

# 8 STEPS TO REDUCE THE NUMBER OF INDIGENOUS KIDS IN PRISONS

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Invest in prevention and diversion programs

2



Raise the age that kids can be sent to prison to at least 12 years old

3



End detention of children who have not been sentenced

4



Improve conditions in children's prisons

5



Adequately fund Aboriginal and Torres Strait Islander legal services

6



Set targets to end the over-representation of Aboriginal and Torres Strait Islander children in detention

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Improve data collection to track progress, learn and get it right

8



Work with the Indigenous-led Change the Record Coalition to address the bigger picture

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# HERE'S WHAT THE FEDERAL GOVERNMENT NEEDS TO DO...

## 1. Invest in prevention and diversion programs

Detention is damaging to kids and should only be a last resort. We should swap detention with investment in community-led and culturally appropriate diversionary programs. We know that indigenous-led community programs work, stopping kids from entering the justice system in the first place.

## 2. Raise the age of criminal responsibility to at least 12 years old

Australia detains kids as young as 10, often for reasons like spitting or minor property damage. Children under the age of 12 have not yet developed the required capacity to be criminally responsible. Our government is entrenching these young kids in the system, causing them psychological harm and limiting their potential. Raising the age of criminal responsibility means young children can stay with their families.

## 3. End the detention of children who have not been sentenced

Detention without sentencing should be the exception, not the rule. However nearly 60 per cent of all Indigenous children in detention in 2015/16 were unsentenced. Indigenous kids are much more likely to be detained by police instead of cautioned and referred to a support program.

## 4. Adequately fund Aboriginal and Torres Strait Islander legal services

Culturally-appropriate specialised legal services are crucial to ensure that Indigenous people receive the help they need to exercise their legal rights. These services help address barriers Indigenous people face in the justice system and identify solutions to systemic problems based on local experience and cultural knowledge. This support is especially vital for kids under the age of 18 years.

## 5. Improve conditions in children's prisons

Detention centres must be places of genuine rehabilitation that give children the best possible chance of rehabilitating and meeting their potential. Everything from design and layout, to staffing and programs must meet the needs of children.

## 6. Set targets to end the over-representation of Aboriginal and Torres Strait Islander children in detention

While Aboriginal and Torres Strait Islander children are less than 6 per cent of the nation's young people aged 10-17 years, they are 54 per cent of children in detention. This is a national disgrace. We need to be able to track progress to closing this gap and keep our leaders accountable. Targets are proven to achieve real progress and accountability. Without them, we are continuing down a blind path.

## 7. Improve data collection to track progress, learn and get it right

Currently we don't have good national data about why Aboriginal and Torres Strait Islander children are coming into contact with the criminal justice system. Better coordinated data collection and analysis, across states and territories, will help to identify ways we can stop this and track progress.

## 8. Work with the Indigenous-led Change the Record Coalition to address the bigger picture

To close the justice gap, the government must work with Indigenous organisations. The Change the Record coalition, chaired by Indigenous experts in the justice space and made up of Indigenous peak bodies, community sector and human rights organisations, has a comprehensive blueprint for change to fully address the drivers and consequences of youth detention.