Submission to Queensland Productivity Commission
Inquiry into Imprisonment & Recidivism

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For further details contact Debbie Kilroy, CEO, Sisters Inside Inc., PO Box 3407, South Brisbane Qld 4101. Ph: (07) 3844-5066 Mob: 0419 762 474 deb@sistersinside.com.au
Glossary

BYDC – Brisbane Youth Detention Centre
BWCC – Brisbane Women’s Correctional Centre
CCC – Crime and Corruption Commission
CYDC – Cleveland Youth Detention Centre
DVO – Domestic Violence Order
NCC – Numinbah Correctional Centre
NGO – Non-Government Organisations
NQ – North Queensland
PIC – Prison Industrial Complex
QPS – Queensland Police Service
QCS – Queensland Corrective Services
SCB – Supreme Court Bail
SCC – Special Circumstances Court
SEQ – South East Queensland
SIS – Sisters Inside Incorporated
TWCC – Townsville Women’s Correctional Centre
YJ – Youth Justice

Notes

1. Every claim made in this submission is supported by available data. We recognise that the data included in this submission is not fully referenced and/or more recent data may be available. We also recognise that this submission focuses more on women than children. This is due to the limited resources of SIS – a community organisation which does not receive funds to undertake research, policy development or submission writing. If QPC requires a source for any particular claim, we would be happy to provide this.

2. SIS has a fundamental concern with the use of the word *recidivism*. Many women are returned to prison despite having not been charged with new offences. Accordingly, we believe the word *re-imprisonment* is a more accurate descriptor than *recidivism* and have used this throughout.

3. Two additional documents should be treated as part of this submission. Due to their length, they are forwarded as separate documents rather than appendices to this submission. These are:
   - A user-friendly version of the SIS model of service - *The Inclusive Support Model: A guide for new SIS workers*
   - An independent evaluation of a highly successful SIS decarceration program - *How We Do It: Diverting Women from Prison (Sisters Inside Special Circumstances Court Diversion Program).*
Introduction - The Carceral State

The carceral state is entrenched in our national DNA. Australia’s convict and colonial past reflects themes that continue to this day – the assumption that there is some merit in criminalising and imprisoning our poorest community members, in the case of women and children for largely minor, non-violent offences. Since the 1990’s, the war on poverty has progressively been superceded by the war on crime. Despite falling crime rates, record numbers of our most marginalised Queenslanders have been imprisoned, and continue to be re-imprisoned. Most notably, the number of women and children, particularly Aboriginal and Torres Strait Islander women and children, in prison has grown at an exponential rate.

Historically, the carceral state has been used to describe the formal institutions of the criminal justice system including police, courts, probation/parole and prisons (also known as the PIC - prison industrial complex). This definition is increasingly being extended to include all the systems and processes which contribute toward the criminalisation, imprisonment and re-imprisonment of largely marginalised members of our community. These include the welfare, child safety, housing, health, income support and employment systems, which directly or indirectly collaborate with the criminal justice system and contribute toward the growth of the PIC. Some are largely passive contributors – for example, a failure to provide adequate housing or mental health services are key drivers of the imprisonment and re-imprisonment of women. Others are more active contributors – particularly, the government and NGO welfare and health services which impose various forms of supervision and surveillance on their (often involuntary) participants, including information sharing with QPS and QCS.

Nowhere is the impact of the carceral state more evident than amongst our First Nations peoples. The carceral state, in its many guises, has dominated the lives of Aboriginal and Torres Strait Islander people since colonisation. In the past, it controlled all aspects of the lives of First Nations peoples. For many, the carceral state continues to control their lives. Ongoing colonisation continues to undermine culture and impose assimilationist values. Historical practices such as slavery (the unpaid or inadequately paid obligatory labour of First Nations peoples in missions and domestic service) is currently reimagined as prison employment and compulsory, racist, free-labour programs for the unemployed. The assimilationist child removal policies which led to the Stolen Generations are reimagined through current child safety policies and processes which continue to remove First Nations children from their families and communities in record numbers, minimise opportunities for kinship care, and feed increasing numbers of children into the pipeline from the child protection, to youth justice, to adult prison systems. Over-policing of remote communities has led to rates of charging and imprisonment of Indigenous people far beyond that of other Australians. In particular, the imposition of Domestic Violence Orders (DVO’s) on Aboriginal women for survival/reactive/defensive responses following a long history of abuse has led to breaches of DVO’s being in the top 10 most common offences for women in prison in Queensland in recent years.

The assumed need for a carceral state is generally considered beyond debate. Despite overwhelming evidence to the contrary, carceral assumptions continue to form the starting point for carceral logic and practices. As a society, we continue to look to the very system which has driven mass incarceration, to resolve the long term, often multi-generational problems associated with the imprisonment and re-imprisonment of women and children. This has led to repeated Inquiries proposing reforms which only serve to shift deck chairs on the Titanic.

