

WOMEN IN PRISON

THE HIDDEN STORY

The number of women in NSW prisons has quadrupled since 1982, growing at twice the rate of men. The result is pressure on an overloaded system, calls for more programs to help women when they are in prison, and the need to develop more diversion programs to keep them out. **JANE SOUTHWARD** meets experts who agree it's time for a different approach.

The location of the SHINE café is far from its selling point. Twenty metres away are the walls and gates of Silverwater Correctional Facility and the buzz of cars and trucks on roads around the jail can be heard as you sip your cappuccino. Outside is a courtyard with herbs growing in rustic planter boxes and, at certain times of the day, you can hear the voices of prisoners on the inside as you look over to the high walls and razor wire that separate prisoners from the public. To say it's unsettling is an understatement.

However, Gloria Larman, the chief executive officer of the SHINE For Kids charity, says the café is one of the most positive places she knows. Most of the staff are inmates and the customers are jail staff and families killing time before they visit relatives on the inside. The café, set up in 2012, is a social enterprise project – which means profits go to SHINE, set up more than 30 years

ago to help the children and families of prisoners. (SHINE stands for support, hope, inspire, nurture and empower). But the best part about it, according to Larman, is that staff are given training and employment, as well as hope for their futures post-release.

According to figures from the NSW Bureau of Crime Statistics and Research (BOCSAR), NSW jails are housing record numbers, having grown by 2.3 per cent from April to June of this year. In June 2015, NSW jails held 10,777 men and 847 women and their average age was 35. BOCSAR says the increase is “almost entirely attributable to a growth in prisoners on remand”.

“Over the last financial year, the adult remand population has risen by nearly one-third (32.7 per cent),” the bureau concludes in its most recent report, issued in June.

What's also new is the growth in the number of women being jailed. Don Weatherburn, the director of the BOCSAR, says the

number of women in prisons has more than quadrupled since 1982, up 447 per cent, whereas the number of men in prisons has doubled.

Weatherburn says the increase is the result of government efforts to get tough on crime rather than an increase in actual crime. He says he would like the bureau to do more research and a gender analysis of the prison population to identify trends and needs.

“When you put someone in prison who has a family, it's bad for the kids whether it's a mother or father who is in jail,” Weatherburn says.

Deirdre Hyslop knows jails. She worked at Long Bay maximum security for eight years and has been in charge of women's services for Corrective Services NSW for seven years.

Hyslop was the executive officer of the Corrective Services NSW Women's Advisory Council which, in a submission to the NSW Law Reform Commission in 2011, concluded: “... the

criminal justice system continues to fail the majority of female offenders and perpetuates the continuing invisibility of women within the system.”

On long service leave from Corrective Services NSW, she is working on a project that aims to keep women out of custody. The Miranda Project, as it is called, is an initiative of the Corrective Services NSW Women's Advisory Council (WAC) and is modelled on successful UK women's centres providing community-based, holistic one-stop-shops that function as diversionary programs. Three women's health centres – Waminda in Nowra, Penrith and Leichhardt – are participating in the project to determine how they could perform this role.

Hyslop says female offenders have different needs to male offenders. For starters, women serve shorter time in custody, an average of 260 days compared with 433 days on average for men, according to BOCSAR. About 60 per cent of women

prisoners are parents and, of these, 47 per cent had custody of their children. And, 54 per cent of women in jail have drug and alcohol problems.

Hyslop says Corrective Services “values the importance of the connection with family” and that “people who get visits generally do better post-release”.

“The children of fathers in custody are generally looked after by their mothers in the community,” Hyslop says. “But children of mothers in custody are not always cared for by their fathers in the community. They are cared for by family members or are in care. That creates a lot of anxiety among the women because the care of the children is often unstable. The women also don't get as many visits by their children.”

One new initiative is to boost the number of video visits in which family members can speak to their loved ones in jail via audio-visual links in courthouses and other locations. This enables contact for families separated by long distances.

“Mental health is also a major concern with the women in custody and often related to their substance abuse,” Hyslop says.

