

Criminal justice system



People with disability have the right to be equal before the law as victims of crime, offenders or participants in the criminal justice system, but do not always enjoy this right because:

- Lack of support to assist people with disability to communicate and participate in all stages of the criminal justice process
- Police, lawyers, judges and other staff do not always identify disability and respond to it appropriately
- Measures to divert people with disability out of the criminal justice system are underutilised, not available or not effective
- In prison, people with disability do not have access to supports, adjustments and aids
- Specialised, intensive, holistic services designed to address the over-representation of people with disability in prison are at risk of being unfunded and discontinued under the NDIS
- 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



Things that work

- ✓ Disability justice plans
- ✓ Information about criminal justice processes in accessible formats
- ✓ Access to independent advocates and support
- ✓ Specialist communication assistance to support people with disability in criminal justice processes
- ✓ Programs to increase police understanding of people with disability
- ✓ Practical information and guidance for judicial officers to make court processes more accessible
- ✓ Activities to build the capacity of disability service providers working with people with criminal justice histories



We will know that the people with disability are enjoying their right to be equal before the law when:

- People with disability have the modifications, aids and supports they need, to take part in all aspects of the criminal justice process
- There are systemically and locally strong collaborative relationships between the NDIS and justice, and other systems and essential services
- Police, legal professionals, judges, court staff and all involved in the criminal justice system have the training, skills and knowledge to facilitate effective access to justice for people with disability
- People with disability who are lawfully in prison or detention are provided with the supports, adjustments and aids needed, and support to transition to the community

All people with disability, regardless of age, cultural, Indigenous and/or linguistic background or impairment, have effective access to justice.

