



BAIL AND  
CRIMINAL  
PROCESS

**B L U R R E D  
B O R D E R S**

Queensland  
story cards

Produced by



Partners



**ATSILS**

Aboriginal and  
Torres Strait Islander  
Legal Service (Qld) Ltd



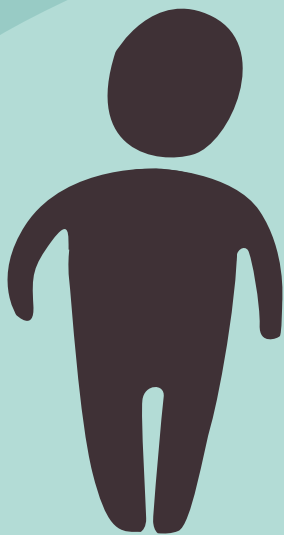
**QIFVLS**

Queensland Indigenous  
Family Violence Legal Service



# People







People



Accused/  
defendant

# Accused/defendant

- Police say this person broke the law.

People





Lawyer

# Lawyer

- A person who helps you with legal problems and talks for you in court.



Lawyer

# Lawyer

- A person who helps you with legal problems and talks for you in court.



Police

# Police

- Make sure people follow the law.
- When police think someone has broken the law, they charge that person.
- Protect people who are hurt and people who do not feel safe.

People



Prosecutor

# Prosecutor

- A lawyer or a police officer.
- Talks to the judge. Helps to tell the police's story. Tries to show the judge that you have broken the law.

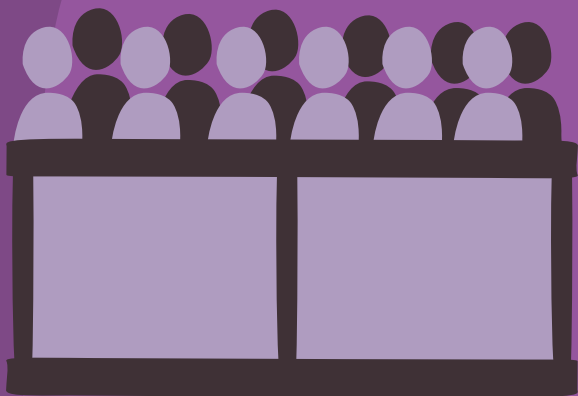




Judge

# Judge

- A person who has power to decide legal problems in court.
- In court, tells other people what to do and when to talk.



Jury

# Jury

- 12 adult people who sit together in court at a trial and decide if you did or did not break the law.

People



Witness

# Witness

- This person saw or heard something. They know part of the story about your legal problem.
- Their story will help the judge/jury to decide if you broke the law or not.
- Might write down or record his/her story and a lawyer will give it to the judge.
- The prosecutor might ask a witness to tell his/her story in court.
- You or your lawyer might ask a witness to tell his/her story in court.

People



Victim

# Victim

- A person who is hurt when someone breaks the law.
- Might be hurt on their body.
- Might feel frightened that someone will hurt him/her.
- Might have their property damaged or stolen.

People





Probation/  
parole officer

# Probation/ parole officer

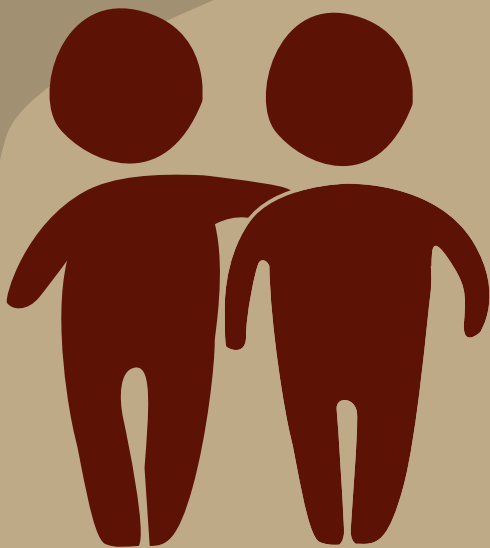
- If you break the law, a judge might give you rules to follow.
- A probation/parole officer checks that you are following those rules, and helps you follow them.
- If you do not talk with the probation/parole officer, you will make more trouble for yourself.



