



Royal Commission
into Violence, Abuse, Neglect and Exploitation
of People with Disability

Criminal justice and people with disability

Easy Read version



Final Report
Volume 8



How to use this report



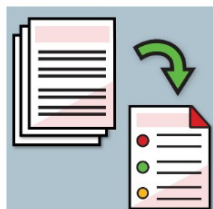
The Disability Royal Commission
(the Royal Commission) wrote this report.

When you see the word 'we', it means
the Royal Commission.



We wrote this report in an easy to read way.

We use pictures to explain some ideas.



This report is a **summary** of Part 8 of our *Final report*.

A summary only includes the most important ideas.



We wrote some important words in **bold**.

This means the letters are thicker and darker.



We explain what these bold words mean.

There is a list of these words on page 30.



You can ask for help to read this report.

A friend, family member or support person may
be able to help you.



Our *Final report* is in 12 parts.

This is Part 8 – Criminal justice and people with disability.



You can find the rest of the *Final report* on our website.

www.disability.royalcommission.gov.au

Acknowledgement of Country



We recognise First Nations peoples as the traditional owners of the land we live on – Australia.



They were the first people to live on and use the:

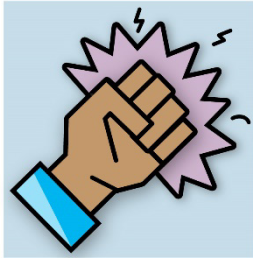
- land
- waters.

What's in Part 8?

What's the Disability Royal Commission?	5
What's Part 8 about?	7
People with disability in the justice system	9
Children in the justice system	16
Rights of people with disability in detention settings	19
Police responses	22
Family and domestic violence	24
Keeping people with disability out of the justice system	28
Word list	30
Support for you	34
Contact us	36

What's the Disability Royal Commission?

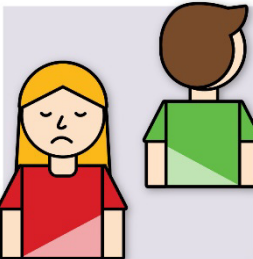
We wanted to work out the best ways to stop people with disability from experiencing:



- **violence** – when someone hurts you physically



- **abuse** – when someone treats you badly



- **neglect** – when someone is not helping you the way they are supposed to help you



- **exploitation** – when someone takes advantage of you.



People with disability should have the same **rights** as everybody else.

Rights are rules that say you can choose how you live your own life.

And they explain how other people must treat you.



On 5 April 2019, the Australian Government created the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

We call it the **Royal Commission**.



A Royal Commission is an official way of looking into a big problem.

It helps us to work out what went wrong and what we need to improve.



The Royal Commission finished on 29 September 2023.



We have shared what we learned.



The last thing we need to do is share what we **recommend**.

When we recommend something, we share an idea about how to make things better for people with disability.

What's Part 8 about?

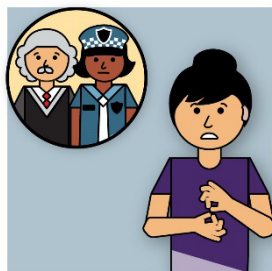


Part 8 is about people with disability in the criminal **justice system**.

The justice system includes:



- police
- the courts
- the law
- prisons.



People with disability are more likely to have contact with the justice system than people without a disability.

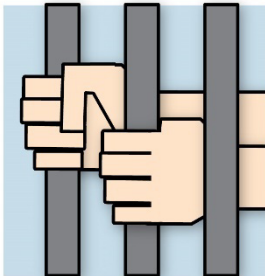
This includes **detention settings**.

Detention settings are places where people have to stay if they:

- have broken the law
- are waiting for a court to decide if they broke the law.



For example:



- prisons



- youth justice centres.



Part 8 looks into making sure the justice system is fair to people with disability.

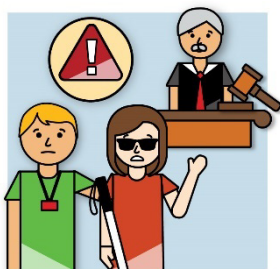
And supports their rights.

People with disability in the justice system

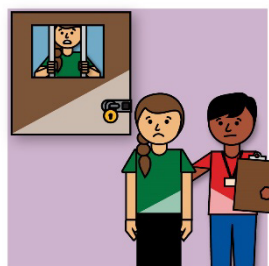


We heard about the experiences of people with disability who have contact with the justice system.

