

# KEEPING WOMEN OUT OF PRISON

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POSITION STATEMENT



# FOREWORD

In 2013, a coalition of Australian non-profit organisations, led by the Sydney Community Foundation (SCF), came together to address some of the key systemic failures and major human rights issues affecting women in NSW prisons.

We firmly believe that prison is an ineffective sentencing solution for the majority of female offenders, and that much more could be done to tackle the unique issues associated with women offending, before imprisonment becomes the only option.

To reduce female recidivism rates long-term, we need greater investment in holistic programs and support services that are tailored to the unique needs of female offenders.

SCF's advocacy on this issue is about working as a community to make the place we all share a better one. Improving the current justice system would benefit the entire community. It would mean less disruption to the children and families of female offenders, lower recidivism rates, and fewer taxpayer dollars wasted on ineffective measures to deter offending and improve community safety.

Together with the Zonta Club of Sydney, SHINE for Kids, the Miranda Project, Reichstein Foundation and the Women in Prison Advocacy

Network (WIPAN), we will continue to work with other philanthropies for grant-making purposes. We will continue to engage in funder advocacy, bringing our joint influence to bear on an area of social change in which we now consider ourselves to be stakeholders.

Ultimately, this is a community issue that needs a whole of community and multi-agency response.

This position statement outlines the key areas that must be addressed if we are to change the current situation for women in NSW prisons. In publishing this statement, we hope to put women in the justice system and their families on the public agenda, and highlight the need for more government investment in diversionary programs and existing services that better support female offenders to get their lives back on track.



**Jane Jose**

**CEO Sydney Community Foundation**

From 2004-2014, the number of women in prison in Australia increased from

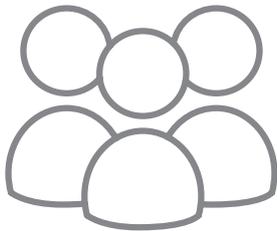
**1,673 > 2,591**<sup>1</sup>

**54.87%** ↑



**7%**<sup>2</sup>

of the NSW prison population are females



Indigenous women comprised

**37.8%**<sup>3</sup>

of all female admissions into NSW custody



**32 YEARS**<sup>6</sup>



**49%**

of women in prison have children

**14%**<sup>7</sup>

have more than three children under the age of 16

1 Australian Bureau of Statistics (2014) Prisoners in Australia, 2014, 4517.0 <http://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/4517.0Main+Features12014?OpenDocument>

2 Women in NSW 2014 report, NSW Government Family & Community Services, available at [http://www.women.nsw.gov.au/\\_data/assets/file/0019/300772/3303\\_WNSW-Report2014\\_web.pdf](http://www.women.nsw.gov.au/_data/assets/file/0019/300772/3303_WNSW-Report2014_web.pdf)

3 Barbara, K & Neto, A. (2014) Comparative Profiling of Female Inmates in New South Wales by Indigenous Status: Statistical Report, NSW Corrections Research, Evaluation & Statistics, August, p. 8.

4 NSW Corrections Research, Evaluation and Statistics (2014) Female Offenders: A Statistical Profile, 6th Edition, [http://www.correctiveservices.justice.nsw.gov.au/Documents/Facts-and-Figures\\_Females-6th-edition.pdf](http://www.correctiveservices.justice.nsw.gov.au/Documents/Facts-and-Figures_Females-6th-edition.pdf) February.



compared with men..

22,499 > 31,200<sup>1</sup>

38.67% ↑

38.6%<sup>4</sup>

of women return to prison within



YEARS

The cost of a prisoner in NSW



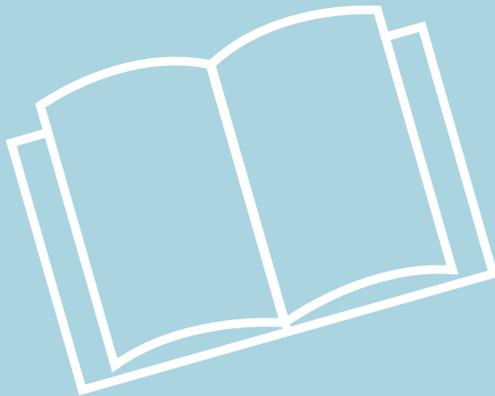
\$237.34

per day

\$86,630<sup>5</sup>

per year

## IS THE AVERAGE AGE OF WOMEN ADMITTED INTO CUSTODY



52.8%<sup>6</sup>

of women in prison have completed year 10

<sup>5</sup> Productivity Commission Review of Government Services 2015

<sup>6</sup> Barbara, K & Neto, A, (2014) Comparative Profiling of Female Inmates in New South Wales by Indigenous Status: Statistical Report, NSW Corrections Research, Evaluation & Statistics, August, p. 14.

