

Facts about women offenders

Over the past ten years the numbers of women in prison in NSW have increased dramatically, by 50 per cent (from 682 to 1,021) between 2011 and 2017.

Among **Aboriginal women**, the number in prison has risen by 74 per cent (from 195 to 340), [33%] compared with a 40 per cent growth in the number of non-Aboriginal women in prison over the same time period.

The number of women on remand (unconvicted, awaiting trial) more than doubled between 2011 and 2017 [425 = 41%]. The number of sentenced female prisoners rose by 23 per cent over this period.

Yet the majority of women are sentenced to prison terms of less than one year (73% in 2012), and many (31% in 2012) to less than six months. Most offences committed by women are non-violent or public order offences. (NSWLRC, para 11.53)

Influences and Impacts

Women coming in contact with the criminal justice system have often had adverse experiences of violence and trauma, and may have mental health issues. Many have low levels of education, have been unemployed for long periods. Many were in care as children.

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

- 49% are mothers of **children aged 16 or under**

- 45% left school prior to completing year 10 at an average age of 14 years

- 67% were unemployed in the six months prior to incarceration; of these 25% had been unemployed for 10 or more years

- 66% have been in violent relationships

- 32% were in care as children

- 20% have been admitted to a **psychiatric unit** or hospital

- 27% have attempted suicide

- 38% consumed alcohol in a hazardous or harmful way in the year prior to incarceration, with 16% showing signs of dependent drinking

- 78% have used an illicit drug and 52% had injected drugs

- 80% are current smokers

Short sentences do not provide adequate opportunities to deal with their many issues, or allow for meaningful rehabilitation or education programs. There is often serious disruption to families, as many women sentenced to imprisonment have young children.

A different approach for women in the criminal justice system

The Miranda Project recognises that short custodial terms are far greater punishments than intended, have long lasting impacts and do not allow the issues underlying offending to be dealt with. It offers an **alternative to imprisonment**, a single integrated response to the complex and multiple needs of women in, or in danger of entering, the criminal justice system. It provides holistic support delivered through a community-based one stop shop.

This approach is based on the **UK Women's Centres** that have been so successful in addressing the multiple needs of women in supportive environments. So successful, in fact that the Government there has now adopted a clear policy that women should no longer be sent to prison unless they have committed a serious crime. The new UK **Strategy for Female Offenders**, aims to reduce substantially the number of women in prison for short sentences.

This approach is, of course, consistent with international standards established by the 2010 United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) These mandate:

- Gender-specific options for diversionary measures** and pretrial and sentencing alternatives (Rule 57).

Women offenders shall not be separated from their families if alternatives are possible (Rule 58)
Appropriate resources shall be made available to devise suitable alternatives for women offenders in order to combine non-custodial measures with interventions to address the most common problems leading to women's contact with the criminal justice system. (Rule 60)

How Miranda works

The Miranda Project is based in the Penrith Women's Health Centre, with a manager and two case workers, both Aboriginal. Each Miranda client participates in programs and services specified and coordinated by the case workers, and delivered by existing women's services in Penrith or in other Sydney locations. These programs are based on the principles of treatment and rehabilitation already recognised to be cost effective in reducing recidivism.

Services provided in this way include legal advice, mental health support, housing services, alcohol and other drugs advice and support, relevant corrective services supervision, employment services, programs on life skills and personal development, domestic violence and family support advice.

The Miranda Project is an option for magistrates to consider under Sections 11 and 12 of the Crimes (Sentencing Procedure) Act 1999 and other existing sentencing options. One example of how it operates is that a client returning to court for sentencing, or to seek bail, is provided with a letter setting out the program that she has been undertaking with Miranda and will continue to undertake. The case worker will also attend wherever possible. Most clients have been allowed to stay in the community, rather than in custody with this support. By the end of 2018 of 54 clients only 3 had returned to custody.

In the long run, it is hoped that Miranda will show the way to the establishment of a network of women-centred services offering gender-specific community alternatives to custody. An evaluation is being undertaken as the project progresses. The project aims to influence State approaches to working with women in contact with the criminal justice system.

Caitlin's case

Caitlin* is an Aboriginal woman with 3 adult children. She lives by herself in a block of flats where she feels alone and scared of her neighbours. Caitlin has an acquired brain injury due to her prolonged history of drug use which means she struggles with remembering appointments, times and managing impulsivity. In addition to this, Caitlin has leukemia and is currently undergoing plasma treatment.

In late 2017 Caitlin was charged with stealing a phone. This sadly was an act of impulsivity. Once she realised what she had done she experienced intense remorse. The police recovered the phone the same night and it was given back. Caitlin missed her Community Corrections reporting date by one day. She attended thinking that she had the right day but was told to leave. She went to the local court to explain the situation to a court administrator but was told that she had been breached. Caitlin became very distressed and approached a Community Restorative Centre Court Support worker who was present at the court. The Court Support worker contacted a Miranda Project case worker on Caitlin's behalf. An appointment was made for her to meet the Miranda case worker the following day.

With the help of her Miranda Project case worker, Caitlin has now applied for NDIS so that she can start to receive much needed mental health and disability supports. Miranda Staff have worked with Caitlin to submit a transfer for housing closer to the hospital where she currently has plasma transfusions, and she now receives counselling with Victims Services at Miranda Place.

When Caitlin attended court regarding the phone, her Miranda Project case worker provided a letter of support for court indicating that Caitlin was engaged with the Miranda Program and explaining the difficulties she faced. The case worker was also there as an emotional support for Caitlin. The magistrate noted that the support letter from the Miranda Project was a significant factor in Caitlin not receiving custodial sentence.

Caitlin was given 3-year Good Behaviour bond and has to report to police weekly. Miranda continues to work with

Caitlin to help her to access much needed support.

*Client's name has been changed to protect her identity.

Referral

The service is able to take referrals from individuals, the community sector, and relevant government organisations. To make a referral, please e-mail miranda.project@crcnsw.org.au for a referral form, or contact CRC directly on (02) 9288 8700.

Women in prison who would like to be referred to the service should contact relevant staff in their facility (this might be a SAPO, a Parole Officer or a case manager). Women can also self-refer by writing to CRC directly – address details are on the CRC contact us page.

Governance

Project governance is the responsibility of the Corrective Services NSW Women's Advisory Council together with the Board of the Community Restorative Centre (CRC). Current funding is from Women NSW.

If you are interested

The Miranda project is part of a coalition of organisations led by the Sydney Community Foundation under the title of the Keeping Women Out of Prison (KWOP) Coalition, with the aim of reducing the number of women in NSW prisons. Other members of the KWOP Coalition are SHINE for Kids, Women's Justice Network and Zonta Sydney.

Each year the KWOP Coalition organises an Empowering Women Breakfast at NSW Parliament House with the key purpose of raising awareness of issues faced by women in prison and the imperative to reduce escalating numbers and prompt action on multiple fronts.

At the Breakfast, held on September 18 2018, key note speaker was Australia's Social Justice Commissioner June Oscar, who spoke of the appalling over-representation of Aboriginal women in custody in NSW and the imperative to initiate a range of approaches to reverse the current trend. Aboriginal women are the fastest growing prison population in NSW. From 2011 to 2017, the number of Aboriginal women in prison increased by 74%.

KWOP is now reaching out to other individuals organisations who may be interested in becoming part of the movement.