

**“He dug graves under the house saying that
he was going to kill me”: family and
domestic violence, and women’s pathways
into prison**

Dr Mandy Wilson and Dr Jocelyn Jones

Today's presentation

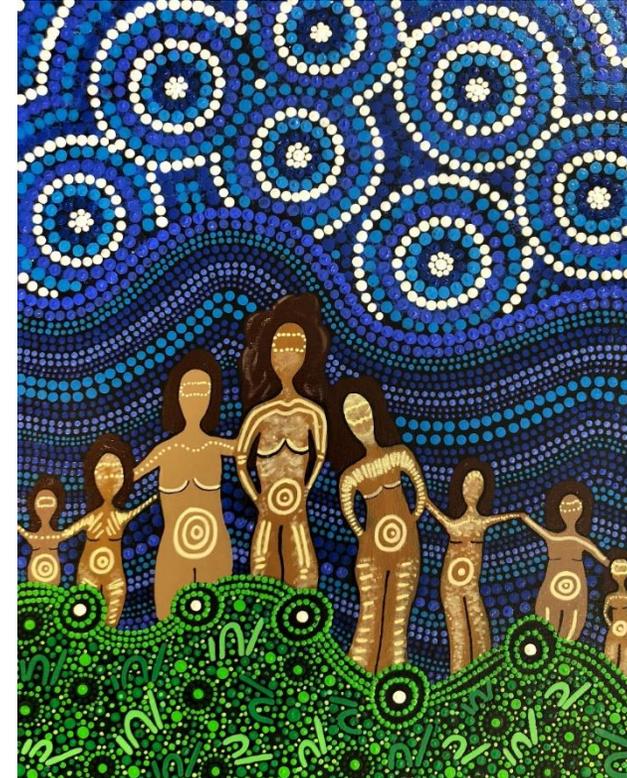
- Characteristics of female prisoners in Australia
- The women in the Beyond Violence study
- Experiences of violence within intimate partner relationships among women incarcerated in Western Australian prisons
- Implications and future considerations.

A trial of a prison-based intervention (Beyond Violence) for Aboriginal and non-Aboriginal women who use force

An international partnership between Australian and North American researchers:

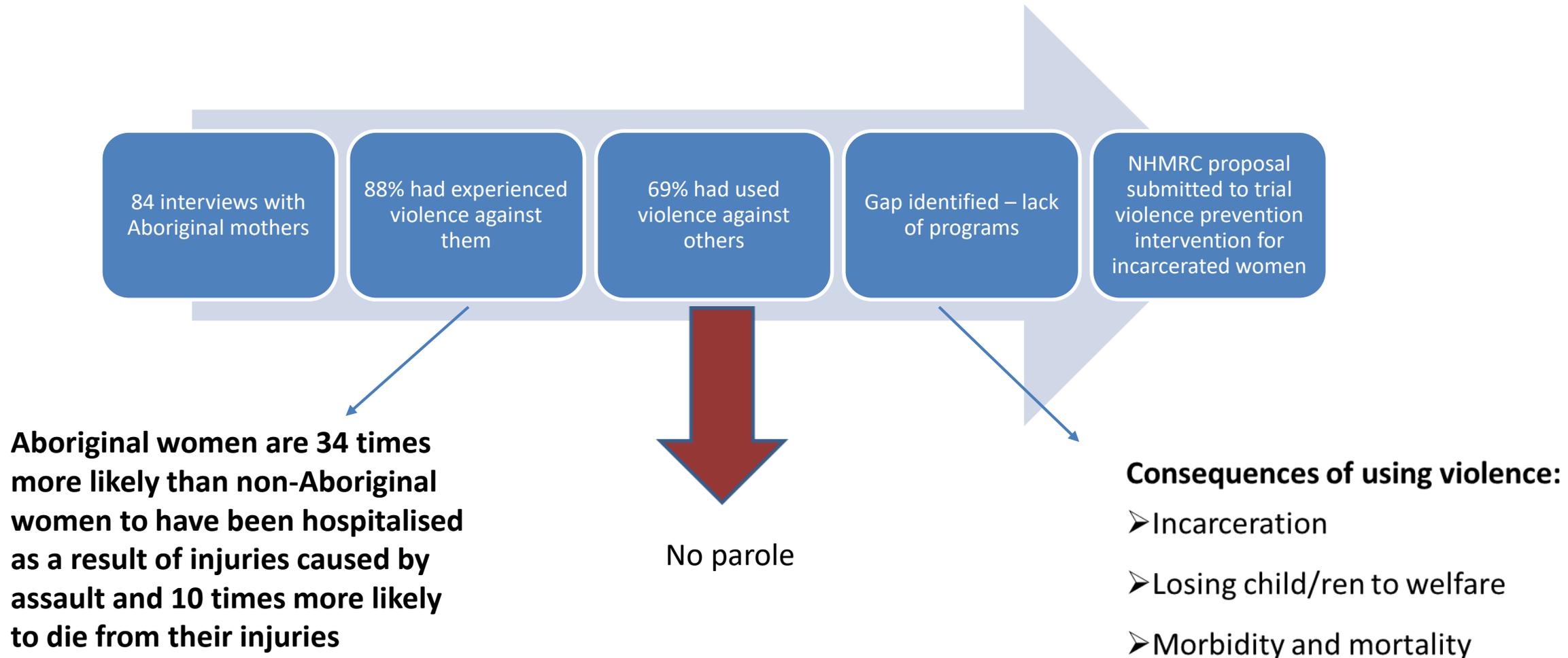
- **Tony Butler (UNSW)**, Sheryl Kubiak, Peter Schofield, Mandy Wilson, Emma Barrett, Jocelyn Jones, Azar Kariminia, Elizabeth Sullivan, Kimberlie Dean, Hannah McGlade, Victoria Burbank
- *Acknowledgements and thanks:*
 - The researcher officers working on the project, Debby Olow, Carolyn Lewis and Fiona McGregor
 - The women who are sharing their stories with us
 - The WA Department of Justice for their assistance in the conduct of this research

