



# **Aboriginal and Torres Strait Islander Women in Australian Prisons**

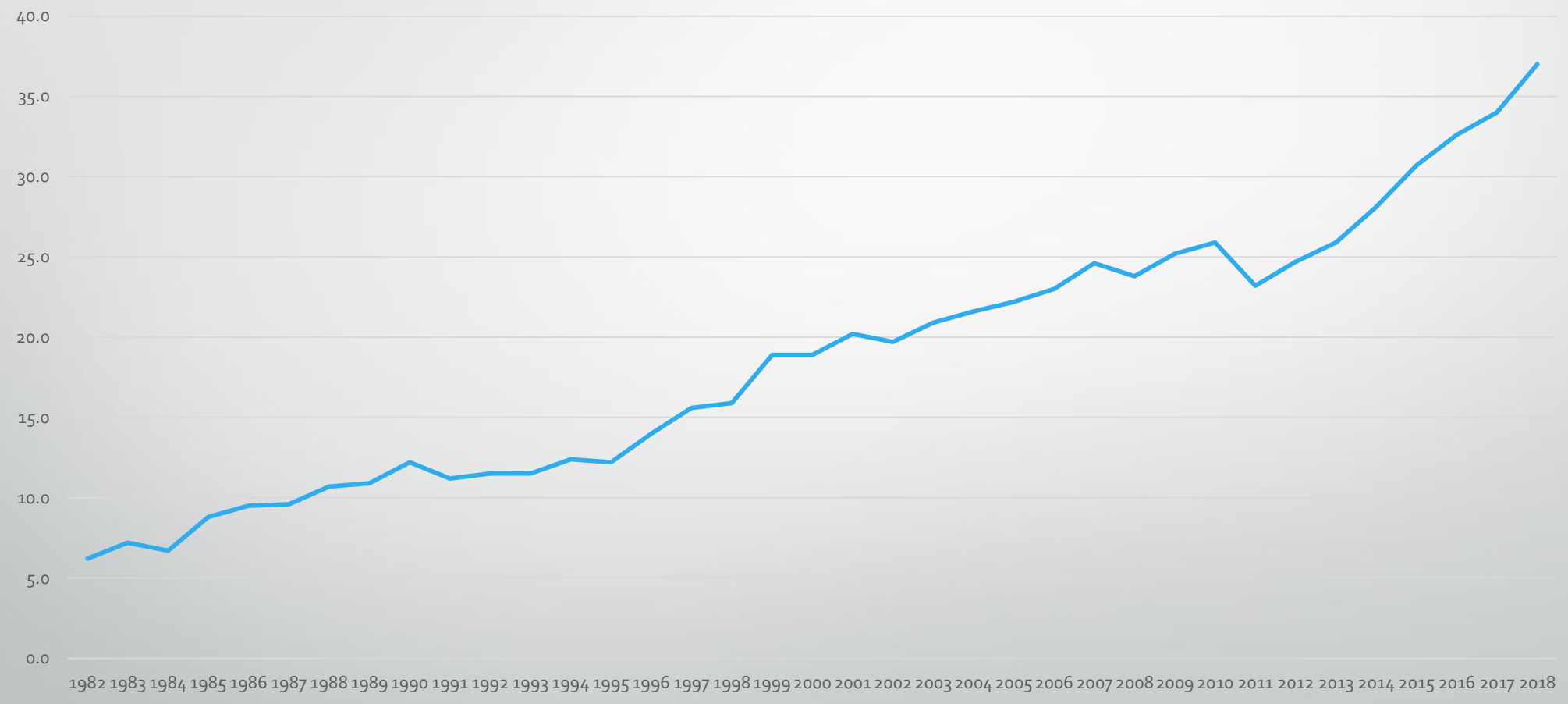