Interpreter

# Interpreter

- A person who helps people talk to each other when those people speak different languages.
- Must not take sides.
- Must translate what people say and keep the message the same.
- Will keep your story secret and will not tell your story to anyone else.
- If the interpreter knows you or your family, you can ask for a different interpreter.



Support  
person

# Support person

- Family member, friend, carer or another person you trust.
- This might be a person who works for a health or community service that helps people.
- Might sit with you when:
  - the police ask you questions about breaking the law
  - you talk to other people about your family relationships.
- Might also go with you to court.



Doctor/nurse/  
health worker

# Doctor/nurse/ health worker

- A person who helps you when you are hurt, feel sick or need medicine.





Family

# Family

- Family is anyone you call family or a relation.
- Children and parents, grandparents, grandchildren, brothers, sisters, cousins, aunts and uncles.
- Step-family members, in-laws, foster parents and foster children.

People



Surety

# Surety

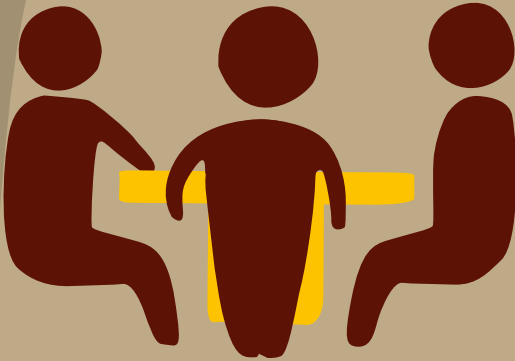
- This person helps you get bail by showing the judge that they believe in you. They promise to the judge that you will come back to court.
- They sign a written promise to pay some money if you miss your court date. If you do not come back to court on the right date, they will lose that money.



# Youth justice case worker

# Youth justice Case worker

- If you are under 18 and break the law, a judge might give you rules to follow.
- A youth justice case worker checks that you are following those rules, and helps you follow them.
- If you do not talk with the youth justice case worker, you will make more trouble for yourself.



community  
justice group

# Community justice group

- The judge or your lawyer might send you to a community justice group.
- The community justice group members help and encourage you to stop getting into trouble.
- Might help you change things in your life.
- Might tell the judge about what or how you are changing.

People





counsellor/  
social worker

# counsellor/ social worker

- A person who helps you talk about your worries.
- Might help you to make your worries better.
- Helps you decide what to do.
- Might ask you lots of questions.
- Everything you talk about with the counsellor or social worker is private.
- Sometimes the law says other people can know what you said.



# Places



# Jail/lockup



- Arrest

# Jail/lockup - Arrest

- When police think you broke the law, they might arrest you and put you in lockup (jail).
- You can ask for bail. Ask the police or ask a lawyer. They might talk to the judge for you.
- People under 18 — jail is called youth detention (juvie).

# Jail/lockup



- Remand

# Jail/lockup - Remand

- When you are waiting for your court date, you might stay in lockup (jail).
- When the judge makes you wait in jail, this is called being remanded in custody.
- You can ask the judge or your lawyer about getting bail.
- People under 18 — jail is called youth detention (juvie).



# Jail/lockup



# - Sentence

# Jail/lockup - Sentence

- When a judge sentences (punishes) you for breaking the law, they might send you to lockup (jail).
- You will leave jail only when the sentence is finished, or when a judge says you are allowed to leave.
- People under 18 — jail is called youth detention (juvie).



# Magistrates court

# Magistrates court

- Everyone charged with an offence goes to the Magistrates Court first.
- A judge decides about most crimes.
- The Magistrates Court is the lowest court in Queensland. Some cases go from here to a higher court.