The researcher publicly states that material contained in this presentation cannot be considered as either endorsed by the Department of Justice or an expression of the policies or view of the Department of Justice. The author publicly states that any errors of omission or commission are the responsibility of the researchers.



Women standing strong. Artwork by Buffie Corunna.

Aboriginal mums in prison research project and where it has led

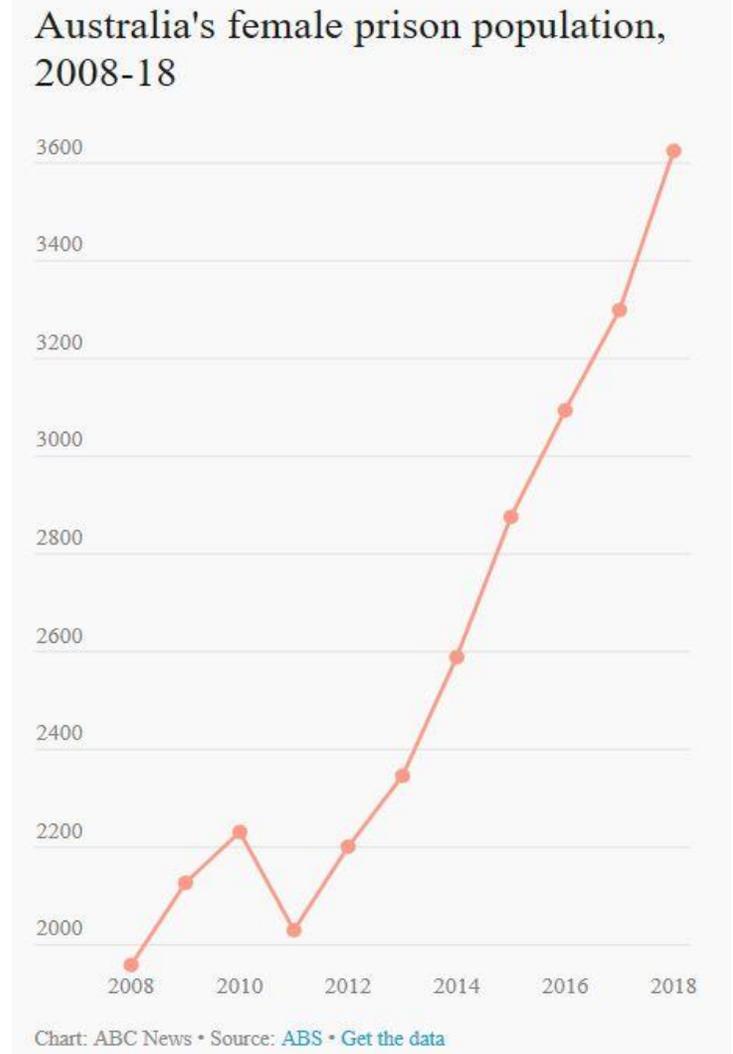


Aims of the Beyond Violence (BV) research

- *Primary aim:* Evaluate the effectiveness of a targeted substance use, mental health and violence intervention (Beyond Violence) in reducing recidivism among Aboriginal and non-Aboriginal women with a current and/or historical conviction for a violent offence.
- *Secondary aim:* Examine the effectiveness of Beyond Violence on 3, 9 and 15 month measures of (a) depression; (b) symptoms of post-traumatic stress disorder (PTSD); (c) anger; and (d) substance use among the group.

Female prisoners

- Females comprise a small proportion of the total Australian prisoner population, just over 8 per cent (ABS, 2018a)
