



Open letter to the Attorney General, The Hon Mark Speakman SC MP

Dear Attorney,

Cognitive Impairment Diversion Program

We write to express our alarm at the prospect that the Cognitive Impairment Diversion Program (CIDP) will cease operating on 30 June 2020 due to cessation of its funding from the Department of Communities and Justice.

The overrepresentation of people with intellectual and other cognitive disability in the criminal justice system has been long recognised. One of the strategies needed to address that issue is a robust and targeted diversion program aimed at diverting alleged offenders from the Local Courts into support from disability and other human services. This approach can both assist individuals towards more positive lifestyles and reduce rates of offending and costs across the justice system and to victims of crime.

This kind of diversionary program is all the more needed in the context of the COVID-19 pandemic with its detrimental effects on the operation of the courts and availability of legal aid and with the difficulty people with cognitive disability are experiencing in understanding and living with restrictions on their freedom of movement and usual activities.

We see a program along the lines of the CIDP as a role model of the kind of diversion programs that are needed with its focus on establishing the trust of people who tend to be wary of service providers and supporting them into the National Disability Insurance Scheme and viable disability and mainstream service arrangements.

We note that the CIDP currently operates as a pilot at Penrith and Gosford Local Courts and is run by the Intellectual Disability Rights Service (IDRS). The most recent IDRS annual report records that over 66% of CIDP participants were successful in obtaining diversionary orders under section 32 and section 33 of the Mental Health (Forensic Provisions) Act 1990.

Importantly, the CIDP demonstrates strong inclusion of Aboriginal and Torres Strait Islander people with 26% of its participants coming from that population.

As well as facilitating better lives for its participants and greater community safety, the CIDP supports progress on the Premier's Priorities of reducing recidivism and domestic violence reoffending.

We see a program like the CIDP as needed statewide. At this point, we urge you to at least continue its funding with a view to development of a statewide program.

Yours sincerely,

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