

16 July 2014

The Research Director  
Legal Affairs and Community Safety Committee  
Parliament House  
George Street  
BRISBANE QLD 4000

By email to: [lacsc@parliament.qld.gov.au](mailto:lacsc@parliament.qld.gov.au)

Dear Research Director

**RE: Submission on the Inquiry on strategies to prevent and reduce criminal activity in Queensland**

The Women in Prison Advocacy Network (WIPAN) welcomes the opportunity to tender a submission for the Queensland Legal Affairs and Community Safety Committee's inquiry into crime control strategies. As a New South Wales based charity organisation aimed at supporting women who have been impacted by the criminal justice system, WIPAN understands the unique issues surrounding female offending. In advancing this submission, we seek to draw attention to these distinct issues and emphasise the importance of a gender-specific approach towards crime control. We hope that through the adoption of our recommendations, Queensland can become more effective in reducing the crime rates of female offenders.

**Main recommendations**

The main recommendations of this submission are as follows:

- Criminal justice policies that are more sensitive to the unique nature of female offending
- Early intervention approaches focused on identifying and dealing with gender-specific criminogenic risk factors
- More expansive use of diversionary options, with a greater emphasis on rehabilitation and reformation
- Comprehensive post-release support for women in prison who are returning to the community
- The adoption of a justice reinvestment approach in Queensland

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## **Background**

Queensland, like NSW, has a growing penal population that places a strain on government funding and resources. In 2013, its overall prison population increased by 9%, second only to the ACT, which saw an increase of 13% that year (ABS 2013a). Although women in prison constitute a smaller portion of the Queensland prison population, their numbers appear to be growing at a faster rate than men in prison. Between 2012 and 2013, the female prison population increased by 13%, while the male prison population increased by 8% (ABS 2013b).

The rising rates of imprisonment point towards a greater problem – the high recidivism rates in Australia. Statistics show that 65% of prisoners in Queensland had been imprisoned before (ABS 2013c). This can be contrasted with 55% in NSW and 58% in Australia as a whole (ABS 2013d; ABS 2013e). The statistics suggest that imprisonment is failing as an effective tool for crime control. Despite being a popular strategy, it has not achieved sufficient and/or positive results in terms of preventing crime and reducing reoffending. As such, there is a need to rethink current criminal justice responses and develop new solutions and policies.

## **Women in prison**

In order to achieve effective crime prevention and to develop reduction strategies, the distinct offending patterns between male and female offenders must first be recognised. Unlike men in prison, women in prison are more likely to have been convicted of drug related offences and property crimes. In 2013, illicit drug offences were the most common category of offences among women in prison, with 18% having been convicted of such an offence (ABS 2013). In contrast, men in prison are more likely to be serving time for violent or sexual offences.

The differences between male and female offending highlight the need for a more gender-specific criminal justice approach. A great deal of research has shown that female offending often occurs within the backdrop of socioeconomic disadvantage and abuse. Research reveals that a significant portion of women in prison have been physically, mentally or sexually abused, or experienced some combination of the three (WIPAN2012; Johnson 2004). The experience of abuse has prolonged effects on its victims, with many women suffering from long-term emotional and psychological trauma and turning to drugs and alcohol as a means of escape or a coping mechanism (Forsythe & Adams 2009). This combination of substance abuse, social and financial disadvantage, as well as mental health issues create the circumstances ripe for offending.

The issue of substance abuse has proved particularly problematic for female offenders. In fact, data shows that 61% of women in prison reported having used illicit drugs prior to imprisonment (AIHS 2013). Additionally, 39% admitted to engaging in dangerous alcohol consumption (AIHS 2013). The failure of the criminal justice system to recognise and deal with substance abuse as the health problem it is has only worsened the situation, leaving many women in prison exposed to the dangers of such addiction. Furthermore, it does not provide them with the assistance or opportunity they need to make real rehabilitative efforts.

It is important to recognise that women in prison comprise of some of the most marginalised people within our communities. Many of them have not only been victims of substance abuse, domestic violence and mental health and cognitive disorders (MHDCD), but of poor socioeconomic status and limited education (Martyres 2003) . Their criminal behaviour can be traced back to the lack of opportunities and the general presence of disadvantage in their lives.

## **Rethinking criminal justice approaches**

As the previous section has shown, offenders do not represent a homogenous group, but rather, are differentially influenced by their varied environments and lived experiences. Thus, the motivations for offending often differ between individuals. In the case of women offenders, the high instances of substance abuse, MHDCD, trauma and disadvantage makes imprisonment a wholly inadequate tool for dealing with crime. If offending among women is to be reduced, the criminal justice system must be able to recognise and target the specific risk factors that drive women to offend. Thus, strategies that give sufficient weight to the far-reaching effects of these issues must be implemented. This necessarily involves the adoption of a gender-specific approach that is sensitive to the unique patterns of male and female offending, and which aims to tackle criminogenic conditions at an early stage.

***Recommendation 1: Criminal justice policies that are more sensitive to the unique nature of female offending***

***Recommendation 2: Early intervention approaches focused on identifying and dealing with gender-specific criminogenic risk factors***

In keeping in line with these recommendations, WIPAN proposes an approach that targets crime at two levels. The first level involves identifying the specific factors that motivate offending among women and diverting women away from the criminal justice system where possible. The second level requires the development of comprehensive post-release support networks within the community. This would ensure that women who do go to prison have access to the support and mentoring they need upon release.

### **(1) Diversion from the criminal justice system**

Given the failure of current punitive and penal approaches, it is important that the criminal justice system rethinks its responses to crime. As the statistics have shown, imprisonment is an ineffective and inadequate avenue for dealing with issues relating to substance abuse and MHDCD. Instead of equipping women with the skills and resources they need to transform their lives, prison isolates them from their communities' environments. By doing so, it leaves them unprepared for life after prison. A more suitable response would be one that is focused on rehabilitation and reformation.