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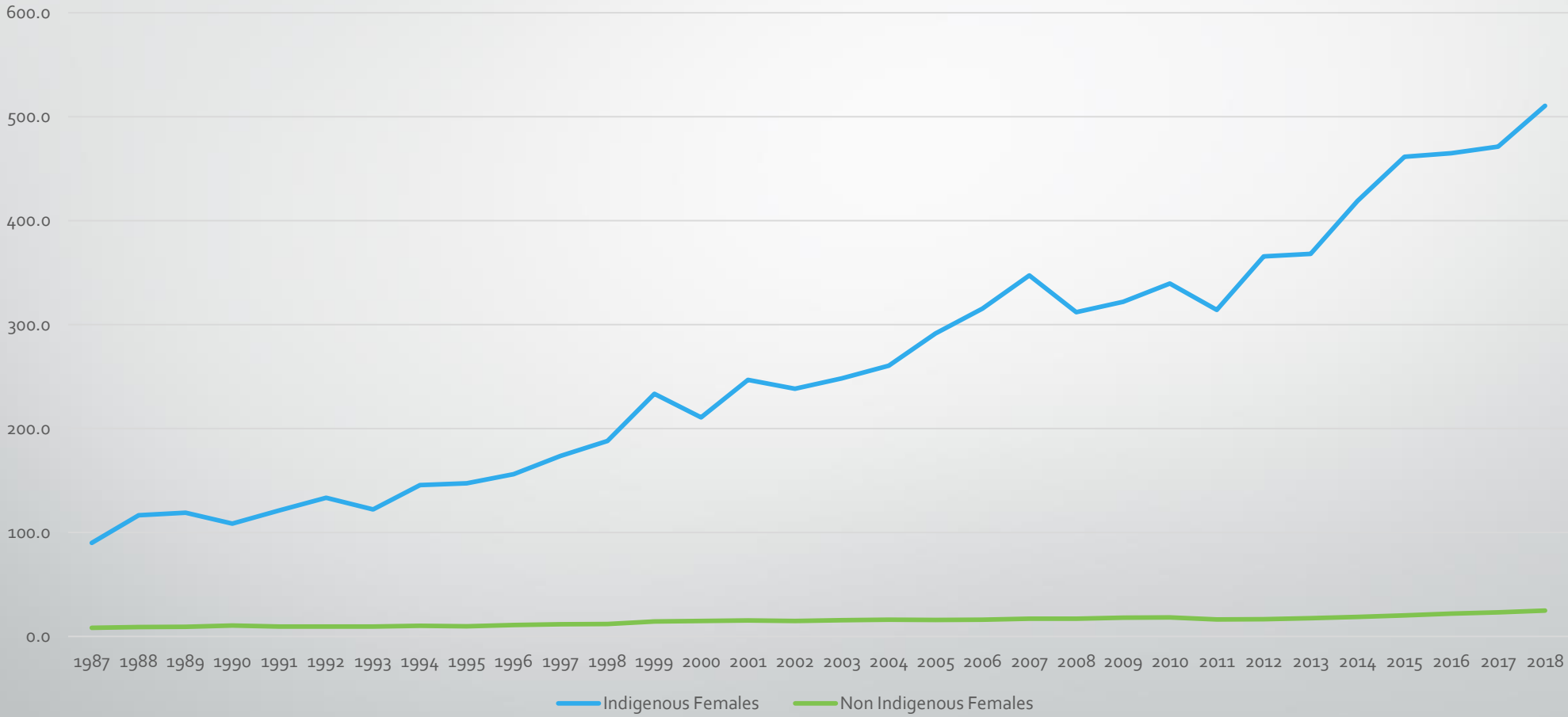
# Indigenous Women in Prison