“Self-harm is an issue, too. It's more prevalent among the women. And there are women with behavioural issues and post-traumatic stress disorder. Lots of women have major stories of experiencing childhood, adolescent and adulthood

sexual assault and violence and these can come through in behavioural traits that staff find difficult. Staff think the women are being deliberately difficult to manage, but in fact it's the impact of the trauma that results in the personality disorder.

“We are working on a training package to assist staff to understand the impact of trauma, the behavioural outcomes of the experience of trauma and how to manage the symptoms.”

One woman who knows this well is Kat Armstrong, who went to jail three times for a total of 12 years for crimes to fund a drug habit. Armstrong says she turned to drugs to deal with an unfortunate childhood caused by a violent father.

When she was behind bars for the third time, her teenage daughter wrote to her, saying, “I think that you will always pick drugs and jail over me. I don't want you to be my mum any more.”

Fortunately for mother and daughter, the pair has healed their relationship in the 12 years Armstrong has been free. And, in 2007, Armstrong founded the Women In Prison Advocacy Network (WIPAN). Two years later, the organisation received a one-off grant of \$100,000. WIPAN offers mentoring and assistance

to women in the lead-up to their release and post-release as well as legal support during their court cases in an effort to increase the chance of women going into diversion programs instead of custodial sentences. (See page 32 for more.)

“The number one problem for women in jail is that 90 per cent shouldn't be there,” Armstrong says. “So many commit crimes due to drug and alcohol problems caused by tragic experiences such as sexual assault, domestic violence, physical and mental abuse. They would be better treated out of prison. They have health issues, not criminal issues.”

Corrective Services NSW's Krista Christensen, is acting as Principal Advisor Women's Services while Hyslop is on leave. An Aboriginal woman with ties to the mid-north coast of NSW who used to work as an Aboriginal Welfare Officer at Long Bay, Christensen says Corrective Services is doing its best to run programs to help women in prison and would like to do more. Of great concern is the fact that one in three women in prison is Aboriginal.

“It's still sad for me to see how our lives are so different, how I am an Aboriginal woman and I am in this position, and to see another Aboriginal woman in custody and what happened to them in their life to make them go down that track,” Christensen says.

“Many Aboriginal people have a family member in custody. It's so difficult.”

Christensen says a new employment and mentoring program called NURU started in September at Dillwynia and Emu Plains women's prisons. Fifty Aboriginal women will participate over 18 months with the aim of 20 of them getting jobs in hospitality and warehouses post-release.

Corrective Services NSW runs three designated women's centres – Silverwater Women's, Dillwynia, and Emu Plains – and female-only units at Broken Hill, Wellington, and the mid-north coast.

There are also designated female beds at Long Bay Hospital and a residential program for women with children at Jacaranda Cottages at Emu Plains and the Parramatta Transitional Centre. There also are two transitional centres – Parramatta and Bolwara at Emu Plains – and Miruma in Cessnock is a residential facility for women who are diverted from custody. All have mental health disorders and long-term alcohol and other drugs issues.

The 2009 Inmate Health Survey involving 1,166 inmates found the following about women in custody:

- 45% have experienced domestic violence or abuse as an adult



“Women getting three-month sentences – that’s just crazy. Many of them become repeat offenders and there’s enough time to lose your house, lose your kids, lose your self-respect, and lose your job.”

GLORIA LARMAN

- 38% consumed alcohol in a hazardous or harmful way in the year before incarceration, with 16% showing signs of dependent drinking
- 78% have used an illicit drug and 52% had injected drugs
- 20% have been admitted to a psychiatric unit
- 27% have attempted suicide
- 49% are mothers of children aged 16 or under
- 45% left school before completing year 10 at an average age of 14 years
- 32% were in care as children
- 67% were unemployed in the six months before incarceration; of these 25% had been unemployed for 10 or more years
- 66% have been in violent relationships
- 80% are smokers.

The number of women who are pregnant varies all the time and at one time, 16 pregnant women were in NSW jails, Hyslop says. The women give birth in hospital – Westmead or Nepean. Depending on their classification they can apply to participate in the residential Mothers and Children’s Program at Jacaranda Cottages at Emu Plains for children aged from newborn to school age.

The fences are smaller, the women and children live in small cottages, and it’s minimum security.

