

Indigenous youth incarceration rate is a national crisis and needs action, PM told

In letter to Malcolm Turnbull, Change the Record coalition highlights problems of over-incarceration and mistreatment



There has been much focus on the Don Dale youth detention centre, but an academic says 'there are huge problems elsewhere'. Photograph: Neda Vanovac/EPA

Calla Wahlquist
31 March 2017

More than 100 legal and community organisations have written to Malcolm Turnbull demanding a national solution to the Indigenous youth incarceration rate and calling for the introduction of justice targets.

As the Northern Territory royal commission prepared to release its interim report on Friday, the letter from the Change the Record coalition, which is signed by 107 organisations, said problems of both over-incarceration and mistreatment in care, including abuse and the use of isolation cells as punishment, was not confined to the Territory.

“This is a national crisis, which demands an immediate national response,” it says.

It comes as an Australian Institute of Health and Welfare report on youth incarceration, released on Friday, found that the over-representation of Aboriginal

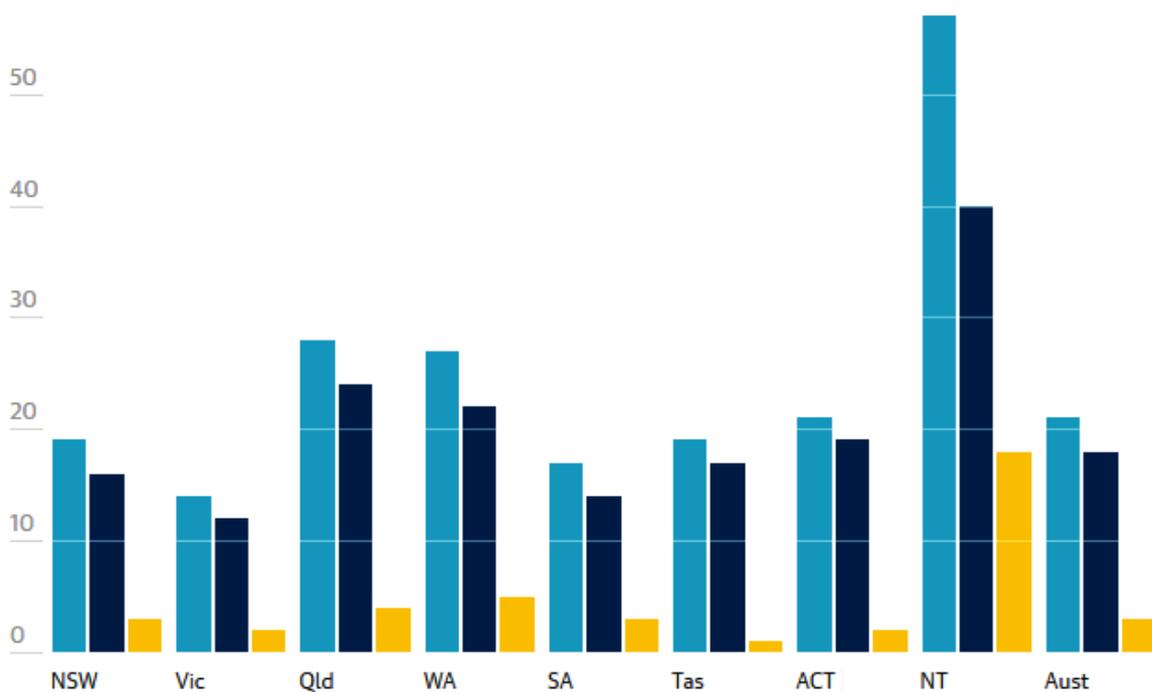
and Torres Strait Islander children in detention had increased over the past five years, as numbers of non-Indigenous children in detention had fallen.

In 2015-16, Aboriginal and Torres Strait Islander children were 25 times more likely to be in detention and 17 times more likely to be under some form of youth justice order than non-Indigenous children, up from 21 times more likely to be in detention and 13 times more likely to be in some kind of care in 2011-12.

Young people aged 10-17 under types of supervision on an average day, 2015-2016

Number per 10,000

■ All supervision ■ Community ■ Detention



Guardian graphic | Source: Australian Institute of Health and Welfare

The rate of young people aged 10-17 in some form of youth justice supervision on an average day in 2015-16, by supervision type and state or territory. Source: AIHW 2017.

The total number of children under some form of youth justice order fell 21% over the same period.

According to the AIHW report, 48% of the 5,842 people aged 10 to 17 who were on some form of youth justice order in 2015-16 were Indigenous, and 59% of those in detention were Indigenous.