- Indigenous women account for about 2% of the adult female Australian population.
- They represent 34% of the female prison population.

# Female IR



# Indigenous / non-Indigenous Female IR



# Indigenous Women in Prison - Numbers

NSW	340
VIC	79
QLD	295
SA	66
WA	346
TAS	6
NT	95
ACT	18
AUS	1230

## What we Know - Numbers

- Since 2000, the **Indigenous female IR** has increased by 142%. The figure is 65% for Indigenous males, 68% for non-Indigenous females and 30% for non-Indigenous males.
- Indigenous women are the **fastest growing subgroup** within the Australian prison population. They are **21 times more likely** than non-Indigenous women to find themselves in prison.

# Indigenous Women's Offences

- ABS - Recorded Crime – Offenders, 4519 (5 jurisdictions)
- The Indigenous female offender rate is **higher** than for non-Indigenous females and lower than for Indigenous males, but the female Indigenous offender rate **remains stable** over the data period.

**So, there is no evidence that increased Indigenous women's offending is driving the growth of these people in the prison population.**

# Indigenous Women's use of Violence

- ABS - Prisoners in Australia, 4517 – most serious offence / charge
- There is a dramatic increase in the number of Indigenous women imprisoned for **violent offences**.
- The number of Indigenous women whose most serious offence or charge was 'acts intended to cause injury' (ACI), has **increased with 119%** since 2007.
- About **one-third** of Indigenous women are in prison for ACI: 33% while it is only 13% for non-Indigenous women.



# Indigenous Women and Remand

- Indigenous women are the **fastest growing group** within the remand population.
- 41% of the Indigenous women in prison are unsentenced, while this is 36% for non-Indigenous women.
- Have not been found guilty and have hardly any access to programmes

# Indigenous Women and Short Sentences

- Indigenous women generally serve **shorter sentences** than non-Indigenous women. Both the mean and median sentence length of non-Indigenous women are almost double that of Indigenous women.
- Short sentences are **particularly damaging** as they hardly allow for access to programs, courses and counselling, and have devastating impacts on the community and family.

# Indigenous Women and Fine Default

- In WA, Aboriginal and Torres Strait Islander women represent **64%** of the female fine defaulter prison population – they constitute the **fastest growing** fine default population.
- Further, the report found that 73% of female fine defaulters in WA were **unemployed** when imprisoned (OICS 2016).

# Indigenous Peoples and Mandatory Sentences

- The Australian Law Reform Commission reports that it is difficult to make a direct correlation between high incarceration rates and mandatory sentences, **due to lack of data**. However, they state that 'the two most common categories of offence recorded for Aboriginal and Torres Strait Islander offenders in WA are 'acts intended to cause injury' and 'unlawful entry with intend', categories in which the above offences that attract mandatory penalties would fall' (ALRC 2017)

# Indigenous Peoples and Parole

- Indigenous Peoples rarely apply for parole. In WA, **80%** of the Indigenous peoples who were released in 2014-15 left the prison **without parole** (COAG 2016).
- Prisoners who receive parole have significantly **lower rates of recidivism or commit less serious offences** than those released unsupervised, and that parole is most effective when it involves active supervision that is rehabilitation focussed (Wan et al. 2014).

# Indigenous Women and Recidivism

- The IR of Indigenous women is strongly related to their high recidivism rate. On the 30<sup>th</sup> of June 2018, **64%** of all sentenced Indigenous women had been **imprisoned previously**, against 39% of the non-Indigenous women.

# Indigenous Women and Family Violence

- A large majority of Indigenous women in prison (between 70 and 90%) are **survivors of physical and sexual violence** (HLCR 2017).
- Histories of violence contribute to women's offending in a **direct** - as a response to experienced violence - and **indirect** way - as abuse was the underlying cause of drug use and other habits, which led to their offending (Bartels 2010; Bartels 2012; HRLC 2017).

# Indigenous Women and Family Violence

- Nancarrow (2016): Indigenous violence **cannot be effectively addressed by starting from the dominant conception of the white perpetrator** trying to control the life of his partner through coercive control. The violence Indigenous women experience is characterised by fights which are related to other aspects of Indigenous lifestyles, particularly in remote communities.
- Blagg et al. (2018) conclude that it is essential that models addressing violence against Indigenous women are **community-led and country-based, involve men, have an intersectional perspective, focus on broader issues of social and emotional wellbeing, and have Elders** at the centre of each stage of intervention.



# Indigenous Women and Intergenerational Trauma

- Quantitative evidence that being involved in the '**stolen generations**' – either directly or indirectly through other family members - is correlated with higher arrest rates (Dodson & Hunter, 2006; Ferrante, 2013).
- 80% of Indigenous women in prison are **primary caregivers** (HRLC, 2017).
- Children whose mothers spend time in prison are more likely to have **disrupted education, poor health and unstable housing**' (HRLC, 2017).

# Indigenous Women and Intergenerational Trauma

- There is a direct link between the increasing imprisonment of Indigenous women and their children's **welfare removals** (Baldry & Cunneen 2014), with the number of Indigenous children living in out of home care having almost doubled over the last decade (ABC 2018).
- Further, fear of the potential removal of their children is often a reason why Indigenous women **do not seek help** in situations of family violence, which in turn can lead to their own use of violence (Willis 2011; ANROWS 2016; Wilson et al. 2017).

