

KEEPING WOMEN OUT OF PRISON

POSITION STATEMENT UPDATE - 2017

In September 2017, there were **1,037** women in custody in NSW, an increase from **724** in 2011¹



724 > 1,037



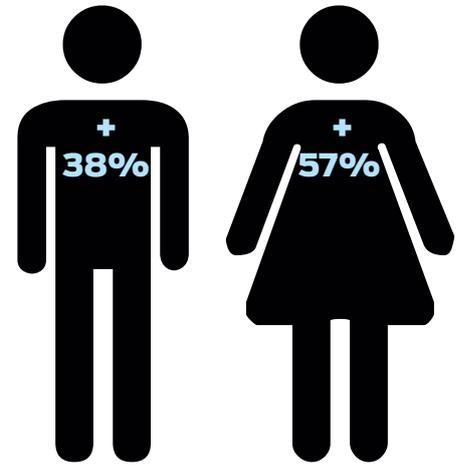


32% of the women in custody in NSW are Aboriginal, despite being only **2%** of the general population.¹

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Significant numbers of women were on remand (402 or **39%**) representing an **increase** from **33.2%** in 2011.¹

Nationally, over the past five years, numbers of women prisoners have **increased** by **57%** (1,229 women) and males by **38%** (10,493 persons).



In just one year (2016 to 2017) the national figures rose at a higher percentage (**10%** or 302) for women than for men (**6%** or 2,218).²



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The cost of incarceration is high and in NSW the cost per prisoner per day in 2014-15 was \$237.34, an annual sum of \$86,630. The 2017 national figure for female and male incarceration is approximately **\$283 per day.**³

¹ Corrections Research Evaluation and Statistics, 2017

² Australian Bureau of Statistics, 2017

³ Productivity Commission Review of Government Services 2015

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and the Women's Justice Network.**

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FOREWARD

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

The Coalition firmly believes 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.

In September 2016, the Coalition, issued the “Keeping Women out of Prison” Position Statement in order 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
& Sydney Women’s Fund

This Position Statement addressed a number of key areas of concern to reduce the number of women in prison, and to reduce the impact of women’s custodial sentences on their families and children; and outlined nine key areas that must be addressed to achieve this.

The 2016 Position Statement called for a whole of community and multi-agency response to this community issue.

Since that time, the Coalition member organisations: the Sydney Community Foundation, the Zonta Club of Sydney, the Miranda Project (joined in 2015), the Women’s Justice Network and SHINE for Kids, have been working in partnership with government and philanthropy to address the nine key areas identified in the 2016 Position Statement.

This 2017 Position Statement Update provides a summary of the Coalition’s achievements during the last 12 months and the work that remains to achieve change.



Helen Wiseman
Convenor, Keeping Women
out of Prison Coalition

ISSUES FACING WOMEN IN THE CRIMINAL JUSTICE SYSTEM

Women's pathways to, and experience of custody are recognised as different from men's however the vast majority of programs and interventions are built on meeting the needs of male offenders.

Women require significant levels of post-release support and unlike many men returning to the community, often have little or no family support. Returning to destructive relationships is a risk factor for re-offending.

Even a short custodial sentence will impact on accommodation, relationships with family/children, connections to support services and the employment prospects of women. Negative community attitudes also significantly impact on the likelihood of women with a criminal record finding employment post-release and resettling in the community following a period in custody.

THE IMPACT ON THEIR FAMILIES – THE HIDDEN COST

There is a high social cost on children, families and community when a woman is incarcerated. The children of fathers in custody are generally in the care of their mothers in the community; however, this is not the case for imprisoned mothers' children who are often in out of home care and experience multiple placements.

Children of prisoners are largely invisible to the justice system and the larger community. When a child's mother or father becomes involved in the criminal justice system, their entire life is destabilised. We know it increases their risk of facing poverty, struggles with education, and greatly increases the likelihood of children's future contact with the criminal justice system, perpetuating intergenerational disadvantage.

Early life experiences are one of the key social determinants of future health, yet in Australia there is a marked absence of policy and early intervention services to specifically support these vulnerable children.

Children with imprisoned parents frequently suffer many forms of discrimination. Not only are they deprived of a parent, but they often bear the brunt of bullying, economic hardship, social exclusion and shame. They become the silent and invisible victims of crime.