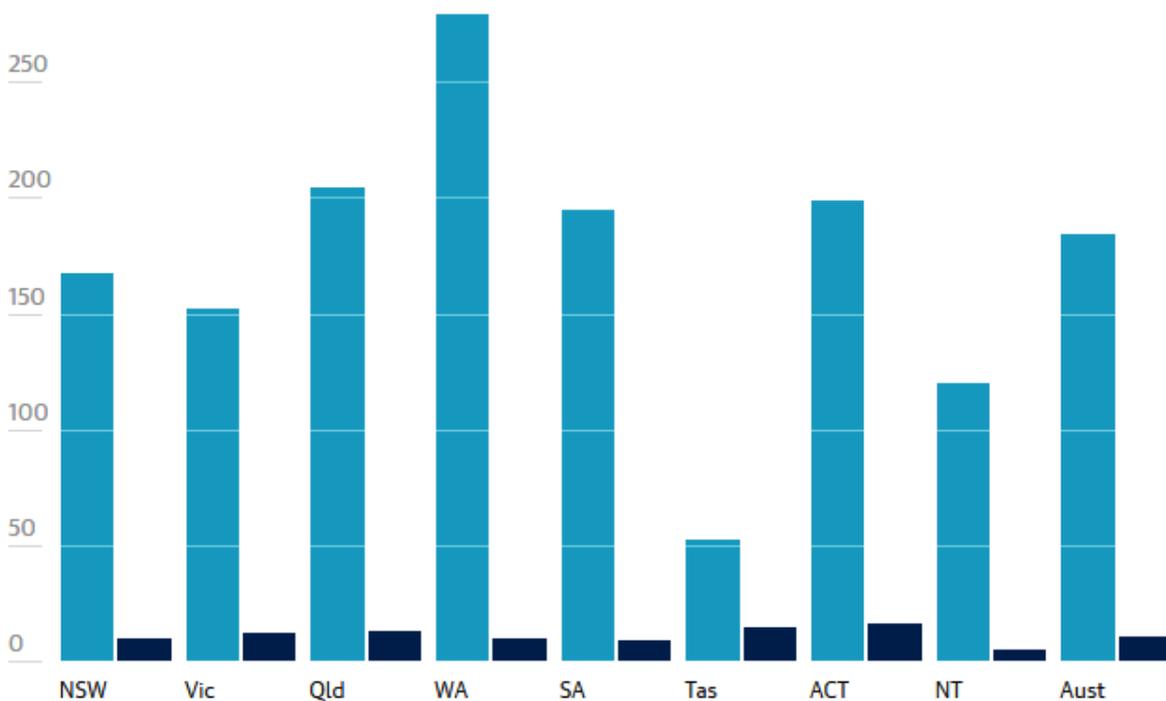
Of those in detention on any given day in 2015-16, 57% were unsentenced, meaning they had been remanded on bail. Indigenous children spent two weeks longer on average in detention than non-Indigenous children, and were more likely to spend more time in detention before being sentenced.

Indigenous children were also much younger when they entered the youth justice system: 50% of Indigenous people under some form of youth justice order were 15 or younger, compared with 33% of non-Indigenous people, and one in eight were younger than 13, compared with one in 20 non-Indigenous people.

Young people aged 10-17 under supervision on an average day by Indigenous status, 2015-2016

Number per 10,000

■ Indigenous ■ Non-Indigenous



Guardian graphic | Source: Australian Institute of Health and Welfare

On an average day in 2015-16, the rate of Aboriginal and Torres Strait Islander people aged 10 to 17 under some form of youth justice order was highest in Western Australia. Source: AIHW 2017

On an average day in 2015-16, the rate of Aboriginal and Torres Strait Islander people aged 10 to 17 under some form of youth justice order was highest in Western Australia. Source: AIHW 2017

“Although less than 6% of young people aged 10–17 are Indigenous, Indigenous young people made up 48% – or about 2,300 – of those under youth justice supervision on an average day,” AIHW spokesman David Braddock said. “And while there has been a drop in the rate of Indigenous young people under supervision in recent years, the decline for non-Indigenous young people was proportionally greater, effectively increasing Indigenous over-representation in the youth justice system.”

Change the Record Coalition spokesman Shane Duffy said Aboriginal and Torres Strait Islander children were still more likely to get stopped by police and more likely

to receive a custodial sentence from magistrates, despite broader efforts to divert children away from jail.

“You could be a young non-Indigenous person walking down the street and police might look at you, but they won’t stop you,” Duffy said. “But if you’re a young blackfella straight away the police pull you up, ask what you’re doing, ask for your name and address.

“We try and tell our young people to go along with the police, but they say to me: ‘uncle, I get sick of these bastards stopping me all the time’.”

Duffy said the national statistics on youth incarceration, which show that more than half of all children in detention or on youth justice orders on any given day were from NSW or Queensland, showed efforts to address the problem should not be confined to the Territory.

Associate professor Thalia Anthony, from the University of Technology in Sydney, said issues that had emerged in the Territory royal commission, such as the number of children in detention who were also in out-of-home care, and the use of police and the youth justice system to control the behaviour of children living in foster or residential care situations, also existed elsewhere.

“There’s been so much discussion on the NT and what’s pretty clear here is that there are huge problems elsewhere,” she said. “The fact that the royal commission has been focused on the NT makes it a bit of a scapegoat that precludes us from looking anywhere else.”

Anthony said it was particularly concerning to see that Indigenous children were entering the youth justice system at a younger age than non-Indigenous children across the country, as that often led to them receiving harsher sentences and becoming entrenched in the prison cycle.