

Information for Criminal Defence Lawyers

The Legal Aid Bail Support Service is not limited to Legal Aid clients. Private practitioners and Community Legal Centres are welcome to refer their clients.

What is the Bail Support Service?

The Legal Aid Bail Support Service is a team of paralegals and social support workers who work under the supervision of a criminal lawyer at Legal Aid WA.

The Bail Support Service provides support to accused people who hope to apply for bail or who are on bail but are at risk of being remanded in custody due to breaches of bail conditions or repeated non-attendance at court. The Bail Support Service does this by supporting accused people with the personal, social and health issues that may be preventing them from getting bail or from successfully remaining on bail while their criminal law matters proceed through the courts.

Eligibility

To be eligible for a referral, the client must:

- have matters proceeding in the **Central Law Courts** or the Perth **District Court**; and
- be a potential candidate for bail or be on bail.

Suitability

Anyone who meets the eligibility criteria can be assessed for the Bail Support Service. The Bail Support Service is particularly well placed to deal with people who are struggling with social disadvantage, unstable accommodation, mental health issues, disability, substance abuse issues and people who have little by way of family or community support.



CONTACT DETAILS

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bailsupportservice@legalaid.wa.gov.au

www.legalaid.wa.gov.au



Services

Services provided by the Bail Support Service include but are not limited to:

- reminders about court appearances by text and phone;
- assistance to find accommodation;
- home visits;
- wellness support;
- advocacy with agencies and services;
- engagement with the family of clients and other support people;
- arranging transport for clients (for example, to court or home from prison);
- providing clients with necessities upon release or in emergency situations, i.e. Smartriders, food vouchers, diaries and basic mobile phones; and
- referral and advocacy with a wide range of community and government organisations, including but not limited to Centrelink, Homeswest, NDIS, Medicare, emergency accommodation services, health practitioners, drug and alcohol services, community mental health teams and aged care services.

The Bail Support Service does not;

- provide legal advice to the client;
- take bail instructions;
- prepare or make bail applications; or
- early list matters.

Referrals from lawyers

Referrals can be made by emailing bailsupportservice@legalaid.wa.gov.au.

A referral form can be obtained at www.legalaid.wa.gov.au/about-us/bss

Once a referral is received, the Bail Support Worker will meet with the client to discuss the client's needs, guided by the issues raised by the referring lawyer.

The Bail Support Worker will contact the referring lawyer to advise the outcome of the appointment. If the client is suitable for ongoing support while on bail then the Bail Support Worker will develop a 'bail support plan' and provide it to the referring lawyer. The referring lawyer may choose to provide the bail support plan to the Court if it assists the bail application.

If the client is granted bail, ongoing support will be provided as per the plan. The plan be reviewed if the client's circumstances change.

If/when a client reaches the point of sentencing, the Bail Support Service can provide a letter summarising the client's involvement with the Bail Support Service. The lawyer may choose to provide this to the judicial officer at sentencing. This is not provided directly to the Court.

The Bail Support Service is strictly voluntary. We ask that compliance with the Bail Support Service is not made a condition of bail. The Bail Support Service does not play any role in monitoring or measuring bail compliance.

Service requires from referring lawyers

When a lawyer refers a client to the Bail Support Service, we ask to be provided with the following:

- a written referral (via the referral form available at www.legalaid.wa.gov.au/about-us/bss or via email);
- a copy of statement of material facts and criminal history;
- details of any appointments already in place, so the client can be reminded; and
- to be kept informed of:
 - changes to bail conditions, including revocation of bail or completion of matters;
 - changes to court dates;
 - changes to contact information;
 - changes to charges; and
 - the ultimate court outcome.

The Bail Support Service is a pilot programme subject to ongoing evaluation. **As such, we are required to provide client details to the Department of Justice, such as their ICMS number, the number of times bail was breached/re-instated, and the ultimate court outcome i.e., imprisonment, order, acquittal.** Bail Support Workers obtain informed consent from each client at their first contact.