<sup>7</sup> UNSW and the University of Sydney (2015), Women in Prison in NSW Fact Sheet, Women in Prison Task Force Report: 30 Years On Panel Discussion, <https://sydney.edu.au/law/criminology/documents/Factsheet.pdf>

# BACKGROUND

Over the past ten years, the number of women in prison in NSW has increased dramatically, yet the majority of women released from prison have served less than three months. A high percentage of those in custody are detained on remand. Women constitute a very low percentage of the prisoner population (7%) and are largely invisible in public discussion or awareness.

The number of Aboriginal women in prison has risen even more dramatically than numbers of non-Aboriginal women, and the over incarceration of Aboriginal offenders is currently deemed to be at crisis level.

Women's pathways to custody differ from men's. Women's contact with the criminal justice system is often characterised by social and economic dependency connected to violent and abusive relationships and addiction.

The majority of women in custody come from disadvantaged backgrounds and with experience of trauma, abuse and violence. The majority have never been part of any mainstream they can easily return to. They come from and return to a handful of postcodes with very little social capital or resources. Many have mental health issues, or cognitive impairment due to brain injury, alcohol and other

drug issues. For Aboriginal women, the legacy of the Stolen Generations, ongoing institutional racism, over-policing and a lack of culturally appropriate services are all major issues.

Recurrent short custodial terms for women (remand or sentenced) have not only long-lasting harmful impacts on women, their families and communities, but also limited capacity to address the complex issues underlying offending.

Currently there are no diversionary program options addressing women's specific needs in NSW. The Government's allocation of \$3.8b to expand the prison estate in NSW represents a failure to address the overwhelming evidence of the efficacy of community-based options compared with prison. Senior NSW government officials as well as academics have visited the UK and observed successful diversionary programs for women prompted by the *2007 Corston Report*. Despite this broad interest, there has yet to be any government funding provided to establish such models in NSW or Australia generally. Consideration is urgently needed for community-based, women-specific options.

# KEY AREAS OF CONCERN

- Escalation in numbers of women in custody – there has been a 131% increase in the imprisonment rate of women in NSW from 1985 to 2014.
- Over-representation of Aboriginal women – 2% of the general population, yet 37% of the female inmate population.
- Remand population – 33.2% of women in 2011 were on remand.
- Short sentences – 65% of women released in 2011 were in custody for less than 3 months.
- Bail legislation – current law has seen a sharp increase in numbers remanded in custody and is recognised as a barrier for use of community based sanctions.
- High social cost on children, families and community – children of fathers in custody are generally in the care of their mothers in the community, however imprisoned mothers' children are not in the care of their fathers, but other familial care or out of home care. Parental incarceration increases the likelihood of children's future contact with the criminal justice system, and perpetuates transgenerational disadvantage.
- Lack of women-specific diversionary options – women's pathways to custody are recognised as different from men's; the vast majority of programs and options have been built on meeting the needs of male offenders.
- High economic cost of imprisonment – in NSW the cost per prisoner per day in 2014-15 was \$237.34, an annual sum of \$86,630.
- Absence of knowledge and acknowledgement of women in the criminal justice system and related issues in the public arena – data and research on prisoners are commonly not disaggregated for gender or for Aboriginality, adding to the invisibility of women who are such a small minority.
- High need for post-release support – women, unlike many men returning to the community, have little or no family support. Return to destructive relationships is a risk factor for reoffending and funding for positive programs such as mentoring has historically been sporadic and inadequate.
- Employment needs of women – even a short custodial sentence will impact on the employment prospects of women, who often have responsibility for dependents. Negative community attitudes also significantly impact on the likelihood of female offenders finding employment post-release.



# WHAT CAN BE DONE

The NSW Government has announced \$3.8b funding for prisons. This funding could improve thousands of lives, including those of women in prison and their families.

Most of the solutions to women's offending lie outside prison walls – in treatment for addictions and mental health problems, protection from domestic violence and coercive relationships, secure housing, debt and financial management, employment, education and skills development.