“Getting into this program can be an

incentive for some women,” Hyslop says. The rigorous application process, based on the best interests of the child, is conducted by a committee that includes a professor of child and family health, Gloria Larman from SHINE, the Justice Health and Forensic Mental Health midwife and FACS representatives. Final decisions are made by the Commissioner.

Overall, one in three (277) women in custody is on remand, according to figures from Corrective Services NSW. Christensen says the problems are complex as those on remand are unconvicted so “aren’t required to do offence-related programs” and are in a “nowhere-land”.

“There are a lot of people in custody on remand waiting for their day and they are anxious about the unknown,” says Christensen. “We have a lot of people on remand waiting to be sentenced and people on remand moved to other centres because of the numbers instead of having them all at one centre. It is hard to implement services because they don’t know how long they are going to be on remand.”

NSW Senator Lee Rhiannon told State Parliament in 2013 that, according to the Productivity Commission, the total operating costs per prisoner in prison is more than \$100,000 a year. Speaking in support of

WIPAN she said: “It is time that we made a reassessment of how we are managing prisoners in this country.”

As to the legal needs of women in custody, Women’s Legal Services NSW and two other community legal centres, Wirringa Baiya Aboriginal Women’s Legal Centre and Hawkesbury Nepean Community Legal Centre, run monthly legal outreaches at Silverwater, Emu Plains and Dillwynia as part of the Legal Education and Advice in Prison Program.

Carolyn Jones, a senior solicitor at the Women’s Legal Services NSW, who coordinates the service’s prison outreach work, says primary caregivers should be in prison only as a last resort unless they have been convicted of a violent offence. This is consistent with the United Nations Rules for Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (known as the Bangkok Rules).

“Many of our clients are in custody for drug offences, traffic offences and fines and most are victims of sexual assault and family violence as children and adults,” Jones says.

“We need more diversionary programs as an alternative to prison, including culturally appropriate options for Aboriginal women focusing on healing and holistic services that

acknowledge the impact of intergenerational trauma. We also need the cooperation of the criminal law system to consider the issue of whether offenders have children in their care.

“We have heard of cases where children have been left at court and mum has been taken to prison without arrangements being made for the children.

“Unfortunately, in some instances, these children then end up living with a violent father who may not have been in their lives for some time.”

Jones supports the idea of expanding the Corrective Services Mothers and Children program to include some mothers in medium security. She is also calling for more post-release services to help women access safe and secure housing to help them get out of violent relationships and have their children in their care.

“Often women are safest and clean when they are in custody and away from the violence in their lives,” Jones says.

“It can be an opportunity to provide services and programs and to help them escape violent relationships post-release. But women in custody need more access to counselling and therapeutic services. We are seeing that counselling really helps some women and we are hopeful that the Victims Services Counselling Pilot will be extended to all correctional centres in NSW.”

Jones points out that women on remand don’t have access to programs in prison and says about half of her clients are on remand, some for 12 months. When it comes to children visiting, she says some women refuse visits as they fear being re-traumatised by strip-searching afterwards.

Gloria Larman has worked at SHINE for 26 years and is convinced that locking people up isn’t often the answer.

“It’s not working because the recidivism rates are really high,” Larman says. (WIPAN reports that 43.7 per cent of women return to custody post-release.)

“It’s time governments take a new approach and increase funding for more innovative programs and support for when women get out. However, diverting them from prison is key.

“Women getting three-month sentences – that’s just crazy. Many of them become repeat offenders and there’s enough time to lose your house, lose your kids, lose your self-respect, and lose your job. It doesn’t make sense, whereas if you actually put money into supporting that woman in the community, helping her with her family and with her kids, you will get better outcomes for the kids, for the mum and, over time, you will reduce the cost. It’s time for a change.”

However, Larman reports that SHINE is struggling to continue its services due to budget restraints she describes as “at crisis levels”.

“As the number of people in jail goes up, the costs for services go up,” Larman says. “There’s more kids needing to visit and more need for all of our services. Yet we are pulling back programs.

“We used to have dedicated case workers who would work with women but we don’t have that anymore. It’s the worst I have seen it for at least 10 years.”

