions on the right to apply for bail, and ensure that any conditions placed on bail are reasonable and are not an indirect method of refusing bail.
25. Support measures to encourage greater representation of women and minority groups in the judiciary.
26. Provide effective support systems within the courts for those with intellectual disabilities and those with mental illness (both victims and defendants/offenders).
27. Monitor and implement any necessary reforms to minimise stress on complainants in sexual assault and rape trials, consistent with a fair trial, investigation and court procedures.
28. Support distinct criminal justice policies in relation to Aboriginal and Torres Strait Islander people, developed in a collaborative way, with members of those communities.
29. Adequately fund the office of Director of Public Prosecutions, and protect it from political interference.
30. Support the removal of archaic or trivial offences from legislation.

Prisons and Rehabilitation

31. Re-establish public ownership and control of all NSW correctional facilities.
32. Support measures to ensure that the human rights and dignity of prisoners are respected within the prison environment, including:

- Re-instating the role of Inspector-General of Prisons as an important accountability mechanism;
 - In the interim, ensuring that the Ombudsman has the financial and administrative resources to adequately oversee Corrective Services' institutions and practices;
 - Ensuring independence for Official Prison Visitors and their right to appeal against dismissal;
 - Monitoring deaths in custody, particularly Aboriginal Deaths in Custody;
 - Providing effective programs and support systems within corrective services and prisons for prisoners with intellectual disabilities and those with mental illness.
33. Effective programs to rehabilitate incarcerated offenders and reduce recidivism, including education, training schemes, employment opportunities, post release social support and other social and vocational services and that these services also be available for remand prisoners.
 34. Review the operation of the Correctional Health and make necessary changes to ensure that all prisoners have access to prompt and appropriate medical and dental treatment including specialist services.
 35. Abolish the use of solitary confinement in juvenile detention facilities, unless required in exceptional circumstances to protect the immediate health and safety of a young person.
 36. Ensure adequate initial and ongoing training and support of prison officers.
 37. Support programs designed to assist perpetrators of crime to understand their crimes and change their behaviour both within the prison system and upon release into the community.

Juvenile Justice

38. Ensure that there is better compliance with the Young Offenders Act (which has a commitment to diverting young people away from the criminal justice system).
39. Fund community-based programs that identify and provide counselling and support to juveniles at risk of committing crime.
40. Support bail or community-based supervision regimes for juveniles charged with all but the most serious of offences.
41. Amend the Bail Act to ensure that police must first consider alternatives to arrest in relation to failures to comply with bail.
42. Amend the Bail Act to reduce the amount of time young people are kept in custody including following minor breaches of bail conditions.

43. Fund a residential bail support program to assist homeless young people in meeting their bail conditions.
44. Support sentencing policies and programs that divert juveniles convicted of crimes away from detention.
45. Ensure that juveniles are detained in juvenile facilities and can only be moved to an adult setting in special circumstances, subject to the state convincing the Court that the transfer is appropriate and safe.
46. Support the implementation of effective rehabilitation programs for all juveniles convicted of a criminal offence.
47. Support community conferencing for juvenile offenders and their victims.
48. Increase community-based, educational and vocational programs for juvenile detainees with the aim of reducing recidivism and providing opportunities upon release.
49. Eliminate use of Youth Conduct Orders and anti-social behaviour orders in favour of providing more early intervention through community based programs.
50. Support wiping the records of young people convicted of offences where the sentence imposed was less than 6-months in detention, where no further offences are committed within 3 years.
51. Support adequate initial and ongoing training for employees at juvenile justice centres with additional training in dealing with violence and provide adequate protection for employees from violent attacks from juvenile prisoners.

Police

52. Ensure that the system for the investigation and resolution of complaints about police actions / inactions independent, transparent, accessible, effective, and adequately resourced.
53. Support independent and effective measures and mechanisms for the prevention and investigation of corruption within the NSW Police Force.
54. Support additional resourcing for the police to respond effectively to domestic and family violence, including increasing the availability and number of Domestic Violence Liaison Officers to ensure adequate supervision of general duties officers.
55. Train police to attempt to resolve situations without the use of firearms or Tasers wherever possible.
56. Remove Tasers from the NSW Police Force until additional safeguards are in place, to ensure that only specially trained squads can use Tasers, that they only use Tasers as a substitute for firearms in situations of serious threat of violence to a person, and that Tasers are not used to enforce compliance in non-serious situations. Safeguards should include:

- + the audio and video attachments on Tasers are operational at all times and activated when a Taser is withdrawn from its holster,
 - + pre-programmed limitations on the number of firings per incident.
 - + An investigation every time a Taser is used by police with the findings of the investigation being made public (investigation now every time police use guns)
57. End the NSW Police practice of using sniffer dogs in public places to carry out stop and searches, because it is ineffective in reducing drug use, and is an infringement of personal space.
 58. Repeal legislation allowing covert searches.
 59. Direct more police resources towards reducing illegal firearms/weapons supply and trading in NSW.
 60. In view of the stressful and often dangerous nature of police work, ensure that appropriate and accessible support services are provided to members of the police force.

Gun control

61. Continuing controls over gun use and ownership, including a ban on automatic and semi-automatic handguns and long arms.
62. Reduce the use of firearms by security guards and prevent the loss and theft of firearms used by security guards.