COALITION 2017 PROGRESS UPDATE

Building on the UK Corston Report and other international and local evidence, the 2016 Position Statement identified nine recommendations for reducing women's incarceration:

Diversion Keeping Women out of Custody	Better Evaluation and Accountability	Community Support for Women and their Children
1 Community-based diversionary options at all points of contact with the criminal justice system.	6 Disaggregation of data by gender and Aboriginality to be standard practice among jurisdictional agencies.	8 Long-term resourcing for women-centred, holistic, community-based services and support.
2 Custodial sentences for women should be reserved for serious and violent offenders who pose a threat to the public.	7 Better evaluation and accountability on current expenditure on women's incarceration.	9 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.
3 Women unlikely to receive a custodial sentence should not be remanded in custody.		
4 Expansion of sentencing options to accommodate locality and reality of women's lives.		
5 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.		

DIVERSION – KEEPING WOMEN OUT OF CUSTODY

Since September 2016, developments have been made to address the lack of women-specific diversionary options in NSW which allow women to serve their sentences in the community and address issues that led them to custody in the first place.

The Miranda Project

Based on a successful community-based model in the UK, the Miranda Project, was launched in September 2016 by Baroness Jean Corston during her visit to Sydney. The project sits within NSW's peak non-government organisation for offenders, The Community Restorative Centre.

A pilot of the Miranda Program then commenced in four locations, Penrith, Leichhardt and Bathurst Women's Health Centres and at Lou's Place in Kings Cross, to provide an alternative to custody by supporting women to access services that address issues contributing to their engagement in the criminal justice system.

In July 2017, the Miranda Project received funding from Women NSW Domestic and Family Violence Innovation Fund to establish a women's 'hub' to support the significant number of women in the criminal justice system who have been victims of Domestic Violence and therefore at risk of returning to violent relationships. The new 'Miranda Centre' is being established in the inner city at 21 Queen Street Chippendale.

The Miranda Project has also formed an employment-focused Working Group with members and volunteers from a variety of organisations including the University of Sydney and Department of Justice.

On 31 August 2017 the Miranda Project and Women's Justice Network signed a Memorandum of Understanding which designates six mentoring positions for Miranda clients over 12 months.

Both the Women's Justice Network and Miranda Project are very excited at the commencement of this partnership and wish to make a very special acknowledgement and thank you to Elizabeth Evatt AC for enabling the funding of this MoU and Partnership through the Richard Southan Memorial Trust.

The Miranda Program supports women at all stages of the justice continuum – from court, serving community sentences and following release from custody. Since its launch in September 2016 the Miranda Project has received wholesale acceptance by magistracy and others and has been successful in assisting women to achieve court outcomes such as bail, community-based sentence or parole.

It is hoped that after the pilot and with support, this program can be available to more women across NSW.

Women's Justice Network (WJN)

During the year, the Women's Justice Network met with David Shoebridge MLC, Guy Zangari MP, Jodi McKay MP and the Opposition Federal Minister of Treasury, who are keen to work and use case studies from the WJN as a way of demonstrating how excluding women with criminal histories from obtaining employment keeps them in the cycle of re-offending and contributes to the increasing recidivism rates.

On 2 March 2017 WJN (previously WIPAN) re-launched and expanded its scope to support, mentor and include young women 15 to 25 years of age, who are at risk of leaving school or are coming to the attention of Police or the judiciary, under the My Way Youth project.

This new, youth-focussed, early intervention project has seen WJN with only one vacancy left after just six months of operation, indicating the need for services and support for young people at the edges of the criminal justice system.

WJN includes an employment focus in its support provided to WJN Mentees in the prevention of custodial sentences, preparation during custody and upon release of custody, assisting in their successful transition into the community.

In the last eight months, WJN has worked hard at lobbying various employers, resulting in six WJN Mentees commencing in long term employment opportunities. This is a huge step for these women especially three of them, in their later 30s who had never worked before.

Since May 2010, on shoe-string budgets and minimal funding, WJN has successfully mentored and supported over **607** women by diverting and preventing them from receiving custodial sentences, in making significant life changes, in becoming contributing members of our community and in reducing women returning to custody or re-offending.