In one example, last year SHINE transported 123 children to see parents in jail on 63 separate occasions, but this service has been reduced due to funding cuts. SHINE also runs supervised activity days for children and parents in the school holidays but now only runs these programs on two days a year.

“Children of women in prison are the real victims of the system,” she says. “The big effect on women, and particularly their children, is the issue of whether they can keep their children. We have a constant battle to get Family and Community Services (FaCS) to understand that it’s really important for children to visit their parents in prison.

“A lot of FaCS agencies don’t think children should

be visiting prisons and a lot of the out-of-care agencies make it difficult.

“It’s such a huge cost for families to get to and visit someone in jail. For the women, when the kids do come in, they are often brought in by elderly grandparents who are really struggling.

“Children don’t see the high walls and the razor wire. They want to see their parent. The relationship is really important and if you don’t keep that going – providing it is safe and in their best interests, of course – it’s going to have long-term effects on adults and children.” **LSJ**



Mentoring women in the criminal justice system: Reducing recidivism and promoting community inclusion

By Linda Steele, Nicki Petrou and Kat Armstrong

Dr Linda Steele is a lecturer at the School of Law, University of Wollongong.

Nicki Petrou is a lawyer and one of WIPAN's founding members.

Kat Armstrong is Director of the Women in Prison Advocacy Network and one of WIPAN's founding members.

The authors have been members of WIPAN's executive committee since 2008.

The Women in Prison Advocacy Network (WIPAN) is a grassroots organisation that aims to improve the lives of women affected by the criminal justice system. It was established in 2007 due to the gap in services specific to women in prison and post-release, coupled with the emergence of women as the fastest growing prison population in NSW.

WIPAN runs a mentoring program for women recently released from custody and/or affected by the criminal justice system. The program operates as a gender responsive model of specialised one-on-one mentoring and provides social, emotional and practical support. WIPAN, working together with a defence lawyer in relation to a mutual client, can be a significant advantage in supporting a client through the legal process. WIPAN can also assist the legal profession more broadly to support better legal and social outcomes for women affected by the criminal justice system.

What we know about women in prison

Punishment and imprisonment of women, as well as their re-entry into the

community, through which they can be subject to discrimination and a lack of support and formal social services, can exacerbate their sense of social isolation and community exclusion before their incarceration. This dynamic of social isolation and community exclusion often goes unacknowledged in law, policy and service delivery to women in prison.

The experiences of the WIPAN mentees support the above points:

- 82 per cent of mentees are mothers;
- 81 per cent of mentees had a known mental health condition;
- 70 per cent of mentees were not employed or studying in the 12 months before their last sentence;
- 9 per cent of mentees reported completing secondary education;
- Drug and alcohol services are the highest accessed support among mentees;
- Mentees report having few to no friends and 42 per cent indicated dissatisfaction with the support received from their friendships;
- 82 per cent of mentees reported no regular participation in recreational

activities in the past six months; and

- 70 per cent of mentees have previous incarcerations and almost 50 per cent were under 21 when first convicted.

Why mentoring works

WIPAN's mentoring service starts from the premise of acknowledging the significance and dynamic of social isolation and community exclusion. Mentoring provides opportunities to build self-confidence and positive relationships, which assists in improving the criminal justice and social outcomes for mentees.

The mentoring program involves matching women who live in the community as mentors with women who are leaving prison (mentees). Each mentoring relationship is different, so an assessment and matching process is required. Once WIPAN has determined the mentee's goals and the type and level of assistance she will require, a suitable mentor is then selected and the relationship commences. It is this initial willingness and motivation of the mentee that heightens the chances of creating a beneficial relationship and in turn successful outcomes.

Mentees often refer to their mentors as their "guide", "role model" and "go-to person". Mentoring is empowering a mentee in a respectful and non-judgmental way to find and implement her own solutions while enhancing her social supports and networks. The mentor and mentee meet for at least one hour a week generally for six months with the mentor providing guidance, encouragement and companionship as the mentee navigates her way back into the community. Activities that a mentor and mentee engage in vary depending on the interests and needs of the mentee.

WIPAN knows that women's social and emotional needs can be met through gender-specific social support through mentoring. This contributes to women making and maintaining positive changes in their lives, peeling away from past behaviour and relationships that involved criminal activity.