We heard about how it can be hard for people with disability to get the support they need:



- to go to court



- in detention settings.

First Nations people with disability are more likely to go to go into detention settings than:



- people without a disability

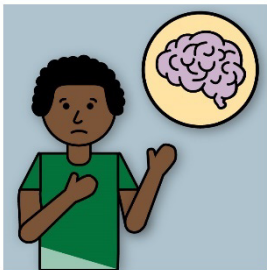
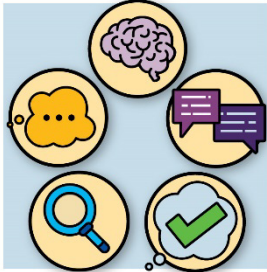


- other people with disability.

People with a cognitive disability

A **cognitive disability** affects how people:

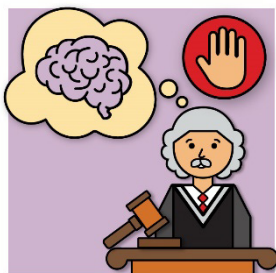
- think
- communicate
- understand
- focus on what they're doing
- remember.



A lot of First Nations people with disability in the justice system have a cognitive disability.



People with disability have the same rights to go to court as people without a disability.

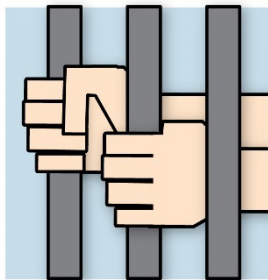


But the justice system can decide that a person with a cognitive disability can't go to court because of their disability.

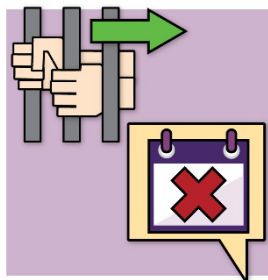


They can also decide a person with cognitive disability isn't guilty because of their disability.

When this happens, the justice system might:



- keep them locked up

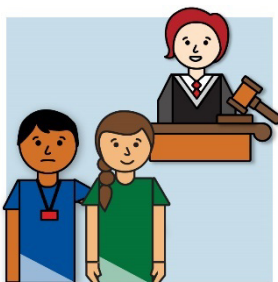


- not tell them when they can leave.



Sometimes the justice system can lock up people with cognitive disabilities for longer than if:

- they went to court
- the court found them guilty.



People with cognitive disability might get to go to court if they get the right support. This is the only way to protect their rights.

Finding out about disability



The justice system often doesn't know that people have a disability.

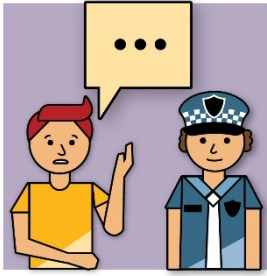


This means they don't get the support they need.
And they don't get a fair chance.



There should be better ways to find out if a person in the justice system has a disability.

This includes:



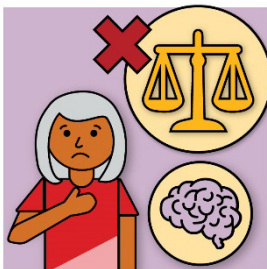
- when dealing with the police



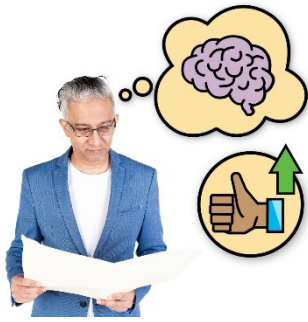
- in the courts



- in detention settings.



We heard that the justice system often treats people with cognitive disability unfairly.



There should be better ways to find out if people in the justice system have cognitive disabilities.

This will help people with cognitive disabilities:

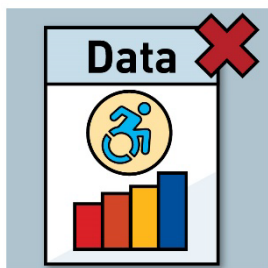


- stay out of the justice system



- get better support.

Data about disability in the justice system



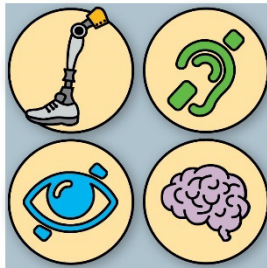
There is not enough **data** about people with disability in the justice system.