Prisons are violent. Prisons cause more violence. As perpetuators of violence, prisons are a central part of the problem and cannot possibly be the solution to social problems. In short, the carceral state does not make the community safer. It does not rehabilitate offenders. And, it does not enact fair retribution. Prisons replicate characteristics of violent family situations. They are based on rigid rules, imposed by authority figures (often in an arbitrary manner), and requiring absolute obedience.
As the outgoing Chief Inspector of Prisons in the United Kingdom, Nick Hardwick, said in a remarkably candid interview:

*I didn’t understand the degree to which, once you lock someone up, even in the best prisons for a short period of time, that is a very severe punishment indeed … It’s as bad as you could possibly imagine and possibly more so, and don’t think a little flat-screen television in the corner is going to alleviate it, because it doesn’t.*

*What a good prison does is teach you to be a good prisoner, so it teaches you to be compliant, not to use your initiative, to do what you’re told, to rein in your emotions, and that isn’t necessarily what you need to do to be a good citizen, or a good parent.*

(Outgoing Chief Inspector of UK Prisons)

Prisons have no rehabilitation value. In his evidence to the CCC, Darryll Fleming (GM, BWCC) outlined the horrific circumstances for women prisoners in BWCC and the prison’s focus on safety and security at the expense of progression. Women are competing for food, washing machines, laundry and dealing with reduced access to visits, programs and employment:

*The prisoners are stressed. The prisoners are fighting to the top. The prisoners are fighting for their food. … So then I've got the prisoners that are at risk. … When a prisoner who has vulnerabilities, who is at risk … they stay at Brisbane Women's and they stay in a concentration. … The other thing that goes with it is that a lot of women are already predisposed, from the trauma, their history, their upbringing, their backgrounds … by the time they come to gaol, they are high risk, they are high need, they are complex.*

(General Manager, BWCC)

Fine tuning of a fundamentally flawed system can never address the social and economic root causes of women and children’s imprisonment and re-imprisonment. It is critical that this Inquiry address carceral assumptions and generate evidence-based responses which reduce the escalating levels of imprisonment and re-imprisonment, particularly amongst First Nations women and children. Nothing short of a major transformative strategy can address the social and economic harm of imprisonment. A genuinely critical response demands that this Inquiry recognise the origins of the carceral state and propose means to begin to dismantle it. This includes addressing the role of race and gender in the PIC, and the increasing contribution of the health and welfare industries to the growth of the carceral state.

### The Key Drivers of Imprisonment

Women comprise approximately 10% of all prisoners in Queensland – up from less than 5% in 1998. According to QCS the number of women in prison in SEQ rose by 65% from 2012-15 alone. 454 new beds/cells for women have been built in Queensland since 2000 (excluding redevelopments within existing prisons) at a cost of over $615 million. Further, SIS is aware of prison expansion projects, primarily at BWCC, amounting to over $30 million over the next 2 years.

The imprisonment rate amongst Aboriginal and Torres Strait Islander women is particularly horrifying. Indigenous women are the fastest growing cohort of prisoners in Australia, with imprisonment rates growing faster than both Indigenous men and non-Indigenous women. According to the Law Council of Australia, Indigenous women make up around 2.2 per cent of the overall Australian female population, but around 34 percent of all women prisoners.

It is difficult to overstate how overwhelmingly disadvantaged women prisoners are. Women prisoners represent the most socially, culturally and economically marginalised populations in Australian society. The literature universally recognises that the majority of women prisoners have a history of:

- Poverty - with the majority being dependent on Centrelink benefits and most being in debt upon entry to prison.
• Housing insecurity – with many having been homeless immediately prior to imprisonment.
• Unemployment – with the few who were employed prior to imprisonment, generally having worked in low income jobs.
• Poor educational outcomes – with most having not completed secondary schooling.
• Poor health – with the majority experiencing mental health and/or substance abuse issues.
• Institutional intervention – with over 50% having been in state care as a child (and up to 25% having spent time in youth prison).

A significant proportion of women prisoners also face other challenges including an intellectual or learning disability (with various studies finding between 12% and 50% of women prisoners living with one or both of these disabilities). 10%-15% of women prisoners come from non-English speaking backgrounds. And, the significant majority of women prisoners are mothers of dependent children (with most having been heads of single parent households prior to imprisonment)\textsuperscript{13}. In evidence to the CCC, the GM of BWCC acknowledged the very different profile of women prisoners compared to men, the central role of trauma in these women’s lives, and the added complexities with prisoners who are mothers:

… 80 per cent of women that come to gaol, or more, are victims before they're perpetrators. It's just a different environment …

(GM, BWCC\textsuperscript{14})

The vast majority of women prisoners are in prison for short periods of time, for minor, non-violent offences. This is evidenced by the reported turnover at BWCC of 3 times per year\textsuperscript{15}. According to QCS, in 2015 the average duration of imprisonment for women in Queensland was less than 5 weeks.

**Poverty & Homelessness**

Over recent years, the social and economic pressures on disadvantaged women have increased significantly:

• Measures to directly alleviate poverty have progressively diminished over the past 30 years. These include reduced value in real terms of Centrelink benefits, narrowing of guidelines for access to the more secure forms of benefit (e.g. Disability Support Pensions), reduced access to the Parenting Payment, and reduced access to emergency relief funds.

• With reductions in public housing throughout Australia over the past 30 years, most women and families on low incomes are forced to try to access housing through the private rental market. The 2017 Anglicare survey on rental affordability in the private market found that, of the 8,423 properties advertised in Brisbane on the snapshot day literally zero properties were affordable for singles on Newstart Allowance, Youth Allowance or the Disability Support Pension; and only 2 properties were affordable for some categories of parents with one or two children receiving the Parenting Payment Single\textsuperscript{16}.

• The increasing cost of education (and limited access to accredited education and training in women’s prisons) has further reduced women’s access to education, and consequently, employment.

Despite these clearly structural drivers of poverty, the carceral state increasingly markets women’s criminalisation as a product of individual behaviour rather than larger socio-economic issues. This individualisation of poverty has led to programs predicated on the assumption of individual guilt and blame, rather than services to address the poverty which underlies most women’s imprisonment.

Homelessness is a primary rationale for the refusal of bail to women and their return to prison for breaches of parole. In his testimony to the CCC, Darryll Fleming (General Manager of BWCC) highlighted the number of women in returning to prison because their risk was an accommodation need\textsuperscript{17}.  