# The Impact on Indigenous Communities

- Indigenous women have specific social and cultural obligations in their communities, which cannot be replaced by others, resulting in gaps in the social structures and economic potential of affected communities.
- This is particularly problematic if several generations of women find themselves in prison.
- At a certain point, high imprisonment rates reach a 'tipping point' in such communities, when imprisonment is actually causing crime.
- This is directly linked to the enormous overrepresentation of Indigenous youth in the criminal justice system, for which the best way to address this is to ensure strong parenting.

# Throughcare Project

- Australian Institute of Criminology, Criminology Research Grant 23/15-16
- Researchers: A/Professors Hilde Tubex & John Rynne and Professor Harry Blagg
- Western Australia and Northern Territory

# Aims and origin

- To identify the needs of Aboriginal male and female offenders on supervised or full time release to develop effective community-based throughcare strategies and to prevent recidivism
- Based on previous research and writings: **Aboriginal Peoples are the experts on their own lives, ask them!**

# Methodology

- Research sites we were familiar with
- Through throughcare providers and other NGO's
- Going to the communities
- Through community Elders / leaders
- Yarning
- Recorded and transcribed
- Analysed with Nvivo

# Data collection

- **Kimberley:** Mowanjum, Noonkenbah, Bayulu, and people in town communities in Fitzroy Crossing
- **Dampier Peninsula:** Pandanus Park, One Arm Point, Lambadina and Beagle Bay
- **Darwin:** 15 miles, Bagot, Minmarama, Knuckey Lagoon, Amangal, Tiwi Islands (Melville)
- **Alice Springs:** Hermannsburg (CAALAS, Bush Mob, Mission Australia, Tangentyere Council, McDonald Council)
  
- 38 interviews – involving 59 people
  - 20 interviews with service deliverers
  - 18 interviews with community members

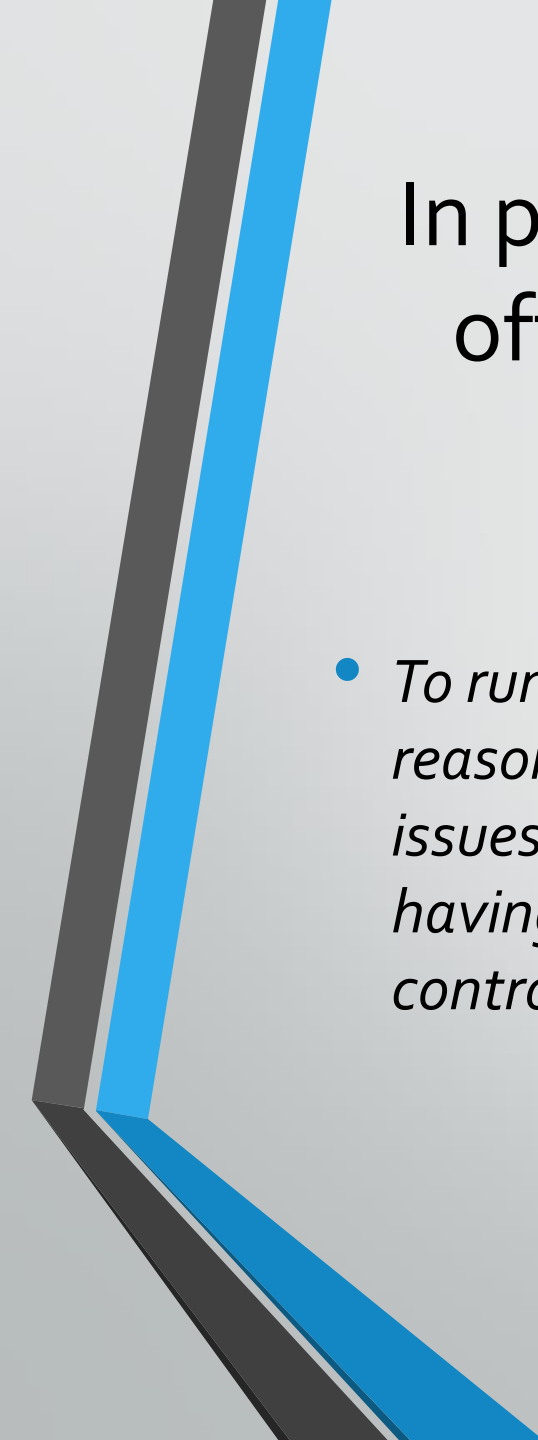
# Results

- What we have been told by the people in the communities and their service providers
  - Report mainly consists of quotes, organised by us, to give people a voice
  - The findings were summarised in a consultation paper which has been discussed with as many participants we could reach
  - Their comments have been integrated
- Throughcare is essential
- Indigenous experiences with the CJS are different