When we talk about data, we mean:

- facts
- information
- records.

This means the justice system doesn't know:



- what types of disabilities are most common



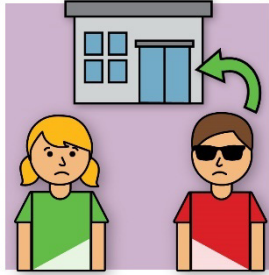
- how many people need support.



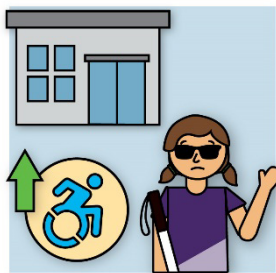
The National Disability Data Asset is a new way to look at data about people with disability.

It can help people understand how people with disability experience the justice system.

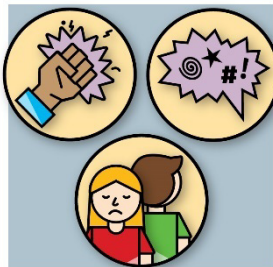
Children in the justice system



Children with disability are more likely to go into youth justice centres than children without a disability.



Many children in youth justice centres have one or more disabilities.

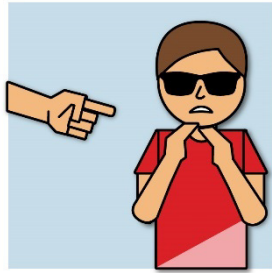


Children with disability in youth justice centres are at risk of:

- violence
- abuse
- neglect.

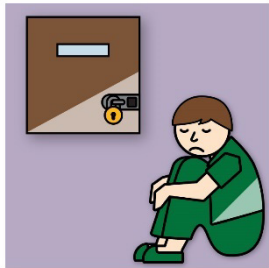


And they might not get the support they need.



Staff in youth justice centres can make young people with disability spend a lot of time alone.

This includes **solitary confinement**.



Solitary confinement is when staff in detention settings lock someone up:

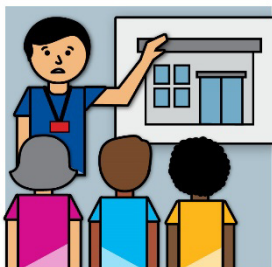
- alone
- for 22 hours or more in a day.



They do this to keep young people with disability safe.

But they do it too much.

There are better ways to keep people safe.



Staff need more training about how being in a youth justice centre affects children with disability.

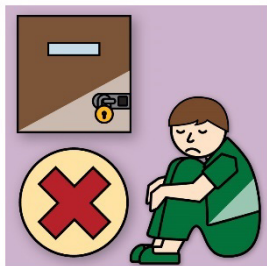


And how solitary confinement can affect them.



We also need better data about disability in youth justice centres.

What we recommend



We recommend state and territory governments should end solitary confinement in youth justice centres.



They should change the laws so youth justice centres can't use it.

Rights of people with disability in detention settings



People with disability in detention settings have the same rights as people without a disability.



This means the justice system must:

- be fair
- support the rights of people with disability in detention settings.



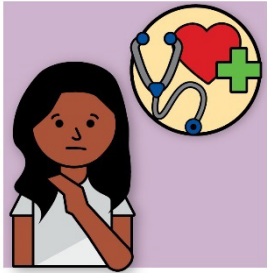
But often the justice system doesn't treat people with disability fairly.

People with disability in detention settings are more at risk of:



- violence
- abuse
- neglect
- exploitation.

It can be hard for them to get:



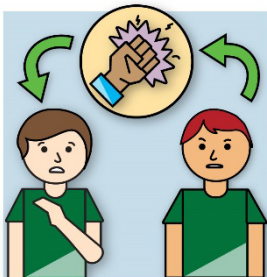
- medical care



- mental health care



- medication.



People with disability can also experience violence from other people in detention settings.

What we recommend



We recommend state and territory governments do more to support the rights of people with disability inside detention settings.

Governments should provide disability supports in detention settings that:



- protect the rights of people with disability



- make sure people with disability have the same quality of life as people without a disability.

Police responses



We heard that the police don't always treat people with disability fairly when they are the victim of a crime.

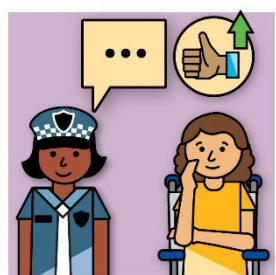


This means that people with disability can have bad experiences when they report crimes to police.