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\textsuperscript{13} GM of BWCC, evidence to the CCC, 2017.
\textsuperscript{14} GM of BWCC, evidence to the CCC, 2017.
\textsuperscript{15} QCS, 2015.
\textsuperscript{16} Anglicare, 2017.
\textsuperscript{17} GM of BWCC, evidence to the CCC, 2017.
Systemic Racism

Aboriginal and Torres Strait Islander women prisoners generally face the same social and economic disadvantages experienced by non-Indigenous women prisoners, but at significantly higher rates\textsuperscript{18}. The impact of cultural dispossession and multi-generational trauma on Aboriginal and Torres Strait Islander peoples has been widely documented. Indigenous women continue to be punished for surviving historic oppression, ongoing violence and severe disadvantage.

First Nations women and children are even more likely to be imprisoned for minor offences than non-Indigenous women. Systemic racism is evident at all levels of the criminal justice system. First Nations women are more likely to be arrested, charged, detained, imprisoned on remand and sentenced to imprisonment for the same offences. For example, one study reported that Indigenous women are 16.5 times more likely to be detained for an outstanding warrant than a non-Indigenous woman\textsuperscript{19}.

It has been widely recognised that Indigenous communities are over-policed. The impact of this on Indigenous women was highlighted in a NSW study which found that:

\begin{quote}
... in 10 areas in NSW with high Indigenous populations, Aboriginal women were locked up for intoxication at 40 times the rate of non-Aboriginal women and ... detention for outstanding warrants was ... 16.5 times (the rate) for Aboriginal women\textsuperscript{20}.
\end{quote}

Over-policing does not reduce crime in these communities or make them safer: rather it creates a net-widening effect. Many low level crimes that typically remain undetected and untargeted in non-Indigenous communities result in charges for women living in Indigenous communities. Greater interaction with the police also increases the risk of women and children facing additional charges such as resisting arrest and assaulting police. This over-policing extends to urban areas, where many SIS participants report being frequently targeted by police (see Case Study 1, appended).

Indigenous women often fear contacting police in relation to domestic violence – fears that are realised when the woman herself is arrested. SIS has worked with many women from remote communities who have called the police for assistance with a family violence situation, and, far from being assisted, have been issued with a DVO or arrested for outstanding warrants or other matters not associated with the domestic violence. Breach of DVO’s is now amongst the top 10 most common offences for women in prison in Queensland. As many as 20% of the (largely First Nations) women prisoners on remand in TWCC assessed through our Supreme Court Bail program are remanded for domestic violence-related offences\textsuperscript{21}.

Many Indigenous women charged with violent offences are represented by white male lawyers. These women are often unwilling to disclose what really happened to a white man. This culturally and gender inappropriate representation leads to women being encouraged to plead guilty. This is a hidden epidemic. The available ABS data continues to suggest that there is a percentage increase in violence perpetrated by First Nations women. The data shows increases in numbers of convictions for assaults, GBH, bodily harm etc. What it does not distinguish is the number of these convictions that reflect breaches of DVO’s, self-defence and reactive violent offences such as those detailed in Case Study 2 (appended). In SIS’s experience, the supposed increase in violent offences by Aboriginal women reflects changes in police attitudes and behaviour. SIS believes that there has been no perceivable increase in aggressive violent offences by Indigenous women – only in the number of women who are charged, particularly following prolonged domestic violence.

Further, the over use of move-on and arrest powers for intoxication with Indigenous people in NSW – a pattern that is repeated in Queensland - contributes significantly to imprisonment rates. This has the net result that Indigenous women are more likely to receive criminal charges as a consequence of the differential systemic treatment of Indigenous and non-Indigenous women and communities\textsuperscript{22}. The exercise of police discretion has also been documented to favour non-Indigenous individuals over Aboriginal and Torres Strait Islander people\textsuperscript{23}.

Over recent years, Indigenous communities have been further disempowered through the Commonwealth Government’s re-direction of Aboriginal-controlled community funding to non-
Indigenous NGO’s. This has further diminished the capacity of communities to respond to the challenges they face.

**Wider Systemic Failures**

A variety of systems have failed marginalised, particularly First Nations, women. In addition to being punished for poverty, failures of the health and welfare industries have increasingly contributed to women’s imprisonment.

Community-based health services are increasingly inaccessible to women, particularly those in remote areas and those with a dual diagnosis - both mental health and substance abuse issues. The majority of women prisoners have a history of either, or both, mental health and substance abuse issues – generally as a result of an extended history of multi-generational trauma.

In his testimony to the CCC, Darryll Fleming also highlighted the increasing number of women in BWCC as a result of systemic failures, particularly limited access to disability and mental health services:

- BWCC is identifying an increasing proportion of women prisoners flagged for indicators of possible cognitive impairment.[24]
- BWCC has experienced an 80% increase in the number of women prisoners who were already in the (community or prison) mental health system on 23 May 2018, compared with the average number on the same date in 2017 and 2016.[25]

And, the ongoing intervention of child protection authorities into the lives of women and children who are imprisoned, even for a very short time, bodes ill for the future women’s prison population. A notable example is the high rates of criminalisation of children in the child protection system, particularly children in residential care. Indications[26] are that over 50% of women prisoners were in care as a child[27]. A key NSW study[28] found that 81% of the young women and 57% of young men in child prisons had experienced abuse and/or neglect, with most having been in the child protection system.

A history of childhood imprisonment is, in and of itself, an indicator of adult criminalisation. For example, a NSW Bureau of Crime Statistics and Research study of juveniles before the Children's Court for the first time found that 90% of Aboriginal and Torres Strait Islander children and 52% of non-Indigenous children, went on to appear before an adult criminal court during the follow-up period[29]. Strategies implemented throughout Australia purportedly aim to divert children from formalised contact with the courts and address the factors underlying their criminalisation. In Queensland, however, research has demonstrated that Aboriginal and Torres Strait Islander children are 2.9 times less likely to receive a caution than non-Indigenous children and two times less likely to receive a diversion to a Youth Justice Conference than non-Indigenous children[30].