Some of the achievements of the WJN Mentoring Program include:

- access to AOD rehabilitation which often contributes to offending and leads women to incarceration,
- assisted women to gain and utilise therapeutic mental health plans,
- advocacy assistance with a wide range of Government agencies including Community Corrections,
- all Mentees affected by domestic violence, family violence or sexual assault (**96%** of Mentees) were given access to specialised counselling,
- all Mentees were referred to and engaged in specialised long term trauma informed care counselling,
- **12** Mentees are presently enrolled in TAFE, Macquarie University and two other private education colleges,
- supported Mentees to obtain and maintain safe and affordable housing tenancies; and
- most importantly, WJN have successfully advocated for and supported **11** Mentees in the last 18 months, to have their children restored to them from out of home care.

BETTER EVALUATION AND ACCOUNTABILITY

In 2017, the Corrective Services NSW Women's Advisory Council (WAC) established a watching brief on expenditure of \$237m received by Corrective Services NSW (CSNSW) targeting re-offending.

This is part of the \$3.8bn of funding received by CSNSW mainly for capital works. Starting with Assistant Commissioner, Luke Grant, a series of presentations, have been given to the WAC to set the scene and inform the WAC on this issue moving forward.

COMMUNITY SUPPORT FOR WOMEN AND THEIR CHILDREN

Baroness Corston in her review of the treatment of women in the UK criminal justice system (the Corston Report) found that:

"The effects on the 18,000 children every year whose mothers are sent to prison are so often nothing short of catastrophic."

In April 2017, Helen Wiseman, SHINE for Kids, presented at the Asia Pacific Regional Conference of the International Association of Women Judges on the impact of judging on women and their children.

This presentation underscored the need for sentencing options that take account of the impact of parental custody on the welfare and wellbeing of offenders' children, as well as ensuring that these children receive additional support.

SHINE for Kids

Between 1 July 2016 and 30 June 2017 SHINE for Kids gave assistance to **13,751** people. Of these, 11,356 were children and young people with parents in custody:

- **5,092** were aged 0-5 years old
- **3,585** were 6-10 years old
- **2,679** were 11-17 years old*

*Source: Corrective Services NSW

In addition, there have been **67** Child Parent Activity Days facilitated over the past 3 years across a number of gaols.

In the past two years SHINE has undertaken **133** supervised visits, taking children to see their mothers or fathers or care givers in prisons across NSW.

Family Support

The Community Restorative Centre (CRC) provides support, information and counselling for families of prisoners across NSW, from the point of arrest through to release, through family casework, travel support, video visits and a telephone information and referral service. CRC's family caseworker supports families through the stress of incarceration and assists in planning for release and family reintegration following a term of imprisonment.

Interdepartmental Working Party

A letter of invitation was sent in October 2017 to representatives of key government departments seeking to establish an Interdepartmental Committee or Working Party to address the needs of the children of prisoners, and develop consistent support for them through the many programs where they come into contact with government.

COALITION FOCUS AREAS FOR 2018

Drawing on the 2016 Position Statement and achievements in 2017, the Coalition will continue to advocate for diversionary options for keeping women out of prison; better evaluation and accountability; and community support for women and their children.

Specific initiatives planned for 2018 include:

1. Twenty Years On – revisit the recommendations of the NSW Standing Committee on Social Issues Report No. 12 1997 *Children of Imprisoned Parents*.
2. There are many more children of prisoners than there are prisoners but we don't know how many. A statistical profile of the children and current support services for them and their families to be compiled and published.
3. Legislative reform – engage the NSW Sentencing Council, the NSW Law Reform Commission and relevant Ministers and bureaucrats to investigate policy and legislative changes to sentencing arrangements and diversionary alternatives as a priority for keeping offenders with their children (*Mental Health and Children of Prisoners: Report and Recommendations* December 2012, MHCC, CSNSW, SHINE for Kids, Mental Health Kids).
4. Transport support specifically for children's contact with their imprisoned parents to be re-funded and re-introduced.
5. Children in out of home care are at increased risk of entering the criminal justice system. Recent research findings in NSW to be presented at a public forum focusing on at risk children, including those with parents in custody.
6. Legislation to be passed in NSW to reduce discrimination when women who have criminal records apply for employment.

When dealing with those in contact with the criminal justice system we need to begin with awareness that imprisonment is a family issue. Think family. Be 'child aware': ask about children.

Assume that what you do will have an impact on a child and accept responsibility for mitigating any negative impact. We need to work together, across disciplines and departments, government and non-government, to ensure these children do not continue to fall through the cracks: to recognise and prioritise their needs. This is everybody's business.'

(Victoria Council of Social Service (VCOSS) Insight Magazine No 9 Feb 2014)



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