- However, rates of incarceration among women have skyrocketed in the last decade, increasing a staggering 56 per cent from 2008 (ABS, 2018b), with this trend showing no signs of abating
- In WA, between June 2007 and June 2016, the number of females in prison increased by 87% compared to 60% among males (OICS, 2017).



Women are one of the fastest growing group in Australian prisons

What is driving the increasing incarceration among women in Australia?



Various drivers have been identified and may include:

- Family and domestic violence
- Mandatory sentencing laws
- Change in the types of offences women are committing
- Change in sentencing practices
- More unsentenced women being held in prison on remand
- Non-payment of fines

(Wunderstiz, 2010; Gelb, 2003; OICS, 2016; ALRC, 2017; Jefferies & Newbold, 2015)

Characteristics of female offenders

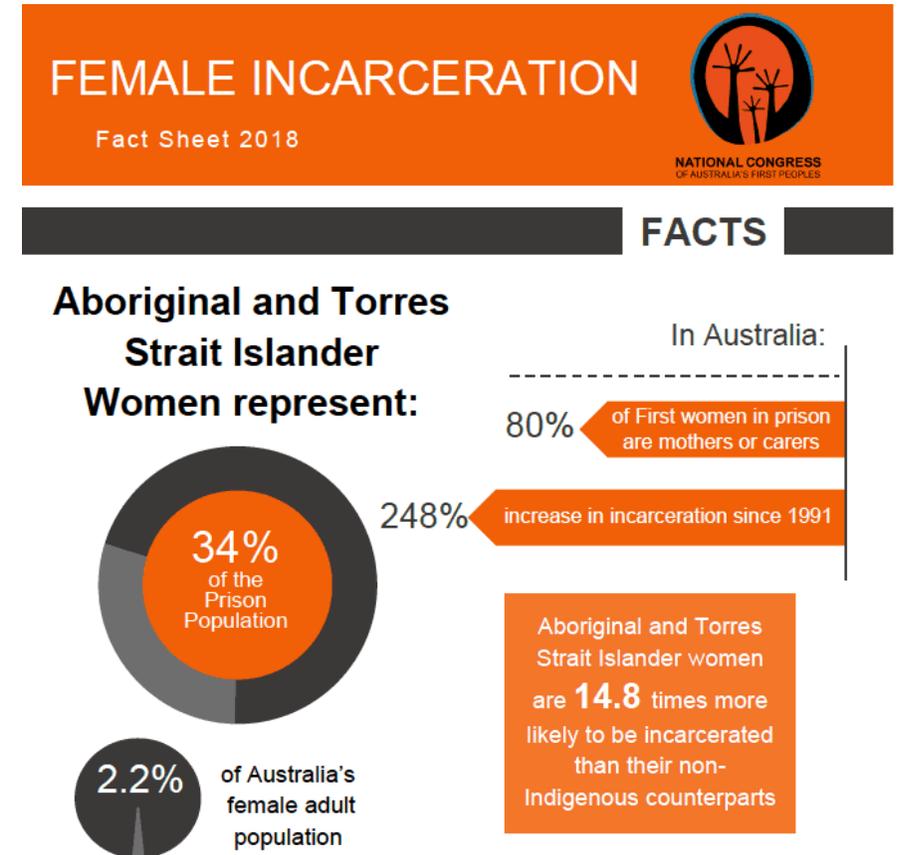
- Female prisoners comprise a vulnerable population characterised by high rates of:
 - previous childhood neglect
 - poverty and under-employment
 - family breakdown
 - trauma
 - substance use
 - Mental health issues
 - sexual and physical abuse
 - victimisation as adults (including interpersonal and intimate partner violence in particular).