Similarly, the nexus between family violence and criminalisation has been repeatedly demonstrated. Many women prisoners have faced high levels of ongoing family violence which have been connected to their offences[31], with 80% of women prisoners in one NSW study stating that they believed their offending was a direct consequence of their victimisation[32]. Indigenous women prisoners are more likely to be a victim of a violence crime, including physical and sexual abuse than non-Indigenous women[33]. The effects of repeated victimisation are well documented and can include mental health and substance abuse issues … and ultimately, for some, reactive violence. The alleged increase in violent offences amongst Indigenous women is discussed below.

At a systemic level, non-government organisations routinely deny, or limit women’s access to, family violence services on the basis of a criminal history which includes violent offences – further exacerbating women’s vulnerability to further victimisation or criminalisation.

Nick Hardwick (outgoing Chief Inspector of Prisons in the UK) accepts that some minor offenders can be a nuisance, but he still insists that they should not be in prison for minor crimes, proposing that a very large proportion of the prison population in England and Wales should not be in prison at all:
It is striking the number of people in prison who are obviously ill, who have either got mental health problems or substance-abuse issues. … At one end of the spectrum, you have people who are clearly ill who definitely shouldn’t be in prison, and we need to find ways of diverting them out of the criminal justice system. … Then there is a bigger group in the middle who may not be ill ‘per se’, but certainly struggle to cope. If we had better care in the community … then some of those people could be managed much better in the community than prison.

(Outgoing Chief Inspector of UK Prisons)

This is equally the case in Australia. The over-imprisonment of women for disadvantage (often driven by being a victim of violence) and, for many, their inequitable treatment under the law, has produced a self-perpetuating system which will continue to spiral out of control and drain the public purse dry without active intervention toward decarceration.

Prison Violence

Prisons are fundamentally violent environments, where women lose control of almost every aspect of their life, and their identity is effectively reduced to a number. Prisons replicate and reinforce patterns of violence that most women have experienced in the free world - rigid rules, often arbitrarily imposed by male authority figures and requiring unquestioning obedience. Common prison practices such as strip searching and solitary confinement re-traumatise women with a history of abuse and contribute to increased incidents of self-harm. Male officers undertaking tasks such as inspecting women’s cells at night, observing (often naked) women in isolation cells and participating in strip searches can accentuate this re-traumatisation.

The main justification for strip searches is to prevent illicit drugs and other prohibited items from entering prisons. In Queensland, women are routinely strip searched after contact visits with their children, family members and loved ones, and after returning from court. Data requested from QCS indicates that in 2017 women in Queensland prisons were strip searched 16,258 times. It appears that contraband was recorded on fewer than 200 occasions (i.e. in 0.01% of cases). Some of the records which indicate items were found, state the following:

19.05.2017 S6  Suspicious behaviour non compliant
20.07.2017 S6  cuts to forearm supervisor advised
28.07.2017 S6  hair clips and non compliant with directions
23.08.2017 S6  New tatoos [sic]
18.04.2018 S1  tatoos [sic] not listed on IOMS
23.11.2017 S1  contraband [sic]

A three-year pilot by Corrections Victoria between 2002 and 2005 found that despite (or arguably, because of) a reduction in strip searches (from 21,000 to 14,000 annually) there was a 40% reduction in urine positives and a reduction in the number of ‘refusals’ to urine tests. Additionally, the same amount of contraband was seized. This is in marked contrast to the higher rates of positive drug tests in BWCC than other Queensland prisons.

Solitary confinement (referred to as separate confinement in the Corrective Services Act 2006 (Qld)) is another serious example of systemic violence in Queensland prisons. Solitary confinement is both a status and a place; this means a woman may be placed in conditions of solitary confinement in her cell (rather than in a special unit); this is common in situations where Detention Units are full.
Solitary confinement is known to have severe and harmful effects on people, especially in cases where isolation is involuntary, prolonged and/or the person has a mental illness, disability or other personal vulnerabilities. Responding to threatened or actual self-harm, by placing women in isolation is totally contrary to the best medical advice. In addition to use of solitary confinement as explicit punishment (i.e. for actual or alleged disciplinary breaches), it is routinely used to manage women in prison who are unwell or otherwise deemed uncontrollable or difficult by corrective services officers through the use of safety orders. As recognised by Darryll Fleming:

- BWCC’s unique concentration of prisoners with mental health issues and prison staff without the competencies to work with these prisoners, has led to a systemic failure to differentiate treatment of these prisoners from others in terms of how legislation is applied and how decisions are made. As a result, women with mental health issues are being breached and segregated due to non-compliance with direct orders beyond the prisoner’s capacity.
- These factors have led to increased threatened or actual self-harm. BWCC expects a 24% increase in safety orders for the prisoner’s own safety in 2017-18, compared with the previous 2 years, and a 42% increase in consecutive safety orders.

The overlapping use of solitary confinement for discipline and mental health management is a significant issue. Part 2, Division 5 of the Corrective Services Act 2006 (Qld) sets out a largely unaccountable process for making safety orders. Women on safety orders may have their access to privileges limited, and rolling safety orders often perpetuate this. In 2016, the Office of the Chief Inspector completed an inspection of BWCC. In the report of the inspection, the Chief Inspector found that at the time of the inspection several women had been segregated for inordinate lengths of time (one woman for 18 months and 4 for over 2 years; largely in part to threats from others).