State and territory governments should think about different ways for people with disability to report crimes to police.

What we recommend



We recommend governments improve how police respond to people with disability.



This includes:

- the Australian Government
- state and territory governments.

Governments should do this by working with:

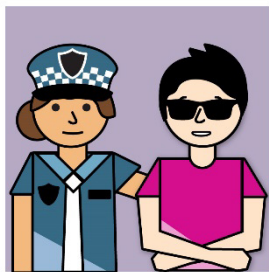


- people with disability



- police services.

We also recommend that all police services:

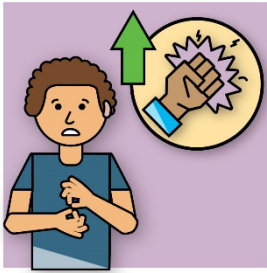


- create a job that focuses on supporting people with disability

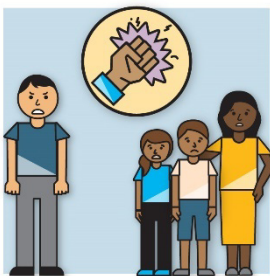


- make sure they have enough people working in this job.

Family and domestic violence



People with disability are more likely to experience **family and domestic violence** than people without a disability.



Family and domestic violence is when someone close to you acts in violent ways towards you.

They might be:



- your boyfriend or girlfriend



- your husband or wife.

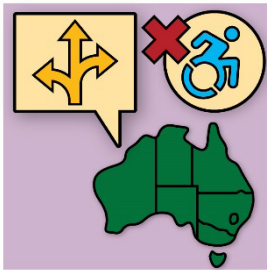
They might also be:



- a member of your family



- someone who takes care of you.



Each state and territory explains family and domestic violence in a different way.

And sometimes they don't include people with disability when they explain it.



This means the law doesn't always protect people with disability from family and domestic violence.

And the justice system can't treat them fairly.



Women with disability are much more likely to experience family and domestic violence.



But a lot of government plans don't do enough to protect women with disability from violence.



For example, the *National Plan to End Violence against Women and Children 2022–2032*.

We just call it the National Plan.

The National Plan explains what governments will do to keep women and children safe from:

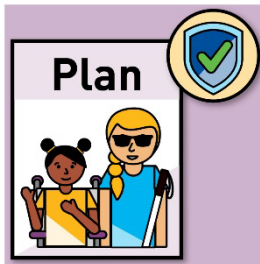


- violence
- abuse
- neglect
- exploitation.



But it doesn't explain how they will keep women with disability safe.

What we recommend

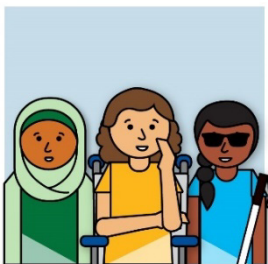


We recommend the Australian Government should make a new plan about how to keep women and children with disability safe from violence.

The Government should work with:

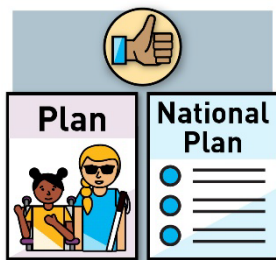


- state and territory governments

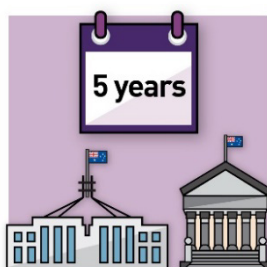


- women with disability.

The new plan should:

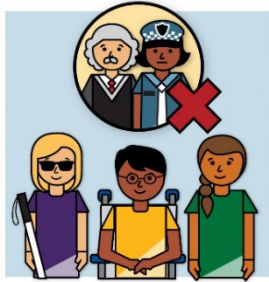


- work with the National Plan



- explain what governments should do over the next 5 years.

Keeping people with disability out of the justice system



Governments must do more to keep people with disability out of the justice system.

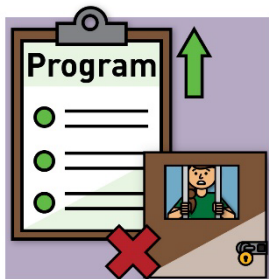
This might include programs that stop people breaking the law by supporting them:



- to manage their behaviour



- before they commit another crime.