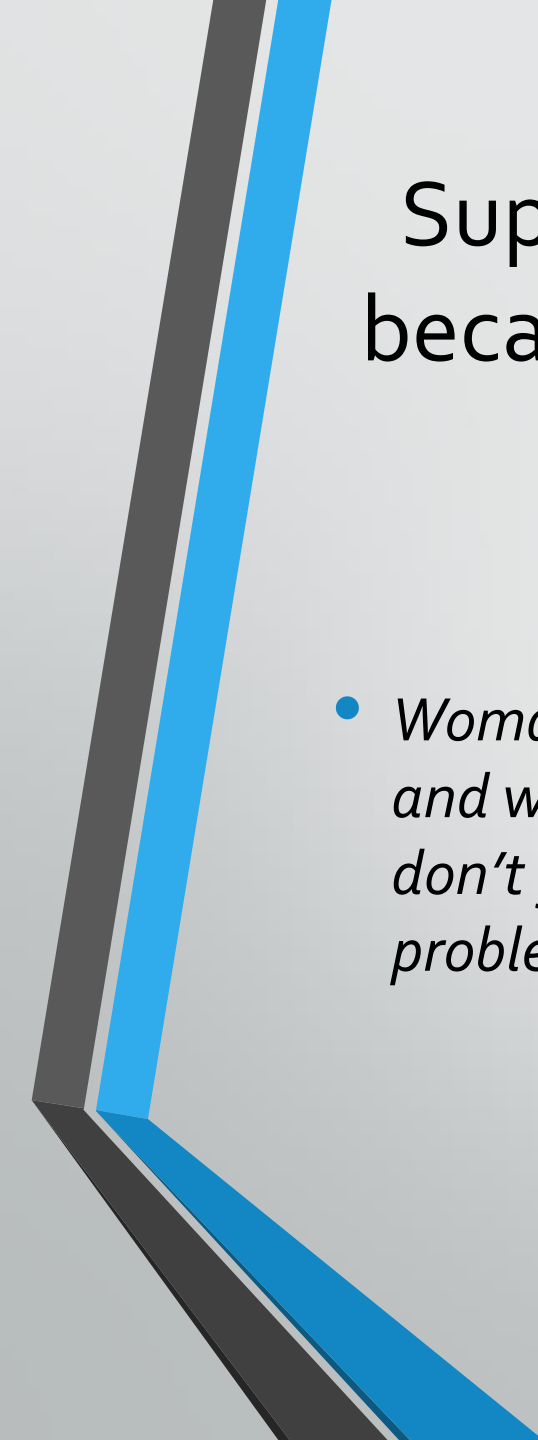
## There is a lack of programmes and activities for Indigenous women in prison and after release

- *And there's nothing for the woman – the whole time I was there [name prison], there was no treatment programs for the women – the whole time I was there. I haven't seen that in there for a while – that they do various things – they try to keep women occupied because they get quite bored - stuff to do, so we just do - hairdresser - so we've just got to go in there for two days cut their hair – show them how to cut their hair and blah, blah, blah – just the beauticians courses, nails – technicians but as far as clinical programs go I don't know of any. (Service Provider WA)*