Building on the Corston Report and other international and local evidence, we make the following recommendations for reducing women's incarceration:

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- |          |   |          |  |
|----------|---|----------|--|
| <b>1</b> | Community-based diversionary options at all points of contact with the criminal justice system  | <b>6</b> | Disaggregation of data by gender and Aboriginality to be standard practice among jurisdictional agencies   |
| <b>2</b> | Custodial sentences for women should be reserved for serious and violent offenders who pose a threat to the public                        | <b>7</b> | Better evaluation and accountability on current expenditure on women's incarceration   |
| <b>3</b> | Women unlikely to receive a custodial sentence should not be remanded in custody  | <b>8</b> | Long-term resourcing for women-centred, holistic, community-based services and support   |
| <b>4</b> | Expansion of sentencing options to accommodate locality and reality of women's lives  | <b>9</b> | Appointment of a specific officer in the departments of Education, Justice, Police, Health and Social Services, to work together with Corrective Services and children's agencies such as SHINE for Kids, to facilitate effective support for children when their parent goes to prison or enters the criminal justice system. |
| <b>5</b> | Women must never be sent to prison 'for their own good', to teach them a lesson, for their own safety, or to access services or treatment |          |  |

# PROGRAMS MAKING A DIFFERENCE

There are existing programs and services addressing the issues outlined in this statement, with the aim of improving outcomes for women in the justice system. These programs are already seeing success at a local level and changing lives for the better. Below are just some of the existing programs that could be scaled for greater impact.

## *WIPAN Mentoring Programs (WMP)*

Women in Prison Advocacy Network (WIPAN) is a grassroots organisation that exists solely to advance the prospects and wellbeing of women and female youth affected by the criminal justice system. Established in 2008, WIPAN supports women through its mentoring program as they leave prison.

The recidivism rate for women who have been supported by the WIPAN program in the last 18 months is seven per cent.

Even a short period of mentoring has a positive influence on a mentee transitioning into the community. The longer the mentoring relationship continues, the more likely the mentee will not return to prison.

The WMP is an economically valuable and cost effective program as evidenced when comparing the cost to mentoring women post release for one year to the cost of incarcerating women for the same period of time.

WIPAN's modest funding remains precarious. Government funding is subject to annual or biannual one off grants and is not assured long term.

WIPAN helps 50 women a year, and currently cannot take more. It recognises that these 50 are selected as "motivated," but there are many more than 50 women currently incarcerated who are motivated to stay out of prison in future.

More information at  
<https://www.wipan.net.au>

## *The Miranda Project*

Being trialled in 2016, The Miranda Project is an innovative, gender specific approach to crime prevention targeting women with complex needs who are at risk of offending and re-offending. It aims to do this through the establishment of a holistic, inclusive support service.

The Project is an initiative of the Corrective Services Women's Advisory Council and a project of the Community Restorative Centre. Modelled on (Corston) women's centres in the UK that have been evaluated and found to have remarkably positive impacts on women's lives, the Miranda Project is a first for NSW and Australia.

The service will function as a diversionary program, assist women to desist from offending, and provide post-release support for those returning to the community.

The Miranda Project is beginning as a pilot, with limited and not long term funding.

More information at  
<http://www.crcnsw.org.au/miranda-project>

### *SHINE For Kids*

Children of prisoners are five times more likely than other kids to end up in prison themselves. Parental incarceration is also a strong determinant of poor outcomes in adulthood. 70% of juveniles in prison have had one or both parents in prison. When kids follow their parents into intergenerational cycles of offending, it places an economic and social cost on society as a whole; it is in everyone's interests we support these vulnerable children.

SHINE for Kids is an exemplary NGO and was created as the Children of Prisoners' Support Group (COPSG) following the release of The Children of Imprisoned Parents Report.

For 30 years, SHINE for Kids has offered a range of services that address their vision to build futures for kids where they can shine and be the best person they can be. This means a vision:

- to reduce intergenerational crime and build positive futures
- for community acceptance, care and support for children, young people and their families
- that addresses the unique challenges of Aboriginal and Torres Strait Islander children and their families
- that improves the lives of children by expanding the perspective of their parents
- where the justice system supports the rights of children
- of a national profile and presence so we can be accessible to more children.

More information at  
<http://shineforkids.org.au>



WORKING WITH

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