It is worth noting that prisoner-on-staff assaults are rare, and generally minor. For example, the GM of BWCC reported that 4 of the 6 prisoner-on-staff assaults over the preceding 4 month period involved throwing water, an assault by water.

Imprisonment Itself

Imprisonment is a self-perpetuating system. Far from preparing a woman to return to society, imprisonment leaves her more vulnerable than ever before:

- As a result of even a very short period in prison a woman may lose her housing and employment (if she had these prior to imprisonment).
- Many women lose custody of their children - with their children, too often, going into state care. Regardless, children are traumatised by separation from their mother (see Case Study 3, appended).
- Most women leave prison in poorer health than when they entered - any treatment she was receiving for mental health issues or substance abuse will have been stopped, suspended or changed (see Case Study 4, appended). This is partly due to the withholding of PBS and Medicare benefits from prisoners by the Commonwealth Government.
- Women with disabilities are at risk of losing their NDIS support, even as a result of a short period in prison (see Case Study 5, appended).
- If a woman was participating in education or training, she may permanently lose her place.
- Many (particularly women who went to prison unexpectedly) will have accumulated further debts and a poor credit rating, and have lost most of their household items and personal belongings.
- And, women leave prison with a new or extended criminal record which is an added barrier to accessing employment, housing and services.

For women leaving prison, these often appear insurmountable obstacles. Many will engage in self harm, and some will commit suicide. At least 40% will return to prison - 17% within 12 months and 27% within 2 years. (One major study found that 70% of Aboriginal and Torres Strait Islander women returned to prison within 9 months.) The prognosis for their children’s future
lives will have similarly deteriorated - particularly if they were taken into care. The lives of most women and their families will be significantly worse than when they first went to prison. It is hardly surprising that many women feel compelled to return to violent relationships following their release.

**Multi-generational Harm**

The Law Council has provided evidence to demonstrate that imprisonment of Aboriginal and Torres Strait Islander women often has a criminogenic effect, and highlights the intergenerational transmission of the same criminogenic factors\(^\text{51}\). Over the past 20 years, SIS has engaged with up to 4 generations of some criminalised families. Many of these families have members involved in 3 systems - the child protection system, the youth justice system and the criminal justice system. Too often, a multi-generational, vicious cycle is well established. Women were in care as children … They were imprisoned in youth prisons … They progressed to adult prisons … Whilst in prison, their children were taken into care … These children have subsequently been criminalised (see Case Studies 6-9, appended).

The children of women prisoners are at increased risk of criminalisation, with one study finding that the children of prisoners are 5 times more likely to end up in prison than other children\(^\text{52}\). Imprisonment particularly contributes to the multiplier effect of multi-generational trauma amongst our First Nations families:

*Individually, mental health, domestic and family violence, and alcohol and drug misuse can affect parenting and have marked effects on parenting capacity and the likelihood of abuse. Parents in families with complex needs are often struggling to overcome multiple issues including their own experience of trauma and victimisation, housing instability, low education, poverty, social isolation (Bromfield et al 2010) and disability (O’Connor 2012). These issues are exacerbated for Aboriginal and Torres Strait Islander families who have experienced a history of removal. There has been a significant impact resulting in grief and loss for Aboriginal and Torres Strait Islander people from past policies of removal of children from families and dislocation from land and culture. It is widely acknowledged that Aboriginal and Torres Strait Islander people are socially disadvantaged with higher unemployment, poorer education and health, and over-representation in the child protection and criminal justice systems. Aboriginal and Torres Strait Islander people also struggle with mental health, drug and alcohol abuse, and high suicide rates among young people.*

*(Queensland Child Protection Commission of Inquiry 2012:11-12)*

This, in part, is likely due to the number of children taken into state care as a result of their mother’s (even brief) imprisonment and the associated increased risk of youth and adult criminalisation, particularly for those placed in residential care. SIS has supported many young people who were first, or exclusively, criminalised by workers in the child safety system, particularly in residential care.

Family breakdown during a mother’s imprisonment is further exacerbated by the relatively small number of women's prisons and their typical location in areas inaccessible by public transport. This particularly impacts on Aboriginal and Torres Strait Islander families from remote communities - who, in addition to being hundreds or thousands of kilometres from women’s prisons, are limited by the small number of phones in many communities. With the opening of the new women’s prison in Gatton, this problem will increasingly affect women whose families are in Brisbane.

With every new generation of women prisoners the net widens. Increasing numbers of individuals and families are being drawn into the cycle of adult and youth criminalisation, child protection, violence, poverty and despair\(^\text{53}\). At the same time, these women are being drawn away from economic productivity and social contribution.
Remand & Parole

The extraordinary number of women and children in prison on remand, for (often minor) parole violations, and beyond their parole application date must be at the centre of efforts to reduce prisoner numbers in Queensland.

Currently, 46% of women prisoners in SEQ and 50% of women prisoners in NQ are on remand. Most women are being imprisoned on remand due to systemic failures – inadequate access to housing and health services (particularly, substance misuse and mental health services):

- **Homelessness** - Whilst other institutions (such as Centrelink) routinely accept an address for service for homeless people, police prosecutors often oppose bail for homeless women, including women charged with extremely minor offences which would not usually result in a prison sentence. This, it would appear, is largely a matter of convenience, rather than a proportionate response to the gravity of the charges. Whilst generally having discretion in these matters, the courts have too often complied with police requests.

- **Health needs** - Prisons have also become de-facto mental institutions and dry out facilities. The effects of repeated victimisation are well documented and can lead to low self-esteem, anxiety, depression, other mental health issues, and substance abuse. A significant proportion of women prisoners have a dual diagnosis. Too many survivors of abuse have found it difficult to access community mental health and substance rehabilitation services. In particular, these two types of services are generally siloed, with mental health services refusing to accept patients with substance abuse issues, and rehabilitation facilities refusing to accept patients with mental health issues.

