



ASTILL INQUIRY

Submission of the
Community Restorative Centre

27 November 2023

CRC community
restorative
centre

Acknowledgement of Country

CRC acknowledges the Traditional Custodians of the land on which we work and live. The offices of CRC stand on the lands of the Gadigal, Wangal, Bediagal, Wiljkali, Baarkintji, Darug, Wiradjuri, Dharawal, Awabakal, and Worimi Peoples. We recognise their continuing connection to land, water, and community and pay respects to Elders, past and present. We particularly acknowledge their ongoing advocacy on social justice matters such as those discussed in this submission.

This always was, always will be Aboriginal Land.

About this submission

Thank you for the opportunity to provide a submission to the Astill Inquiry. This submission is informed by our experience as a long running community organisation supporting people impacted by the criminal justice system in NSW.

About the Community Restorative Centre

The Community Restorative Centre (CRC) is the lead NGO in NSW providing specialist support to people affected by the criminal justice system, with a particular emphasis on the provision of post-release and reintegration programs for people with multiple and complex needs. CRC has over 70 years specialist experience in this area. All CRC programs aim to reduce recidivism, break entrenched cycles of criminal justice system involvement, and build pathways out of the criminal justice system. CRC works holistically to do this, addressing issues such as homelessness, drug and alcohol use, social isolation, physical and mental health, disability, employment, education, family relationships, financial hardship, and histories of trauma.

All CRC services utilise a human rights framework which recognise the inherent value of all people and aim to create genuine opportunities for people affected negatively by the criminal justice system. People leaving prison and their families have the right to be treated fairly and have the ability to make genuine choices about building pathways out of the criminal justice system and into the community.

CRC has a number of transitional support programs listed in the table below. All our programs support women, and two work exclusively with women; The Miranda Project, and Women's Transitional and Post-Release Service.

Table 1: List of CRC's Transitional Support Programs

CRC Program (A to Z)	Overview
Alcohol and Other Drugs (AOD) Transitional Support (Greater Sydney Metropolitan)	The Transitional Alcohol and Other Drugs (AOD) Project is an outreach-based holistic counselling service for men and women with a history of involvement in the criminal justice system and complex AOD issues. It provides pre-release and outreach AOD support to people exiting NSW correctional centres across the Greater Sydney metropolitan region, including people on remand. The project is focused on working with people who have complex needs including mental illness and/or cognitive impairment.
Extended Reintegration Service (ERS) (South Western Sydney)	This project works with people on release from prison who are homeless or at risk of homelessness, have a Corrective Services risk assessment of high to medium-high (utilising the LSI-R tool) and have a mental illness and/or intellectual disability. ERS is a partnership with NSW Corrective Services, South-Western Sydney Area Health Service and NSW Housing. CRC transitional workers offer pre-release support and planning, and intensive holistic case management for up to nine months post-release.
The Miranda Project (Penrith)	The Miranda Project provides a range of supports to women who are at risk of both ongoing criminal justice system involvement and family and domestic violence. It is based at Penrith Women's Health Centre and is a unique specialist service run by women for women. It provides both intensive casework and group work for women with complex support needs.
Pathways Home	Pathways Home provides outreach case management to young people aged 10-24 who have been involved in the criminal justice system and require AOD support. It provides case management to help young people address the drivers of their criminal legal system interactions through helping them plan and access what supports they will need post release. The program runs in Central, Eastern and Western Sydney.
Reintegration Housing Support program (RHSP)	The Reintegration Housing Support Program (RHSP) aims to connect people who are leaving custody, or who have been released in the last month, and are at risk of homelessness with specialist support workers who will assist with securing access to suitable accommodation, as well as wrap-around psychosocial support. CRC support workers based in six DCJ Housing Offices work alongside DCJ Housing staff to assist program participants to secure and sustain long-term housing once they leave custody.
Transitional and Post-Release Support (Nepean / Blue Mountains)	The Penrith/Nepean/Blue Mountains project works with people on release from prison who have experienced multiple and/or complex disadvantage, and who are at risk of both homelessness and ongoing criminal justice system involvement. This project is focused on people who want to reside after custody in the Nepean, Penrith or Blue Mountains region. CRC staff are co-located with Wentworth housing.
Transitional Boarding House Support (Newtown)	The CRC/Boarding House Project works with people on release from prison who are homeless or at risk of homelessness, and who are seeking to live in a boarding house in the Inner Western Sydney region. The CRC transitional worker offers pre-release support and planning, and short, medium and long-term intensive holistic case management. CRC staff are co-located with Newtown Neighbourhood centre.

