



THE DISPROPORTIONATE INCARCERATION OF ABORIGINAL WOMEN¹



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.²

KWOOP Position

- The over-representation of Aboriginal women in prison is totally unacceptable and further entrenches the disadvantage and vulnerability of Aboriginal women in NSW.
- Imprisonment carries significant human, cultural, social and economic costs, both short and long term, that are borne by individuals, their children, families and communities, as well as by government and society as a whole.
- Prison is an ineffective sentencing solution for most women who receive custodial sentences. In particular there is an unnecessary over-incarceration of vulnerable women who experience a wide range of social, cultural and economic issues and who pose minimal risk to the community. Much more can be done to tackle these issues before imprisonment becomes the only option.
- The reintegration of women into society after a custodial sentence is a whole-of-government issue and requires community support.

Rationale

- It is essential that Aboriginal women receive culturally appropriate support during their contact with the criminal justice system.
- Aboriginal women experience multiple factors of trauma and disadvantage that are major drivers of their involvement in the criminal justice system. This is confirmed by social, health, justice and economic markers.
- The over-representation of Aboriginal women with disabilities in prison is especially pronounced.
- The over-representation of Aboriginal women in prison is associated with perpetual grief, loss and trauma stemming from the effects of colonisation, racism and systemic disadvantage.³ The impact of cultural and social dislocation, child removal and loss of language have contributed to intergenerational trauma, disparities in health, marginalisation from essential services and incarceration.⁴
- Incarceration in turn leads to loss of culture, identity, family, community and connection to the land. The cycle of trauma, disadvantage, poverty and incarceration thus continues.⁵
- Aboriginal mothers in prison have significant health needs associated with unresolved trauma, physical and mental health and psychological distress.⁶

Aboriginal women in prison in NSW

- 32% of women in custody were Aboriginal, although Aboriginal people make up only 2.9% of the NSW population.
- There has been a 33% increase in the number of Aboriginal women in prison since 2013, and a 49% increase in sentencing of Aboriginal women compared with a 6% increase of sentencing of non-Aboriginal women.
- 87% of Aboriginal women had previously been incarcerated, compared with 72% of non-Aboriginal women.
- Two thirds of Aboriginal women in prison were mothers.
- There are high rates of mental health issues, disability and experiences of trauma and abuse among Aboriginal women in prison.

KWOOP calls for

- An investigation of the interplay of factors that contribute to very high levels of incarceration of Aboriginal women.
- Culturally appropriate community programs to address the underlying factors that contribute to risk of contact with the justice system including intergenerational trauma, racism, discrimination and social and economic disadvantage.
- Targeted initiatives to provide diversionary pathways for Aboriginal women away from sentencing to community-based support, including opportunities for healing and other culturally responsive strategies.
- Adoption of smarter justice approaches⁷ and preparedness to invest in innovative community-based initiatives focussed on early intervention, prevention and diversion.
- Elevation of the voices of Aboriginal women, children, young people, families and communities, including those with lived experience of the justice system in program governance, design and delivery.
- Support for Aboriginal community organisations and communities to develop and deliver smarter solutions that increase safety, address the root causes of violence against women, cut reoffending and imprisonment rates and build stronger and safer communities, as recommended in Change the Record (Blueprint for Change).⁸

Context – Women in prison in NSW

- There were 946 women in prison in August 2019. It is understood that since then there has been a 20% reduction due to COVID-related changes in policing and court procedures.
- There was a 33% increase in the number of women in prison between 2013 and 2019. This was not due to an increase in criminal activity.
- 58% of imprisoned women were on remand or serving a sentence of 12 months or less.
- 32% of women in custody were Aboriginal. This compares to 2.9% in the population as a whole.
- Around 40% of Aboriginal women were on remand, that is, awaiting court for bail or sentencing.
- 60% of women in prison were mothers.
- Almost 24% of women in prison grew up in care and 14% said their parents had been in care as children. 18% of the children of prisoners in NSW are in out-of-home care.
- It costs approximately \$110,000 to keep a woman in custody for a year compared with approximately \$6,495 for women to receive support services in the community.

KWOOP Profile of women in prison in NSW, March 2020

¹ The use of the term Aboriginal in this document refers to both Aboriginal and Torres Strait Islander women.

² Corston report (2007). A review of women with particular vulnerabilities in the Criminal Justice System. Home Office UK.

³ Anthony T. Indigenous People, Crime and Punishment. Oxon (UK). Routledge. 2013

⁴ Sullivan E, Kendall S, Baldry E, Sherwood, J et al 2019 Aboriginal mothers in prison in Australia: a study of social, emotional and physical wellbeing. Australian and New Zealand Journal of Public Health Vol.43/3:241-247

⁵ <https://www.pwc.com.au/indigenous-consulting/assets/indigenous-incarceration-may17.pdf>

⁶ Sullivan E, Kendall S, Baldry E, Sherwood J et al 2019, *ibid*

⁷ Smarter justice includes justice reinvestment: community-based programs that deal with the underlying causes of crime, such as drug dependency, poverty and homelessness. Justice reinvestment strategies have a proven track record of reducing offending, while prisons have consistently failed to make the community safer. Employment, healthcare and education have much more long-term value to the community than more and larger prisons.

⁸ Change the Record (Blueprint for Change) 2015 <https://drive.google.com/file/d/0B3OI0caEOuaFU3BNc3ZrbI9wa0U/view>