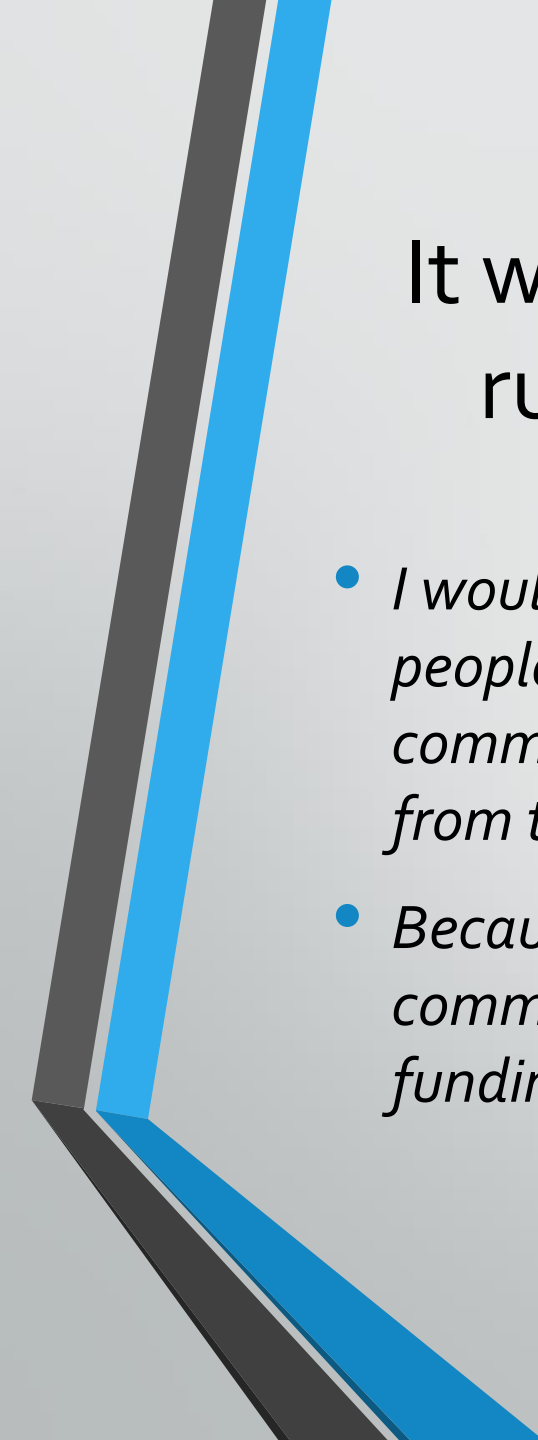
In particular if the women have been in prison for offences involving violence, there are very few opportunities

- *To run a program for women who may have used violence. And we know the reasons why women are often using violence. It's a whole range of different issues that we feel equipped to be able to talk with them about. So, actually having options for women, and apparently Alice Springs women's – it is out of control. The women are back to back. (Service Provider NT)*



Support in the community is needed, particularly because the women are reluctant to bring out their problems

- *Woman business. Well, it's very hard one to get women with their problems, and when they have domestic problems, they don't let anybody know, they don't go to anyone, don't know why because we're all women, we have problems, but... They're scared to tell anybody about their problems. (Elder NT)*



It was emphasised that these services need to be run in the communities and with local people

- *I would like to share that I would like to see something on the ground with the people who are coming back from the jail and like with domestic – the community – something happening for them, but they need a program going from the ground. (Elder NT)*
- *Because there's no options where our women – there is nothing in the community to support those women. So, we – our point is where you need funding to be able to work with these women. (Service Provider NT)*

# The imprisonment of Indigenous women has a significant impact on their community and children, also after release

- *There's an impact on the community. There're so many ramifications for having – I think the same about men, but there's so many ramifications for having women. (Service Provider NT)*
- *Yes. And then what happens with those children? And the mum comes out, and the bond between the mother and child is broken down, and grandma has been looking out for the kids, and aunties, and then his family starts to have – so, there's so many – I think that's something that we really need to – if you can investigate that more. (Service Provider NT)*

## There is also the effect of criminalisation on community members who are not caught up in the criminal legal system

- *I try and shut off what's going on out there because when I come to work, they will snap when I get out the front door and the gate, and as soon as I see family, "Oh, Grandma my God." It's really depressing. I'm surprised none of us are going to counselling ourselves because it's just an ongoing, continuously 24 hours, around the clock. I don't know how I honestly sometimes wonder how any of us do it, deal with it. Having the job for us we're lucky. We're actually doing, I suppose, good for ourselves plus our family. We try and set an example. You can only help so much to some because a lot of them don't want to take the help. (Service Provider NT)*

# So what to do?

- Use (culturally appropriate) alternatives to remand / short sentences (on country, based on healing)
- Abolish imprisonment for fine default
- Abolish mandatory sentences
- Promote parole / access / throughcare / support after release
- Prevent recidivism
- Build on strengthening communities ('strong women's groups, Justice Reinvestment, ...)

# Research wise

- Investigate Indigenous female offending
- From an intersectional perspective
- Community-based contextual approach
- In partnership with Indigenous Peoples





THANK YOU!

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