Royal Commission into Aboriginal Deaths in Custody (1991)

- Imprisonment should be utilised only as a sanction of last resort (Recommendation 92)

Aboriginal women's pathways to prison

- Comprising only 2 per cent of the female adult population in Australia, a third of women in Australian prisons are Aboriginal and Torres Strait Islander (ABS, 2018a).
- Recognition of the impact of colonial practices and dispossession on family and cultural breakdown, and the continuing widespread inter- and transgenerational trauma experienced by Aboriginal peoples.

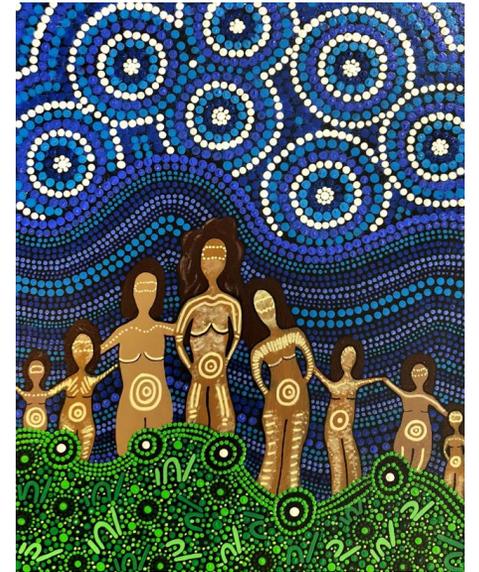


Women convicted of or awaiting sentencing for violent offences

- Over the decade 2006-2016 in Australia the number of women sentenced for a violent offence has increased by more than 50%.
- In 2018, 40% of women in Australian prisons were convicted of, or awaiting sentencing for, violent offences.
- Aboriginal women overrepresented in these statistics – 53% compared to 34% among non-Aboriginal women (ABS, 2018).

Selected characteristics of the women participating in Beyond Violence (n=117)

- 67% Aboriginal & Torres Strait Islander
- Age range, 19-61
- 43% had spent time in juvenile detention
- 62% had previously spent time in adult prison
- 41% had left school prior to year 10
- Of Aboriginal women, 75% reported family members taken away as part of the Stolen Generations
- 79% were mothers to 301 children (often referred to as the *invisible victims*).



Violence

- Violence is a priority (but neglected) public health issue
- Besides fatal and non-fatal injury, it has been associated with mental health problems (depression, anxiety, suicide), substance use, and social impacts such as poverty and homelessness (Dahlberg, et al., 2002)
- The negative impacts are far-reaching for victims and survivors, families and the wider community, and place enormous pressure on justice, health and social welfare systems.



Acknowledgement: Counting Dead Women Australia researchers of Destroy The Joint

Incarcerated women's experiences of FDV

Research has found that between 75-90 per cent of incarcerated women in Australia have experienced FDV (Lawrie, 2003; Wilson & Jones, et al.).

- Family and domestic violence → homelessness, substance use, stress and trauma related disorders, brain injury, mental health issues, poverty, unemployment, etc.

Why are our prisons full of domestic violence victims?



The number of women in prison is continuing to soar, new data shows. But advocates warn we can't arrest the increase until we start properly addressing domestic abuse, which affects an overwhelming majority of women behind bars.

Hayley Gleeson, ABC, December 2018

'Domestic violence directly or indirectly is a major cause of women being incarcerated. Directly when she finally retaliates or indirectly when there is, say, financial abuse' (Chenery, The Guardian, Feb 2019).

