**Disability Discrimination Commissioner National Consultations**

**Criminal Justice System Video Transcript**

All people have a right to be equal before the law, whether as victims, offenders or participants in the criminal justice system. But the criminal justice system in Australia often disempowers and marginalises people with disability.

You told me that because people with disability often don’t get the support and access to services they need early in their lives, they are more likely to have earlier, ongoing and more intense interactions with police, court and corrections facilities. Aboriginal and Torres Strait Islander people with disability have very high levels of unmet disability care needs and find themselves trapped in a cycle of regular police contact and control instead of support. There is a significant lack of support for people with disability to communicate and participate in all stages of the criminal justice process, including access to interpreters and independent advocacy support.

You told me that police, lawyers, judges and court staff do not always identify disability and respond to it appropriately. Many in the criminal justice system believe that people with disability do not have competence or capacity to participate in criminal justice processes. In some states people who are found unfit to plead can be detained indefinitely. And some people with disability are advised to plead guilty, even when they are not, to improve their chances of a good outcome from their interactions with the system.

You also told me that often measures to divert people with disability out of the criminal justice system are underutilised, not available or not effective because of the lack of supports and services in the community. People with disability often end up in prison because there are no alternatives, but when in prison, do not have access to the supports, adjustments and aids that they need. There is a real concern that under the National Disability Insurance Scheme (NDIS), people with criminal justice histories will not receive the holistic support they need to stay out of the criminal justice system. And that services that have been effective in helping people with disability to avoid contact with the criminal justice system will be unfunded and discontinued under the NDIS.

People agreed that there is a need for disability justice plans in all states to co-ordinate better responses to people with disability who come into contact with the criminal justice system. And a need for better information, guidance and support for police, judicial officers and court staff, and people with disability who come into contact with the criminal justice system. There is also a need for initiatives that assist police and judicial officers to communicate and liaise effectively with people with disability.

We will know that people with disability are enjoying their right to be equal before the law when policy and practice supports people with disability to navigate, interact and get outcomes from the criminal justice system on an equal basis with others. And all people with disability, regardless of age, cultural, Indigenous and/or linguistic background or impairment, have effective access to justice