SIS does not have access to the data on the number of women currently in prison for parole violations. We know from previous QCS data that on a single snapshot day in 2015, 33% of women had been returned to prison on warrants for parole violations, at a cost to the taxpayer of almost $120,000 per day. Historically, many women were also imprisoned on return to prison warrants for often minor parole violations. Although recent legislative changes have removed discretion from parole officers to suspend or cancel parole, and placed this power with the Parole Board, structural issues such as inadequate and unstable housing and lack of access to substance use and mental health counselling see women continue to be criminalised and returned to prison on parole.

Nor do we know the percentage of women prisoners who are past their parole date. However previous data given to us by QCS showed that in 2015-16, 230 women prisoners were eligible to apply for parole, and women often experience significant difficulties in the application process. Over the past 2 months, SIS has undertaken unfunded parole advocacy to support women in prison (see Best Practice Example 6 below). This work has demonstrated that, with assistance to liaise with the Parole Board, many women are able to access parole.

**In short, this data suggests that only 20% of all women prisoners in Queensland may be serving a substantive sentence.**

Service Procurement Processes

Over the past 30 years, there have been significant changes in the way the Queensland and Australian Governments purchase services from the non-government sector. In the 1970's-80's purchase of services from outside government was largely designed to draw on the expertise of community-connected organisations and add value to government services. This emphasis has progressively been replaced by sub-contracting arrangements – competitive tenders to designed to get for-profit and not-for-profit organisations to provide the same services as those previously delivered by government. Tender documents typically prescribe service delivery in a wide variety of areas – everything from how funds are expended; to the outcomes required; to the model of service used to achieve outcomes. They also typically include onerous reporting requirements which distract significant resources away from service delivery. As a result, innovation has been
stifled, the same failed models are reimposed, and community members have little choice of services.

The so-called success of services is generally measured by immediate outcomes, and the question of whether these outcomes are sustainable or sustained is rarely asked. The drive for outcomes encourages funded organisations to provide siloed services, designed exclusively to achieve these particular outcomes with little regard for the real needs of service users. It also encourages NGO’s to cost-cut through cherry picking ... that is, to provide services to those community members who are most likely to achieve the required outcomes quickly, at the expense of community members with complex needs. Short term focus on siloed outcomes can never successfully address the complex, inter-related needs of criminalised families. For example, finding housing for women is unsustainable in the absence of support to address the issues that led to their original homelessness (e.g. inadequate income or behavioural problems with neighbours arising from mental health or substance abuse issues).

Attempts to reduce costs through minimising duplication have led to one size fits all services ... which often fit no-one! According to a recent study on competition policy in the human services conducted by the Australian Council of Social Service (ACOSS) and CHOICE, the introduction of competitive tendering has largely failed to deliver better outcomes for consumers:

- An initial expansion of provider numbers has typically been followed by contraction. Exploiting economies of scale (some of which result from the complexity of the regulatory structure) is a key way in which ‘effective’ competitors can reap the benefits of their efficiency. For-profit providers face particular incentives to cherry pick, both on the basis of geography as well as customer segments;
- As concentration increases, large providers pursue strategies that mean they are being simultaneously less risky and more profitable;
- Where economies of scale do prevail, cherry picking is particularly problematic, as less profitable segments are left for not-for-profit and government providers. Absent specific financial support from government, such providers must engage in cross-subsidisation (rendering them less competitive in more profitable segments) or charge higher prices (if permitted) ...

(ACOSS & CHOICE 2018:5)

Changes since the 1990’s have progressively favoured for-profit providers and a few large, mainly church-based, NGO’s over a wider variety of smaller, community-based organisations. Too often, these large NGO’s are associated with the very institutions which controlled women’s lives when they were children. Too often, these are the very institutions in which women themselves, or their friends, experienced abuse. Criminalised families therefore rarely voluntarily engage with most of the available services. As a result, contracts with NGO’s are increasingly require involuntary work with women; supervision and surveillance of women and children; and information sharing with QPS and QCS. They are typically required to apply power over approaches to service delivery, including case management. At worst, women are required to involuntarily access these services; at best, women are being forced to choose between using these services and not accessing any services at all.

Nowhere is this trend more apparent than in Indigenous communities. Over recent years, Indigenous communities have been further disempowered through the Commonwealth Government’s re-direction of Aboriginal-controlled community funding to non-Indigenous NGO’s. This has further diminished the capacity of communities to respond to the challenges they face.

These changes in service delivery have severely restricted women and children's access to services that they perceive as useful. A program is only as useful as its perceived relevance by women themselves. As discovered by Eileen Baldry in her study of 339 prisoners released from prisons in Victoria and NSW over a 3 month period, a key predictor of participants returning to prison was if either they did not have accommodation support or if they felt the support was unhelpful\textsuperscript{57}. The lack of success of the current, dominant models of service is reflected in the failure of existing programs and approaches to stem the flood of imprisonment of women and children over recent decades. Current service procurement processes are contributing to the growing numbers of women returning to prison.
Criminalised women and children are very used to authorities controlling their lives, and have a predictable caution about engaging with services. Having experienced a lifetime of surveillance by statutory authorities, criminalised women are rarely willing to voluntarily give up their privacy. They therefore guard their privacy, dignity and decision-making power. As a result, the so-called transition support available to women post-release is entirely inadequate to meet the complex and inter-related needs of women, let alone their children. Use of models such as case management, where information about clients is widely shared and groups of workers gather to make decisions about their lives, are reminiscent for many women of their past traumatic experiences in the child protection, mental health, juvenile justice and/or criminal justice systems. Few criminalised women will willingly engage with services which function in a way which reminds them of prison, or whose staff behave in a similar way to child protection, prison or parole officers.