District court/  
Supreme court

# District court/ Supreme court

- A judge or jury decide if someone did a more serious crime (like murder, rape or armed robbery).
- These crimes might have a big sentence (punishment).
- District Court — middle court in Queensland.
- Supreme Court — higher court in Queensland.



# childrens court

# Childrens court

- Where a judge decides about legal problems for people under 18.





# Drug and Alcohol court

# Drug and Alcohol court

- You can ask the judge to send you to the Drug and Alcohol Court instead of going to jail or getting another sentence.
- In this court, workers will help you with your drug and alcohol problems and help you to stop doing offences.
- You will talk to a doctor/counsellor and do tests to check if you have been drinking alcohol or taking drugs.
- If you do not follow the rules, you will make more trouble for yourself and the judge might send you to jail.



Murri Court/  
cultural  
mediation

# Murri Court/ cultural mediation

- You can ask the judge to send you to the Murri Court/cultural mediation.
- This is a court for Aboriginal and Torres Strait Islander peoples where Elders, respected people and the community justice group can help you change things in your life and stop breaking the law.
- Might include counselling, education and training, going to a men's or women's group, helping you to stop drinking alcohol or taking drugs, or finding somewhere to live.
- If you follow the rules, this will help when the judge gives you your sentence.



Things  
that might  
happen





Police  
investigate

# Police investigate

- If the police think you broke the law, they can stop you and ask you questions like your name, address and date of birth or search you.
- You do not have to answer any other questions.
- If the police think you broke the law, they can also search you.

Things that might happen





# Police questioning

# Police questioning

- If the police think you broke the law, they might ask you some questions or ask you to do an interview.
- You can choose not to answer the police officers' questions — called using your right to silence.
- People under 18 — call the Youth Legal Advice Hotline on 1800 527 527 and talk to a lawyer before answering any questions.

Things that might happen

IDENTIFYING  
PARTICULARS  
NOTICE

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# Identifying particulars notice

# Identifying particulars notice

- A paper that says you have to go to the police station within 7 days to give your fingerprints or photo or something else that identifies you.
- If you do not go to the police station, you will make more trouble for yourself.

Things that might happen



Charge

# Charge

- If the police think you broke the law they will charge you.
- You must go to court.
- At court the judge will decide if you broke the law or not, and decide what happens to you. But they might not decide that the first time you go to court.

**Things that might happen**



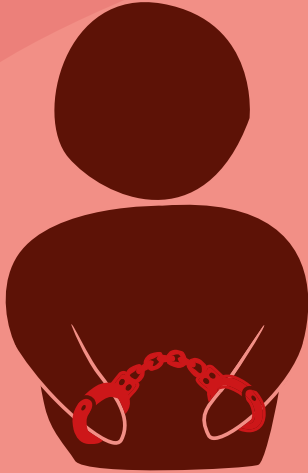
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**Things that might happen**





Arrest

# Arrest

- If the police think you broke the law, they can arrest you.
- This means they stop you and take you to the police station.
- You must go with them and stay at the police station.
- When the police or a judge say you can leave, then you can go home.

**Things that might happen**



# Breach bail conditions

# Breach bail conditions

- If you do not follow your bail conditions or if you are charged with any offences when you are on bail, you will make more trouble for yourself.
- The magistrate might:
  - stop your bail
  - make you stay in jail/youth detention (juvie) until you go to court
  - find you guilty of another offence and give you another punishment.
- If you cannot follow your bail conditions because of a cultural or other reason, talk to your lawyer.
- If you are not sure about your bail conditions, talk to your lawyer.

**Things that might happen**



criminal  
trial

# Criminal trial

- If you say you are 'not guilty', a judge or jury will listen to people tell stories about what happened.
- Then the judge or jury will decide if you have broken the law.
- Called a trial or sometimes a hearing.
- You can tell your story to the judge or jury if you want to, and a lawyer can speak for you.