The courts also need more programs that can keep people with disability out of detention settings.

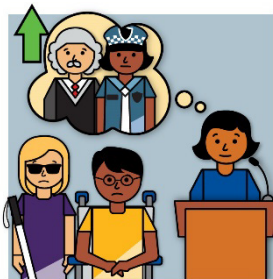


These programs must understand what people with cognitive disability need.



And they must be easy to:

- find and use
- understand.



To do this, governments must understand why people with disability are more likely to have contact with the justice system.

Word list

This list explains what the **bold** words in this document mean.

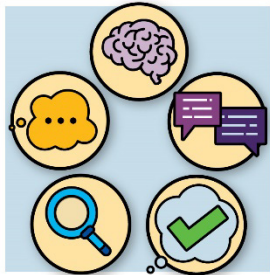


Abuse

Abuse is when someone treats you badly.

Cognitive disability

A cognitive disability affects how people:



- think
- communicate
- understand
- focus on what they're doing
- remember.

Data

When we talk about data, we mean:



- facts
- information
- records.

Detention settings



Detention settings are places where people have to stay if they:

- have broken the law
- are waiting for a court to decide if they broke the law.

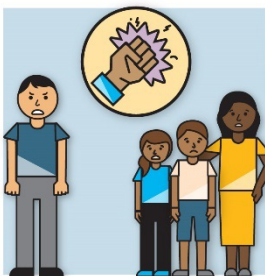


Exploitation

Exploitation is when someone takes advantage of you.

Family and domestic violence

Family and domestic violence is when someone close to you acts in violent ways towards you.



They might be:

- your boyfriend or girlfriend
- your husband or wife.

They might also be:

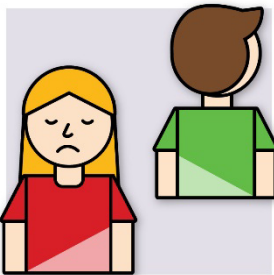
- a member of your family
- someone who takes care of you.

Justice system



The justice system includes:

- police
- the courts
- the law
- prisons.



Neglect

Neglect is when someone is not helping you the way they are supposed to help you.



Recommend

When we recommend something, we share an idea about how to make things better for people with disability.



Rights

Rights are rules that say you can choose how you live your own life.

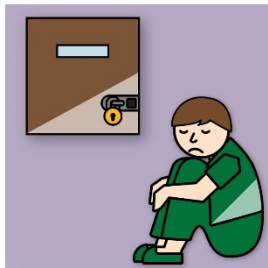
And they explain how other people must treat you.



Royal Commission

A Royal Commission is an official way of looking into a big problem.

It helps us to work out what went wrong and what we need to fix.



Solitary confinement

Solitary confinement is when staff in detention settings lock someone up:

- alone
- for 22 hours or more in a day.



Summary

A summary only includes the most important ideas.



Violence

Violence is when someone hurts you physically.

Support for you



Lifeline is a service for people at risk of suicide.

This is when someone ends their own life.



You can call Lifeline any time.

13 11 14



You can use Lifeline's online chat to talk to someone.

www.lifeline.org.au/crisis-chat



Beyond Blue is a service that can support you with your mental health.



You can call them any time.

1300 224 636



1800Respect is a phone service for people around Australia who experience:

- domestic and family violence
- sexual violence.



You can call them any time.

1800 737 732



Qlife is a service that supports people in the LGBTIQ+ community with their mental health.



You can call them any day from 3pm to 12am.

1800 184 527

Contact us



Australian Government
Attorney-General's Department

The Disability Royal Commission has ended.

If you have questions, you can contact the Attorney-General's Department.



You can call them.

(02) 6141 6666



Or you can use the form on their website.

www.ag.gov.au/about-us/connect-us/contact-us



You can also contact them to make a complaint.

This is when you explain that something:

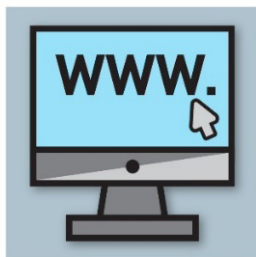
- has gone wrong
- isn't working well.

Support to contact the Attorney-General's Department



You can call the National Relay Service.

133 677



You can visit the Access Hub website to find the right service for you.

www.accesshub.gov.au/services



If you speak a language other than English, you can call the Translating and Interpreting Service (TIS).

1800 131 450

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Royal Commission
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Exploitation of People with Disability