Experiences of intimate partner violence

	Aboriginal women (%)	Non-Aboriginal women (%)
Has your/a partner ever threatened to harm or kill you?	86	77
Has your/a partner ever used physical violence against you?	94	90
Has your partner ever threatened or assaulted you with any weapon (including knives and/or other objects)?	80	67
Has your/a partner ever choked, strangled or suffocated you or attempted to do any of these things?	60	69
Is your partner jealous or controlling over you?	88	85

N= 110, missing data = 7

Other forms of violence women reported experiencing in the context of IPV:

- Emotional
- verbal
- financial
- sexual
- broken & stolen possessions
- held against will/kidnapped
- drugged
- isolated from family and friends.

Smashed the house up, smashed my car, burnt my clothes, verbal abuse ... he used to smash his head on the wall and his family would come over and he would say that I did it.

He dug graves under the house saying that he was going to kill me. Threatened to drive off cliff and kill me and our daughter.



The Police Were Called for Help. They Arrested Her Instead.

Over the past decade, laws in Western Australia have sent thousands of people to prison for unpaid fines. Aboriginal women are particularly vulnerable, and in the worst cases, have been arrested when they called for help.



Naomi Bropho was imprisoned in 2017 for unpaid fines stemming from issues with her dog. David Dare Parker for The New York Times



By Livia Albeck-Ripka

Feb. 24, 2019



Are women reporting the violence they experience?

- Fear of being arrested as the aggressor or being arrested for other another offence, i.e. unpaid fines
- Fear of disclosing violence – having children removed
- Family violence ‘normalised’, no one else’s business
- Fear of partner retaliation.

- I wasn't allowed to go anywhere, he [partner] kept me in. Had to make excuses for bruising/injuries, he was always there. I couldn't report it. He was very controlling. I couldn't run to family, he would threaten them ... I was never brave enough to charge him.
- Police weren't protectors for me. I saw how rough they are with the old fellas. They'd be the last people I'd run to. There's a mental blockage.

Are women fighting back?

Eighty-one per cent of Aboriginal women and 71% of non-Aboriginal women reported fighting back in the context of IPV.

Fighting back:

- Rarely stops or modifies a partner's abusive behaviors
- Increases a woman's vulnerability to injury
- **Can lead to a woman's arrest as a perpetrator.**

Once or twice I hit him in the head with a Jim Beam bottle. Just the one time, I got really mad. Didn't stop the violence, he just beat me up - he was shocked though.

Tried to fight back but lost consciousness after being hit with wood.

Tried to, but he was bigger and it made him worse, angrier.

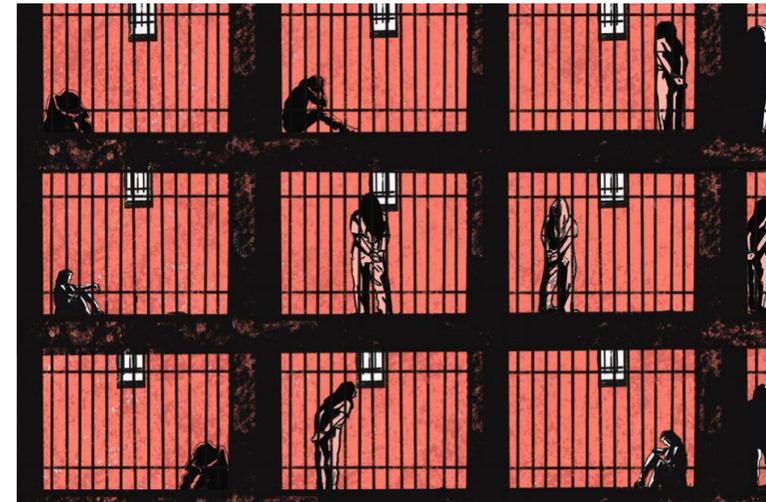
Implications

In Australia it costs **\$223 a day** (excluding capital costs) per prisoner (\$241 per prisoner in WA) compared to **\$23 per day** per offender in the community (\$32 in WA) (COAG, 2019).

The economic cost per year of violence against women and children in Australia is estimated to be close to 22 billion (KPMG, 2016).

Many women in West Australian prisons have experienced IPV and FDV at levels which should be cause for alarm us as a nation.

