



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.¹

KWOOP Position

- It is unacceptable that, although the links between women's experiences of domestic, family, and sexual violence and imprisonment are well-established, the justice system takes scant account of this.
- 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 given custodial sentences. In particular, there is 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

- Women can become caught in cycles of imprisonment and violence. Violence increases the risk and effects of imprisonment and, conversely, having been in prison increases the risk and effects of domestic, family and/or sexual violence on release.
- 71% of women in prison report having been in an abusive relationship. This is significantly greater than that reported by men in prison (28%). Many women (40%) had been involved in more than one violent relationship, again higher than for men (12%).²
- A high proportion of women in prison have experienced at least one traumatic event in their life (70%), slightly higher than that reported by men in prison (65%).³ Most commonly this was being 'seriously physically attacked or assaulted' (14%), 'witnessing someone being badly injured or killed' (14%) or 'other sexual assault' (11%).
- Women's experience of violence can be a pathway into the criminal legal system for lower-level criminalised activity e.g. substance use and, much less commonly, crimes of higher severity e.g. violent offences.^{4 5}
- Women who have experienced domestic and family violence and/or sexual violence require holistic consistent care while in prison.
- Services in prison are inadequate for women's often complex needs. Short periods of imprisonment and the high numbers of women on remand means that many women do not have access to any services at all while in prison.⁶
- Conditions in prison can also make it difficult to run therapeutic sessions for women. They can be interrupted or ended at any time, without warning, and healthcare can be compromised by frequent transfers.⁷
- Women released from prison are 16 times more likely to die from violence than women of the same age in the general population.⁸
- Some prison practices such as strip-searching are likely to re-traumatise women who have experienced domestic, family and/or sexual violence.
- Having been in prison exacerbates women's vulnerability to domestic and family violence after release. Women who have been victims of DFV and who have been incarcerated face compounding barriers to help-seeking as a result of stigma and discrimination.⁹
- Women with a criminal record are frequently excluded from mainstream services that could otherwise support them. Services will often accept no more than one person on release from custody at any one time, and use different risk assessment forms for people coming out of prison.¹⁰

KWOOP calls for

- Increased investment in targeted services to support women experiencing domestic and family violence.
- Access to appropriate, safe and stable accommodation on release from prison. This is vital in supporting women with experience of violence to stay out of prison.
- Coordinated, wraparound services for women released from prison who are experiencing domestic, family violence and/or sexual violence, including culturally appropriate responses for Aboriginal and Torres Strait Islander women.
- Co-ordinated action to reduce discrimination and remove restrictions in mainstream Family and Domestic Violence services which exclude women on release from prison.
- Increased judicial understanding of the nature of domestic, family and sexual violence to ensure fair implementation of sentencing policies.
- Recognition of gender differences in the design and implementation of prison policies and programs.
- The involvement of women with lived experience of imprisonment in program governance, design, and delivery, and participatory action research to drive community-based pilot programs.

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

² National Population Health Survey

³ KWOOP 2020 Profile of Women in Prison Part A: A snapshot p33

⁴ Research synthesis Women's imprisonment and domestic, family, and sexual violence ANROWS 2020

⁵ Day, Casey, Gestace, Oster, & O'Kane, 2018

⁶ Stathopoulos et al, 2012 cited in ANROWS 2020

⁷ AMA, 2012 cited in ANROWS 2020

⁸ Willoughby, M., Tibble, H., Spittal, M., Borschmann, R. & Kinner, S. (2020, March 11) Women released from prison are at much greater risk of violence. The Conversation. Retrieved from <https://theconversation.com/women-released-from-prison-are-at-much-greater-risk-of-violence-133151>

⁹ Day et al, 2018 cited in ANROWS 2020 op cit

¹⁰ KWOOP Report op cit