Over recent years, SIS has increasingly been precluded from tendering processes ... for the very types of services that are arguably our core business, and in which we are the only specialist provider in Queensland. When we have tendered for services consistent with our model of service (see ATTACHMENT 1), SIS has been excluded from the tender process due to non-compliance with tender requirements which require coercive approaches to working with women and children. More recently, we have simply stopped tendering for programs where the Selection Criteria require a power over model of service; prescriptive/formal/structured service delivery; or information sharing with QCS or QPS. Services put out to tender rarely enable the long term, relationship-driven, inter-generational approaches which the evidence demonstrates is effective in addressing the entrenched, complex needs of this cohort.

The evidence is in ... as demonstrated by the Best Practice Examples above, SIS knows what works! Human-rights driven services which respect and work alongside women as equals, are demonstrably more effective than top down models. Delivery of services by peer workers (such as Aboriginal women, or women with lived prison experience) has consistently been shown to achieve better outcomes. Criminalised women seek services which address the real issues they face in all their unpredictability and complexity, and services which are willing to stand alongside them for the long haul.

**The Economic Imperative For Change**

It is difficult to quantify the immediate and long term economic costs of imprisoning women and children. These impact every social institution and system. The following is an indicator of the realistic costs for a single family over a 10 year period:

**Over 20 years ago, Debbie Kilroy (CEO of SIS) was asked by a government official: If you could have money for a single project that would have maximum impact on crime rates, what would it be? She had a particular Aboriginal family in mind when she replied. This family was headed by a single mother with 4 school age children. She outlined a project (costing approximately $45,000 per family) to enable early, intensive, intervention with the woman and her immediate and extended family. The project failed to secure funding on the basis that if would achieve too few outcomes for the cost. (In 2012-14 a similar project was funded briefly - see Best Practice Example 1 below.)

10 years on, the mother had returned to prison several times, and all 4 children had been involved in the youth and adult justice systems. All 4 children had been in the care of the State for significant periods. All 4 had been victims of violence. 3 had been imprisoned as both juveniles and adults. 2 had been imprisoned more than once. 2 were habitual drug users. All 4 children live a life characterised by disorder, poverty, a perceived lack of hope, and mental health issues.

It is difficult to estimate the direct fiscal cost of this failure to intervene. In total over a 10 year period (2000-2010), family members had collectively spend a total of at least one year in adult prison at a national average imprisonment-only cost of almost $70,000 (based on the 2010-11 costs). 3 of the children had collectively spent at least one year in youth prisons, at a cost of almost $200,000 (at the then NSW estimate of the cost of youth imprisonment). In other words, the immediate family’s imprisonment costs alone amounted to well over $¼ million.**
over 10 years. This does not take account of other direct and indirect costs within the juvenile justice and criminal justice systems … and the child protection, health, legal, welfare and educational systems. It certainly does not take account of other adverse consequences of the mother’s original imprisonment for her children and wider family - both the human costs, and the loss of social value arising from society’s failure to provide adequate family support.

A senior Queensland Government official has indicated that (including police, courts, prison and probation and parole costs) it currently costs the state at least $500,000\(^{59}\) per annum (or, $1,369 per day), to imprison one woman. This estimate still does not take account of costs in the health, child protection, youth justice and legal aid systems. And, over recent years, the Productivity Commission has consistently found that imprisonment-only costs of child prisoners are more than 4 times the cost of imprisoning adults.

The Aboriginal and Torres Strait Islander Commissioner’s 2009 report devoted over 50 pages to the issue of Indigenous imprisonment, and provided a detailed, evidence-based rationale for re-direction of funds from imprisonment to alternative solutions:

… is imprisonment good value for money? The simple answer is that it is not. We are spending ever increasing amounts on imprisonment while at the same time, prisoners are not being rehabilitated, recidivism rates are high and return to prison rates are creating overcrowded prisons.

( Aboriginal and Torres Strait Islander Justice Commissioner)

There are viable, evidence-based alternatives to imprisonment which are demonstrably more effective in reducing crime. These alternatives generally have the added benefit of short and long term cost savings, although few Australian programs have quantified these savings. The Aboriginal and Torres Strait Islander Commissioner, for example, cited a study in Britain that measured the costs and long term benefits of diversionary programs for women. It found that every £1 invested into community-based diversions generated £14 of social value for women, their children, victims and the community over a 10 year period. Further, the study found that the adverse consequences for children of their mother’s imprisonment carried a cost of more than £17 million over a 10 year period\(^ {60}\). The MERIT drug diversion program (NSW) produced a conservative estimate of an annual net benefit of …$16,622 per completer\(^ {61}\), based on 3 factors – direct savings accruing from the reduced sentences given to program completers, reductions in re-offending and reductions in hospitalisations. In other words, this estimate did not take account of a variety of other costs, including costs to other systems and the multi-generational impacts of imprisonment.

A variety of diversion courts exist across Australian jurisdictions, with some demonstrating significant success. In Queensland for example, (prior to its cessation by the LNP Government) the Drug Court alone was found to have diverted 155 people from prison, saving the equivalent of 588 years of imprisonment\(^ {62}\). Similarly, the Sisters Inside Special Circumstances Court Program (see Best Practice Example 2 below and the evaluation of the program appended to this submission), which assisted women to access housing, substance abuse and mental health services in lieu of imprisonment, achieved a 96% success rate in diverting women from prison. 239 of the 240 women involved (30% of whom were Indigenous women) did not re-offend, or had a reduced rate of offending, over the 3 year life of the project. This Program saved approximately $250,000 in imprisonment costs alone.