<p>Transitional Indigenous service (NSW Far West)</p>	<p>This project works with First Nations people on release from prison into the Broken Hill, Wilcannia and Menindee regions who have experienced multiple and complex disadvantage and are at risk of ongoing criminal justice system involvement. CRC transitional workers offer pre-release support and planning along with short, medium and long-term intensive holistic case management.</p>
<p>Women's Transitional and Post-Release Service (Inner City Sydney and South Western Sydney)</p>	<p>The Women's Transitional and Reintegration Services are outreach case management, transitional and reintegration services for women exiting NSW correctional centres who have experienced multiple and complex disadvantage and are at risk of homelessness and ongoing criminal justice system involvement.</p> <p>The Inner City Women's Transitional Service supports women who will return to the inner city and surrounding suburbs. It is part of the Inner City Service for Women with Complex Needs and operates in partnership with specialist services B Miles and Detour House.</p>

1 Context: Marginalisation of women in prison

In preparing this submission it is important to contextualise the backgrounds and demographics of women who are in prison. Criminalised women experience high levels of social marginalisation, poverty, homelessness, mental health needs, disability, and trauma, which are often linked to their experiences of interpersonal, domestic and family violence.¹ Alongside this, First Nations women, who make up 40% of women in prison in Australia,² experience institutional and intergenerational trauma due to government policies of child removals, intervention, surveillance, and over-policing in the lives of First Nations families and communities. ***It is clear that criminalised women are some of the most marginalised within our communities.***

Social disadvantage amongst women in prison

These key demographics outlined by the Australian Institute of Health and Welfare highlight entrenched social disadvantage of women in prison:

- Homelessness and housing instability: 43% of women in prison did not have stable housing prior to going to prison.
- Lower levels of education: Women in prison have lower education levels than women in Australia generally (17% finished year 12 compared to 71% in general population).
- Higher levels of unemployment: 24% of women in prison were unemployed prior to going to prison compared to 5% in general population.
- Have a history of incarceration/ family have been in prison: 72% of women had been in prison or youth detention before, and 17% have had a family member in prison during their childhood.³

Victimisation, trauma and mental health conditions

A large proportion of women in prison have high levels of mental illness as well as experiences of complex trauma.⁴ ANROWS research found that 70-90% of women in prison have been victims of violence, and a key factor in women's incarceration is trauma or mental health 'precipitated by experiences of violence'.⁵ More than three-quarters (77%) of women in prison have a diagnosed mental health condition,⁶ compared to 23% of women in general population.⁷ Women in prison are more likely to have experienced abuse and violence throughout their lives; 60% of women in prison have experienced childhood sexual abuse;⁸ 71% of women in prison reported they have been in abusive relationship compared to 17% of women (general population) have experienced partner violence since age of 15.⁹

¹ Justice Health & Forensic Mental Health Network (2017) Network Patient Health Survey 2015. Malabar: Justice Health & Forensic Mental Health Network.

² Australian Bureau of Statistics. (Jun-quarter-2022). *Corrective Services, Australia*. ABS.

³ Australian Institute of Health and Welfare 2020. The health and welfare of women in Australia's prisons. Cat. no. PHE 281. Canberra: AIHW.

⁴ Bevis, M., Atkinson, J., McCarthy, L. and Sweet, M. (2020) Kungas' trauma experiences and effects on behaviour in Central Australia. Sydney, NSW: ANROWS.

⁵ ANROWS (2020) *Women's imprisonment and domestic, family and sexual violence*. Sydney: ANROWS.

⁶ Justice Health & Forensic Mental Health Network (2017)

⁷ Australian Bureau of Statistics. (2020-21). Health Conditions Prevalence. ABS.

⁸ Ibid

⁹ Australian Bureau of Statistics. (2016). Personal Safety, Australia. ABS.

Disability and cognitive impairments

A quarter (24%) of women in prison have a disability,¹⁰ and cognitive impairments are common (approx. 20%).¹¹ Research has found that the needs of incarcerated women with cognitive disabilities go largely unmet in prison, including, recognition/identification of cognitive disability, mental health, adaptive skills, family and community connections, cultural sensitivities (particularly pertaining to First Nations women) and external support services.¹² According to Toohey, prisons are not equipped to support the unique vulnerabilities and needs of women with cognitive disabilities, with the only support provided predominately focusing on addressing 'criminogenic needs'.¹³

2 Considerations for the Astill inquiry

In this submission we draw on our long history and experience as a service provider supporting people involved in the criminal justice system to highlight how abuse within prisons (and related systems) can occur.

Vulnerabilities have the potential to be exploited

In the previous section we highlighted some publicly available statistics highlighting the overarching level of marginalisation women in prison. It is important to highlight this because many women in prison do not have the power or ability to seek support and justice in the face of abuse, especially in prison settings. For example, we work with many clients who have low levels of literacy, and/ or cognitive impairments, which means they would struggle to make formal reports. It is our sense that more institutionalised and disadvantaged women might be deliberately targeted for abuse within prisons because they seemingly lack agency to seek formal/ outside support.

Institutional violence and abuse

Many women supported by CRC have endured lifetimes of violence and abuse at many levels, including experiencing significant levels of institutional violence. We know that pathways to prison are often forged through women's experience of domestic and family violence. Unfortunately for some of our clients we hear that further abuse can occur from custodial staff when they are in prison. Shockingly, some of our caseworkers have said that the majority of their clients have been sexually abused by custodial staff while in prison. Some of these clients were involved in the criminal case against Wayne Astill.

