



*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.<sup>1</sup>*

## KWOOP Position

- The over-representation of women with disabilities in NSW prisons is unacceptable. This over-representation is especially pronounced in Aboriginal and Torres Strait islander women. Once caught in the criminal justice system, women with disabilities often struggle to find a pathway out.
- 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.

## KWOOP calls for

- A multi-stakeholder and government taskforce to drive the development and implementation of a long-term multifaceted strategy to reduce women's incarceration in NSW.
- This strategy to include significant investment in sustainable community-based supports and housing for vulnerable women in order to support women, including those with disabilities, coming out of prison and thus reduce recidivism.
- Gender-specific programs for women with disabilities in prison.

## Rationale

- Systemic failures drive over-incarceration among disadvantaged communities. Many women in disadvantaged communities spend their lives cycling in and out of prison, courts and police cells, rather than being supported in the community.<sup>2</sup>
- The rates of mental health disorders and cognitive disability among prisoner populations are significant.<sup>3</sup> In NSW the majority of women in prison (77%) have a diagnosed mental health condition.<sup>4</sup> Many have more than one co-existing condition. There has also been research over-viewing the situation for Aboriginal women with disabilities who are criminalised.<sup>5</sup>
- Nearly a quarter (24%) of women in prison reported having some form of disability, a higher proportion than among men (17%). Of those women with a disability, 27% reported that their disability affected their ability to do paid work and 41% reported a negative impact on their ability to participate in education. 24% indicated that they needed help in self-care, mobility or communication domains or in any two other domains.<sup>6</sup>
- The vast majority of women with disabilities in contact with the criminal justice system have complex support needs. They experience multiple and compounding forms of disadvantage, including ongoing drug and alcohol problems, backgrounds of complex trauma, mental health conditions, experience of out-of-home care, homelessness and social and economic isolation.
- In NSW, there are very few gender-specific programs for women with disabilities in prison. Because women in prison are in the minority, they tend not to have access to the kinds of specialist programs that are available to men. For instance, there are three Additional Support Units for men with an intellectual disability in NSW prisons, but nothing comparable for women.

## 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*

<sup>1</sup> Corston report (2007). A review of women with particular vulnerabilities in the Criminal Justice System. Home Office UK.

<sup>2</sup> KWOOP Profile of women in prison in NSW, Part A: A Snapshot. March 2020.

<sup>3</sup> Baldry E; Dowse LM, 2013, 'Compounding mental and cognitive disability and disadvantage: Police as care managers', in Chappell D (ed.), Policing and the Mentally Ill: International perspectives, edn. Advances in Police Theory and Practice, CRC Press Taylor and Francis Group, Boca Raton, FL

<sup>4</sup> KWOOP 2020 Op cit

<sup>5</sup> MacEntyre, E. 2015. How Aboriginal women with disabilities are set on a path into the criminal justice system. <https://theconversation.com/how-aboriginal-women-with-disabilities-are-set-on-a-path-into-the-criminal-justice-system-48167>

<sup>6</sup> KWOOP 2020 Op cit