A recent internal evaluation illuminates the WIPAN mentoring program's success:

- WIPAN mentored 59 women from August 2014-2015 and four of these women returned to custody. Of this four, one had committed a new offence, with the remaining three women returning for a breach of parole;
- 93 per cent of women who were matched to a mentor and engaged in the mentoring program did not return to custody. The recidivism rate of WIPAN's mentees in 2015 is 7 per cent compared with the NSW female recidivism rate of 43.7 per cent. Of the 7 per cent who have returned to custody, all have maintained contact with their mentor, via letter writing, and plan to resume the relationship once released;
- 76 per cent of mentees reported their quality of life to be "very low" on referral to WIPAN. This score decreased to 17 per cent when reassessed after six to nine months of mentoring;
- 89 per cent of survey respondents who are community partners and services working in the criminal justice system reported being "very satisfied" with the WIPAN mentoring program and believe there is a need for mentoring in the criminal justice system;
- Changes seen by community partners and services working in the criminal justice system as a result of

participation in the mentoring program include increased social support, role modelling and self-esteem, cessation or reduction in use of drugs and/or alcohol and participation in mental health or alcohol and drug treatment;

- Increased social capital became apparent in WIPAN mentees following mentoring. Mentees report gaining emotional support, having more close friends and joining new recreational activities;
- 100 per cent of mentors are satisfied with the WIPAN mentor training; and
- 100 per cent of mentors feel confident in their ability to mentor women in the criminal justice system following WIPAN training.

Reducing recidivism through the mentoring program also saves the criminal justice system money and resources. The program operates at 7.97 per cent of the cost to incarcerate 70 women per year. Based on the Justice NSW funding, WIPAN operated at a cost of \$9.14 per day to mentor 50 women for 18 months.

What does mentoring mean for your client?

While mentoring can assist women with engaging in more formal support services and in following formal conditions, mentoring is not a substitute for other support services. Nor is mentoring intended to form a formal condition of sentencing, bail or parole. Mentoring is a voluntary program and the motivation for participating must come from the woman herself, rather than external coercion. However, the success of the mentoring program cannot be understated and can have positive results in preventing re-offending and improving social outcomes for women clients. For a lawyer this is an optimal result.

WIPAN can support mentees directly in the legal process in a number of ways. WIPAN can write letters of support for mentees to be submitted to the court outlining the women's engagement with the service and how they have progressed in rebuilding their lives. Being able to demonstrate that women have not only the support of formal therapeutic or social services, but also more informal social support may give courts another option than simply returning women to custody.

A woman's successful completion or engagement in the program may be viewed favourably by the courts as a positive activity aimed at turning her life around, which will have long-term and far-reaching consequences, including and beyond reduced risk of reoffending. WIPAN mentors can also attend court with their mentees to provide emotional support and encouragement during what can be often a very stressful process.

While many lawyers are keen to support their clients, at times there can be misunderstanding or inability to comprehend the circumstances surrounding a woman's contact with the criminal justice system. This is particularly the case where women breach parole conditions such as failure to engage with support services and so may be viewed as wasting a second chance or not trying hard enough. WIPAN and the mentors can assist a lawyer with understanding and working through the circumstances of a client's case.

How can lawyers support the mentoring scheme and women in prison?

Lawyers can play a key role in the success of the mentoring scheme by referring clients to WIPAN and informing female clients of the scheme. Lawyers can also indicate to WIPAN their availability to provide pro bono legal assistance to WIPAN clients in criminal law and other legal matters. Lawyers can donate to WIPAN, including through workplace giving, monthly sponsorship and office fundraisers. Despite its consistent positive results, WIPAN still struggles to gain recurrent funding. WIPAN currently has more than 50 women on the waiting list for mentoring. These women are unable to be supported and matched by WIPAN due to lack of further funding.

Ultimately, it is not simply the case that women in prison need to be "reformed" or "rehabilitated". Identifying and understanding the role of social support and community inclusion in keeping women in the community and out of prison is essential. Lawyers, who are at the "coal face" of working with and supporting women in the criminal justice system have a significant role to play. **LSJ**

Email kat@wipan.net.au or visit wipan.net.au for more information on mentoring and WIPAN.