As such, we propose a diversionary approach aimed at redirecting women away from prisons into community-based alternatives targeted at overcoming particular offending motivations. These alternatives would include programmes relating to drug and alcohol rehabilitation, education, parenting and healthy relationships, social inclusion, sexual assault and domestic violence counselling as well as mental health support. In this way, the approach would be attentive to the unique needs of female offenders. It is important that imprisonment only be used as a last option, after all other alternatives have been exhausted. Through the use of such community-based alternatives, women offenders will be better able to overcome the problems that push them towards crime, instead empowering and supporting them to make significant life changes.

***Recommendation 3: More expansive use of diversionary option, with a greater emphasis on rehabilitation and reformation***

### **(2) Post-release community support**

One of the most essential goals of the criminal justice system is ensuring that offenders who do go to prison do not reoffend after release. In order for this goal to be achieved, greater post-release support must be available. Often, women who leave prison reoffend because of a lack of social, financial and personal support in the community. The transition from living within an

institutional setting to residing within the community proves difficult for many women exiting prison (Martyres 2003). Their anxieties often comprises a range of issues that include the need to stay clean and sober, acquire suitable accommodation and employment, as well as steer clear of negative influences. Additionally, many women offenders who have lost custody of their children due to imprisonment may also wish to regain guardianship.

To ensure women exiting prison are able to rebuild their lives, sufficient and appropriate post-release services must be developed and implemented. With regards to housing, it is especially important that women in prison are able to access the relevant NGOs and housing authorities that can assist them in securing accommodation post-release. Housing provides women exiting prison with a physical and emotional base; the security necessary for a smooth transition into the community (see Dutreix 2003; Baldry et al. 2002). In many ways, it protects against the vulnerabilities that come with homelessness and helps to steer away from any negative influences that all too often result in reoffending (Dutreix 2003).

Additionally, mentoring programmes aimed at providing women exiting prison with social support should be introduced. Currently, WIPAN conducts a mentoring programme for women in NSW who have recently been released from prison (see WIPAN 2014). The programme has achieved very positive results, with a recidivism rate of only 20.1% among participants who engaged in the programme for a year or more. This is much lower than the state's female recidivism rate of 55%. Furthermore, cost-benefit analyses have shown that the mentoring programme has saved more than \$1M in prison costs for each year that it has been implemented. Both the social and economic benefits of the programme are evident. By providing consistent social support, guidance and skills, mentoring programmes give women who have exited prison the confidence and knowledge in which to make real and positive life changes and choices.

Overall, there needs to be an increase in post-release programmes for women leaving prison. These include drug and alcohol programmes, financial and welfare assistance, legal advice and assistance, amongst others already mentioned above. More importantly, women in prison should be educated on the kind of services that are available to them upon return to the community.

***Recommendation 4: Comprehensive post-release support for women in prison who are returning to the community***

### **Justice reinvestment**

While the above approaches would certainly make significant contributions towards crime control and certainly reduce the recidivism rates, more unique strategies must also be entertained in order for the goals of crime prevention and reduction to be best achieved. One such strategy is that of justice reinvestment. A movement that has its roots in the United States, justice reinvestment is aimed at reducing prison populations and hence, the burgeoning prison costs (Brown et al. 2012; Schwartz 2010).

International jurisdictions that have attempted to use this approach have attained positive results. Texas, for example, managed to save \$210.5M by implementing justice reinvestment over the course of a year (Smart Justice 2012). Similarly, Kansas saw savings of \$80.2M over a period of five years (Smart Justice 2012). Both states also experienced significant reductions in prison population growth during the time that justice reinvestment was carried out (Smart Justice 2012, citing Oakshott 2010). Although Australia has yet to adopt justice reinvestment to similar extents to that of the United States, there appears to be a growing recognition of the approach within Australia. In the federal government's 2013 inquiry into the 'Value of a Justice Reinvestment Approach to Criminal Justice in Australia', the government stated that states should take the first step in exploring the strategy as an alternative to imprisonment (LEGCON 2013). Currently, a justice reinvestment trial is being conducted in Bourke Aboriginal Community

in NSW, representing one of the few positive steps taken towards embracing the approach (see Just Reinvest NSW 2014). Given Queensland's strong interest in reducing crime, an adoption of justice reinvestment strategies could prove useful.

Although the approach maybe seen as radical, when compared to current punitive strategies, justice reinvestment has the potential to significantly decrease offending. This would fulfil the moral, social and financial goals of the state. If the government is truly committed to reducing crime and building safer communities, such 'radical' thinking must be embraced, as it is clear that the present system does not work.

***Recommendation 5: The adoption of a justice reinvestment approach in Queensland***

**Conclusion**

Despite the fact that imprisonment has been one of the most popular criminal justice tools for decades, research and statistics suggest that it does not achieve its intended goal of crime reduction or deterrence. In fact, the high rates of recidivism seem to indicate that public safety is not being adequately ensured by current punitive strategies. For this to change, the criminal justice system must first recognise the factors that give rise to crime.

As this submission has repeatedly emphasised, the conditions that give rise to offending does differ between men and women offenders. For criminal justice responses to truly be appropriate and effective, a gender-specific approach must be adopted. This involves diverting women offenders away from prisons at every opportunity so that rehabilitation options are explored and maximised. Additionally, women leaving prison should be provided with the post-release support required to ensure significant life changes and choices are made. We must tackle crime prevention by being attentive to the social conditions and lived realities of offenders. Only when we address the everyday issues and problems that women who offend encounter, will we be effective in reducing crime and the recidivism rates of women in our community.

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