Power dynamics in prisons can create opportunities for abuse

As described earlier, women in prison are amongst some of the most marginalised and disadvantaged people in our society, therefore it should be considered that they are in need of additional care and support. People in prison are quite literally disempowered, which can create the conditions for abuse within these systems to occur. As workers who enter prisons to support clients, we have sometimes witnessed correctional officers talk to our clients in demeaning and disrespectful ways. Unfortunately, prisons can sometimes foster a culture of intimidation and fear.

¹⁰ Justice Health & Forensic Mental Health Network (2017)

¹¹ Australian Institute of Criminology (2017) Trends and Issues: Aboriginal prisoners with cognitive impairment: Is this the highest risk group?"

¹² Toohey, J.-A. (2020) *Punishing Disability: The Lived Experience of Incarcerated Women with Cognitive Disabilities in Australian Prisons*. Thesis.

¹³ Ibid

However, we acknowledge that there are many people working within Corrections who are extremely well intentioned, professional and supportive of our clients; we seek out working with these upstanding custodial staff.

Erosion of safety and trust equals silence

Devastatingly, we see our clients come to understand their abuse (both in community and in custody) as normal and inevitable, which has implications around reporting abuse. These clients have often been failed by systems at almost every point in their life. The impact of these histories of abuse, and being frequently failed, and often harmed by systems, elicits an understandable deep distrust of people and services. We find women keep themselves safe by often not reporting or disclosing their abuse to others, especially in the context of unequal power dynamics, which is at its most stark in prison settings. We have heard from clients who were told formal reports of abuse in custody would be confidential, only to be punished later by the abusive officer who was informed of the disclosure. We find that in our work with women who are rebuilding their lives in the community, it takes time to build safety and trust for women to feel comfortable in disclosing abuse.

Disempowered and not believed

Another important element to consider in this Inquiry is that women are hesitant about speaking up about their experience of abuse for fear of not being believed. In our work with women we find they have often not been believed when they have spoken up about abuse. Not being believed occurs at multiple levels; within families, community services, and Government services including Police and Corrections. We hear too often from our clients that they have sought help from the Police (often related to domestic violence) but have been dismissed, or disbelieved, likely because of the stigma of being a criminalised woman.

Fear of repercussions of speaking up

There is also a very real and valid fear amongst the women we support of the repercussions of reporting abuse, especially within prisons. Some of our clients have spoken about being threatened or intimidated by Correctional Officers if they should speak up about abuse. Indeed, some clients talk about the repercussions they have experienced at the hands of Correctional Officers when they have spoken up about abuse. We find this fear of repercussions appears in our work with clients, who might only allude to, or share details of abuse in a deliberately vague manner, as to avoid their support worker having any compelling and solid information.

It is difficult to make formal (and confidential) reports of abuse in prison

Even if someone in prison wishes to make a formal complaint or report of abuse within a prison it is extremely difficult to do; it can be hard to find information on accessible, clear and transparent avenues for complaints of this nature. While we're aware there are avenues for complaint, such as the Ombudsman and Official Visitors, we find our clients are often reluctant to use these sources due to the sensitivity of complaints of abuse, driven by an overarching distrust and fear.

Often the only opportunity to speak confidentially in prison is with legal representation, or a counsellor (both of which not all people in prison have access to). Another barrier is that these conversations might need to happen via Audio-Video-Link (AVL) which is ultimately monitored by Corrective Services. This lack of confidentiality further drives fear of reporting abuse.

Positively, we've recently seen our clients gain increased trust in the Women's Advisory Unit. Our clients have reported that when they made complaints of a general nature to the Women's Advisory Unit these complaints have been responded to with dignity and respect, which made them feel more comfortable to bring up matters of a more sensitive nature such as abuse.

Astill case and Inquiry brings hope for survivors

We have supported many women who have been both directly and indirectly impacted by Wayne Astill and abuse which has occurred within prisons. Encouragingly we note that since the Astill case and now the Inquiry more clients are coming forward about abuse they have experience in prison. We suspect that this is because women now feel like they might be believed and have an avenue for justice. We have supported some clients to make formal reports to Police, while others are still fearful about reporting for all the reasons discussed above.

2.1 Recommendations

As per the terms of reference we have a number of recommendations for the Inquiry to consider as follows:

- Create an independent agency which can receive confidential complaints and reports of abuse from people within prison.
- Make the complaints and reporting process easy to understand and transparent (and accessible from prison).
- Provide non-punitive protections to people who make complaints and reports of abuse.
- Expand the Women's Advisory Unit so it is more readily accessible throughout all women's prisons in NSW.
- Create other opportunities for access to confidential support services for people in prison, including therapeutic support.
- Provide confidential external support for people in prison who have experienced abuse including faster access to medical care (notably Sexual Assault Investigate Kits- SAIK, and reproductive and sexual health care).
- Update and review training for custodial staff to include more information on trauma informed care and practice, and specific supports for women who have experienced abuse in custody.
- Consider the drivers of abuse of women in custody, especially the role of gender and power dynamics to create recommendations for change, for example investigating whether an all-female custodial staff in women's prisons might increase safety and reduce opportunities for gendered based violence.