**Things that might happen**



# Breaching an order

# Breaching an order

- Breach means to not follow an order.
- If you do not follow the rules of your order or if you break the law during the time of your order, you might make more trouble for yourself.
- If you cannot follow the rules of your order because of a cultural or other reason, talk to your lawyer or youth justice officer.
- If you are not sure about the rules of your order, talk to your lawyer or youth justice officer.

**Things that might happen**





Things  
you can do



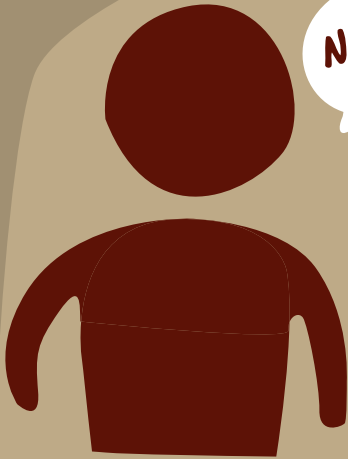


Say you  
are guilty

# Say you are guilty

- If the police story about you is true, and you agree you broke the law, you can tell the judge you are 'guilty' and they will decide your punishment.
- A lawyer can speak for you in court and tell your side of the story.

Things you can do



Not guilty

Say you are  
not guilty

# Say you are not guilty

- When you do not agree that you broke the law, then you tell the judge you are 'not guilty'.
- A lawyer can speak for you in court and tell your side of the story.

Things you can do

SHHHH



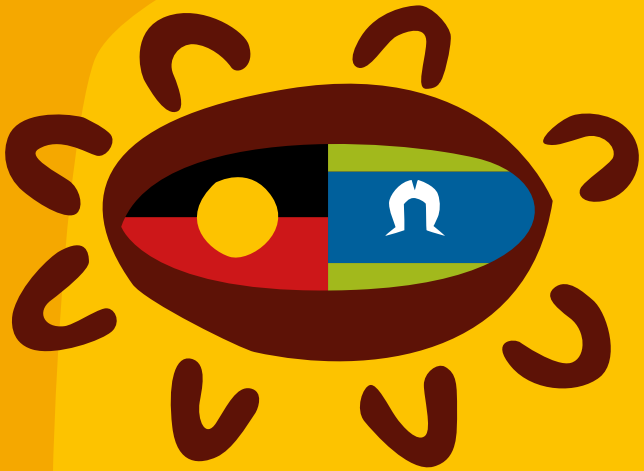
Right  
to silence

# Right to silence

- You must tell the police your name, address and birth date if they ask you.
- You might want to talk to the police or you might not.
- The police cannot force you to talk.
- You are allowed to stay quiet — you decide.
- Anything you say to the police might be used in court.
- People under 18 — call the Youth Legal Advice Hotline on 1800 527 527 and speak with a lawyer about this.

**Things you can do**





culture

# culture

Culture includes things like:

- ceremony
- hunting
- connection to country
- beliefs and spirituality
- sorry business
- family business.

Things you can do



# Evidence

# Evidence

- When you tell your story in court — called ‘giving evidence’.
- Evidence helps the judge or jury decide what is true.
- You can give evidence by:
  - talking in court
  - writing it down
  - recording it.

Things you can do

APPEAL



Appeal

# Appeal

- If you do not agree with the magistrate/ judge's decision or you think your penalty is not fair, you can ask a higher court to look at the decision or penalty.
- Talk to your lawyer about this.

**Things you can do**



# Conditions and orders





POLICE PROTECTION  
NOTICE

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# Police protection notice

# Police protection notice

- Sometimes people argue or do something violent at a house, and police go there. Police might give a police protection notice.
- This notice is a paper with rules. It might say two people must stay away from each other for an amount of time.
- If you break the rules, you will make more trouble for yourself.

Conditions and orders



No frouble

# No trouble

- Do not make trouble for anyone.
- Do not break the law.
- If you break the law while on bail, you might not get bail again.
- When you see police be respectful.
- It is good to show respect to other people. This will help them show respect to you.