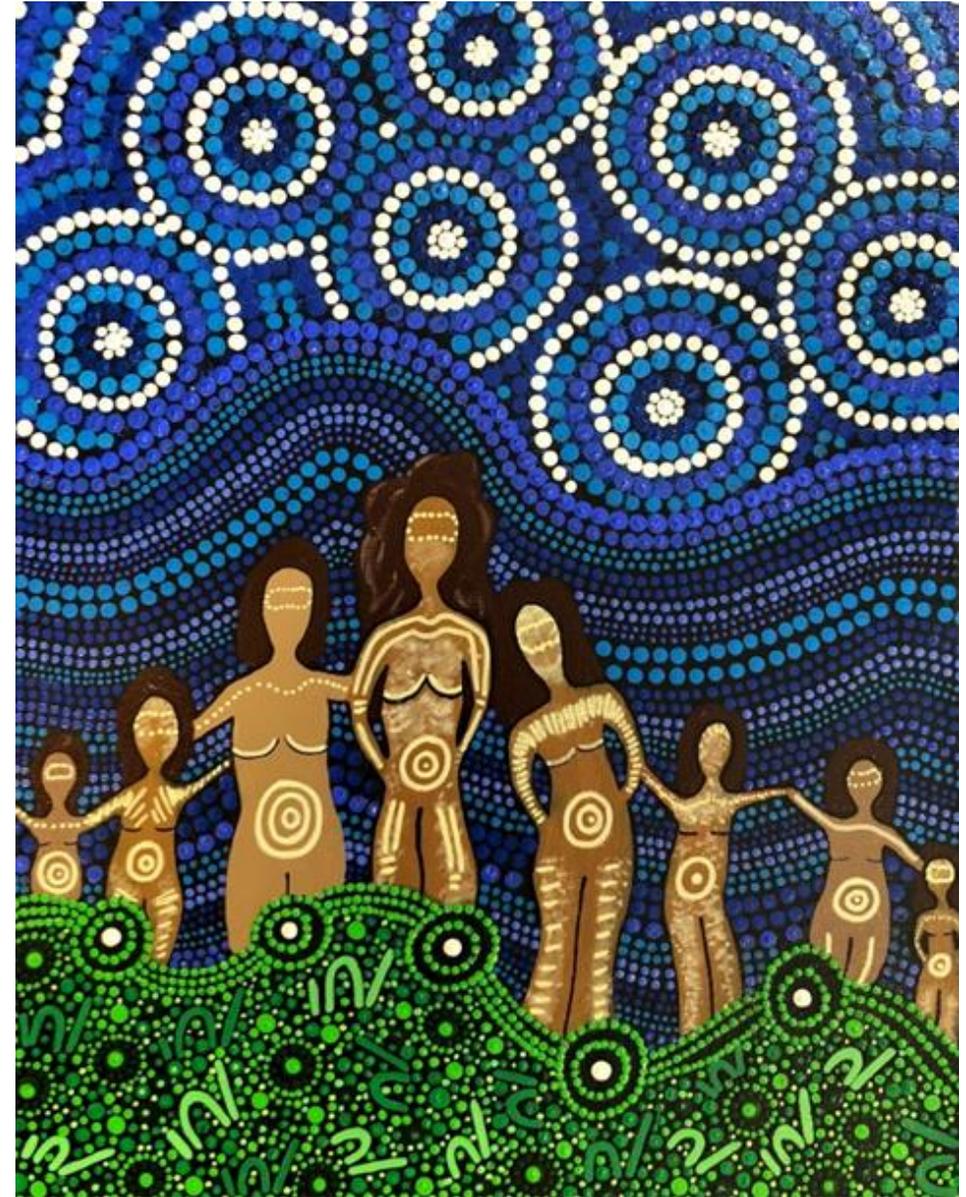
I was with him for a few years. I was strangled and attacked every second day. I couldn't understand why he was so cruel to me. I came to prison to get away from him; prison saved me.



Key recommendations

- Urgent need to respond more effectively to end men's violence against women and children;
- Commitment to address at the community-level the underlying drivers of female incarceration and factors associated with FDV, e.g. gender and social inequality (Australian Law Reform Commission, 2017);
- Training to ensure appropriate and routine inquiry about a women's history of FDV so that proportionate responses can be undertaken at each stage of criminal justice system (Prison Reform Trust, 2017);
- Diversion of women away from the criminal justice system, particularly mothers, into appropriate and well funded/resourced trauma-based programs in the community and amendment to laws that contribute to women's unnecessary incarceration, e.g. fines, mandatory sentencing (UN, 2017).

Questions?



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