Bail

# Bail

- Bail is when the judge or police officer agrees to let you out of jail.
- If a judge or police officer decides to give you bail, you sign a paper called a bail undertaking or bail paper.
- You agree to come back to court on the day written on the bail paper.
- You agree to follow the rules on the bail paper (called bail conditions).
- Getting bail does not mean your court matter is finished.

**Conditions and orders**



Live here

# Live here

- The judge says you must live at one place.
- If you want to change where you live, you should talk to your lawyer.
- If you change where you live without getting permission, you will make more trouble for yourself.





curfew

# curfew

- The judge says you must stay at home at some times.
- Usually a curfew is from night time to morning.
- If you leave your house (or resi) during the curfew time, you will make more trouble for yourself and you might get locked up.



Electronic  
monitoring

# Electronic monitoring

- When a judge gives you bail, they might make you wear a small device on your ankle (ankle bracelet).
- If you are on parole, you might also have to wear one.
- The ankle bracelet always tells the police or corrections officers where you are.
- If you take off the device or do not follow the rules, or go somewhere you are not allowed to go, you will make more trouble for yourself.

Conditions and orders



Stay in  
Queensland

# Stay in Queensland

- The judge says you must stay in Queensland.
- If you want to leave, talk to your lawyer.
- If you leave without permission, you will make more trouble for yourself.



Stay away  
from some  
people

# Stay away from some people

- The judge or police tell you to stay away from some people.
- You must not:
  - see them, phone them or text them
  - talk to them on social media
  - go to their house or work
  - get anyone else to do these things for you.



Stay away  
from some  
places



# Stay away from some places

- The judge or the police tells you to stay away from some places.
- Might be houses, shops, buildings, camps or communities.
- If you do not follow this rule, you will make more trouble for yourself.

Stay away  
from Children



# Stay away from children

- The judge or the police says you must stay away from children.
- Might be all children or just some children.
- You must not:
  - see them, phone them or text them
  - talk to them on social media
  - go to their house or school
  - get anyone else to do any of these things for you.



No alcohol,  
drugs or  
chroming

# No alcohol, drugs or Chroming

- The judge says you must not buy alcohol or drink alcohol. Do not use drugs. Do not have alcohol or drugs with you.
- Do not sniff things like glue, petrol, lighter fluid or paint.
- The police might test you to see if you were drinking alcohol or using drugs.
- If the test shows you have alcohol or drugs in your body, you will make more trouble for yourself and the police might lock you up.

**Conditions and orders**



No family  
violence

# No Family Violence

- Do not make trouble with your partner, family or carer.
- You must not:
  - hurt them
  - yell or swear at them
  - make them feel scared of you
  - threaten them, in person or on socials
  - damage property.
- It is not good for kids to see or hear family violence.
- Family violence is also called domestic violence.

Conditions and orders





Go to rehab

# Go to rehab

- You must go to a place called rehab.
- The workers at rehab might help you:
  - stop drinking
  - stop taking drugs
  - stop being violent
  - sort out other problems.
- The judge or community corrections officer will tell you how much time you must stay at rehab.
- If you leave without permission, you will make more trouble for yourself.

**Conditions and orders**

# conditional bail program

conditional  
bail program

SIGN *John C. Wilson*



# conditional bail program

- A program for people under 18 that helps you to follow your bail rules.
- A youth justice case worker will help you to stop breaking the law.
- The youth justice case worker might help you to go to TAFE or school, get work skills, do sport, go to cultural programs and talk with your family.
- You must follow the rules or the judge might stop your bail and send you to youth detention (juvie).

**Conditions and orders**



# Restorative justice conference

# Restorative justice conference

- The judge or a police officer might send a person under 18 to a restorative justice conference.
- Your lawyer and people from your family or community can go with you.
- You will talk about what happened. You will talk about how to make things right. Maybe you will agree what you will do.
- You might talk with the person you hurt.

Conditions and orders



Community  
service order

# Community service order

- The judge says you must do unpaid work that helps the community.
- The judge will tell you how:
  - many hours of community service you have to do
  - much time you have to do your hours.
- You must follow the rules or you might make more trouble for yourself.

Conditions and orders





Conditional  
release order

# conditional release order

- Sometimes, a judge thinks about sending someone under 18 to youth detention (juvie), but they give you a chance to do this order instead.
- You live in the community — no youth detention.
- You might go to school or TAFE, get a job or do things to help you stop breaking the law.
- You must follow the rules or you might have to go back to court and you might have to go to youth detention.

**Conditions and orders**



# Graffiti removal order

# Graffiti removal order

- The judge says you must do unpaid work to remove graffiti.
- You can clean up the damage you did or the damage from other graffiti.
- The judge will tell you how:
  - many hours you have to do
  - much time you have to do your hours.
- You must follow the rules or you might make more trouble for yourself, and you might get locked up.

**Conditions and orders**



# Intensive supervision order

# Intensive supervision order

- If you are under 13, a judge might give you an intensive supervision order.
- A youth justice case worker will help you to stop breaking the law.
- You still live in the community — no youth detention (juvie).
- You must follow the rules or you might make more trouble for yourself, and you might get locked up.



# Probation order

# Probation order

- A judge might give you a probation order to help you stop breaking the law.
- A youth justice case worker will help you go to programs.
- You must follow the rules or you might make more trouble for yourself, and you might get locked up.

Conditions and orders





# Supervised release order

# Supervised release order

- After being in youth detention (juvie) for most of your sentence, you will be let out on a supervised release order.
- You will finish your order while you live in the community.
- A youth justice case worker will help you go to programs.
- You must follow the rules or you might make more trouble for yourself, and you might get locked up.

Conditions and orders



Money

# Money

- The judge says you must pay money to the government because you broke the law.
- If you cannot pay the money, tell your lawyer or the judge.
- If you are under 18, you might have to pay money for property you damaged or destroyed.
- You might have to pay money to the person you hurt.
- The judge will look at:
  - if you can pay the money
  - how much time you need to pay it.

**Conditions and orders**



Lose licence

# Lose licence

- A judge might take away your driver licence or stop you from getting a licence for a set amount of time.
- Do not drive if do not have a licence.



**Drug assessment  
and education**

# Drug assessment and education

- A judge might send you to talk with someone about not using drugs.
- If you do not go to the meeting, you might make more trouble for yourself, and you might get locked up.
- Also called 'drug diversion'.

Conditions and orders





Hand in  
passport

# Hand in passport

- A judge or police officer might make you give your passport to the police or to court workers until your court case is finished.
- This will stop you from leaving the country.
- You will not be able to leave lockup until you give your passport to the police or court worker.

Pre-sentence  
report



Pre-sentence  
report

# Pre-sentence report

- Before you are punished, the judge might ask for a pre-sentence report to find out more information about you.
- You must talk to a youth justice case worker and they will ask you lots of questions about yourself and your trouble.
- It will help the judge decide what punishment to give you.

Conditions and orders



# Sentence

# Sentence (punishment)

- In court, the judge decides the right punishment for you.
- Might be a fine, going to jail or doing community work.
- For people under 18, it might be:
  - going to Youth Justice
  - talking to a counsellor
  - going to youth detention (juvie)
  - doing other things.

Conditions and orders



Move on

# Move on

- If the police think you are causing trouble, they can tell you to 'move on'.
- They will give you a paper that says you have to leave that place and not come back for an amount of time.
- If you do not do what the police say, you might make more trouble for yourself and the police might lock you up.





No contact  
online

# No contact online

- The judge says you must not contact some people online or on social media.
- You must not:
  - use a computer or phone to send those people pictures, stories or messages
  - post these things on social media
  - comment on someone else's social media post.



No sexy  
photos

# No sexy photos

- Sexy photos are photos of people when they are naked or doing sexy things.
- You must not:
  - take sexy photos of anyone under 18
  - send messages or post sexy photos or videos online or on social media
  - put sexy photos or videos where other people can see them.