Other SIS programs have also demonstrated significant savings in imprisonment-only costs during 2017-18. Conservatively, our Supreme Court Bail Support Program achieved over $2.3 million and our Health Support Program at least $1.4 million in savings last year alone (see Best Practice Examples 4 & 5 below). It is difficult to predict the long term costs of repeated imprisonment (possibly an average of 3 imprisonments for almost half the women in prison\(^ {63}\)) which could have been expected in this cohort.

Imprisonment escalates demand in a range of areas including health, housing, income support, child protection, substance abuse, parole and legal services. Despite the enormous economic cost to the state, a comprehensive analysis of the real annual and lifetime cost of women and children’s imprisonment over time has never been undertaken.
Concrete alternatives to a carceral approach

Established in 1992, SIS exists to advocate for the human rights of women in the criminal justice system and to address gaps in the services available to these women. We work alongside criminalised women to determine the best way to fulfil these roles.

SIS has demonstrated enormous success in reducing the number of women in prison and returning to prison. We provide services to women to reduce their risk of imprisonment, before, during and following imprisonment. We also work with girls in the youth justice system, and the children of criminalised women.

SIS has progressively developed a unique model of service and highly successful programs, which are informed by the wisdom of criminalised women themselves. Most criminalised women have had a gut-full of people saying they are trying to help them. Most have experienced interventions in their lives by many different well-meaning professionals, and have strong views about the value (or not) of the services they've received. That's why it was important to actively include women when developing the SIS model of service.

Also critical to our success is our focus on the employment of staff with lived prison experience and Aboriginal and Torres Strait Islander workers, and our close association with Indigenous Elders and communities.

SIS Model of Service – Inclusive Support

All SIS programs and services operate from a shared model of service. Over a 10 year period, Participatory Action Research was used to develop the Inclusive Support model. All major stakeholders, particularly criminalised women, played a central role in its development. A copy of the (user-friendly) worker guide to implementation is attached as part of this submission (ATTACHMENT 1).

Most services for criminalised women are based on case management. In fact, most of the services which are put out to tender by the Queensland Government require agencies to use case management, which includes sharing of women’s personal information with a variety of government and non-government organisations. This has often precluded SIS from tendering for services, or led to exclusion of our tender as non-compliant.

In the case management model, there is a client (the woman) and the experts (social workers, bureaucrats, parole officers, etc.) who aim to manage the life of the woman (case). The client sits down with the experts, who decide what she needs to do to fix her problems. Rarely does the woman get to decide what the outcomes should be, or the best way to go about change. In practice, the experts tell or suggest to the woman how she is bad or a failure, and determine how to address her problems to their satisfaction. Because the experts have structural power over the woman, she generally has little choice but to agree with their assessment. How can anyone have an equal discussion with someone who has the power to return them to prison, remove their children, withdraw their income support, or deny them housing?

SIS believes that case management is a flawed model – from the outset, it assumes that the woman herself is a problem. There is little if any analysis of social power structures that have led to the woman’s situation. Problems like living with poverty, violence or homelessness, often in a multi-generationally criminalised family, are ignored. They are rarely acknowledged as consequences of an unjust social system, a violent upbringing, systemic racism, or many other factors which inevitably affect the woman’s life. Case management is easily turned into a tool of coercion by workers and bureaucrats who have little if any understanding of women’s background or needs.

Usually criminalised women grew up without much power in their families, their schools, or their workplaces. Most have not even had the power to decide what happens to their own bodies, with the vast majority being survivors of violence - rape, domestic violence, childhood sexual abuse …
and violent prison practices such as strip searches and solitary confinement. These women are accustomed to being judged harshly, disrespected and treated as stupid: they are rightly resentful of systems which attempt to keep them powerless and will rarely choose to engage with them.

Whilst in prison, women had ALL decision making rights taken away from them. Upon release from prison, few are willing to give away even more of their power by being case-managed. And if women are not interested in the process, it obviously has very little chance of success. This is why SIS rejects the case management model. It is unjust, and as a result, it’s also ineffective.

Most of the women we work with at SIS have had a lifetime of other people assuming that they are bad, ignorant and incapable of change. SIS staff are committed to behaving in exactly the opposite way – recognising and valuing the strengths, insights and capabilities of the women seeking our support. Most of these women have already survived incredible life crises and have astonishing survival skills. Accordingly, at SIS we seek to provide women with good information, not tell them what to do.

The Inclusive Support model is about women making their own decisions about what they want to achieve. This includes sometimes making decisions that workers consider ill-advised. We allow the women the dignity of making their own decisions (and, if necessary, learning from their mistakes) regardless of whether we think these decisions are right or wrong. It’s women’s lives that are going to be affected by their choices. At SIS we believe we have no right to make decisions on women’s behalf. This is why Inclusive Support model begins from a starting point of respect; of not imposing worker power onto any woman who has sought our support. SIS workers are required to act in ways that show that they:

1. Respect women as equals.
2. Respect women as the experts on their own lives.
3. Respect women’s decisions about what they need.
4. Respect women’s context and culture.
5. Respect women’s space.

In contrast with most other funded services for criminalised women, involvement with SIS is 100% voluntary. Most women refer themselves to SIS based on our reputation. If we don’t interact with women in a way that THEY find useful, the word will quickly get around. We see is as our responsibility to EARN women’s trust.

Overview of SIS Programs

All SIS programs and services are designed to reduce the number of women and girls in prison. SIS provides the following funded programs and services through our offices in Brisbane (covering SEQ) and Townsville (NQ and beyond):

- **BOWS – Building On Women’s Strengths (NQ & SEQ):** Supports women prisoners and their children to maintain their relationship, and facilitates family reunification post-release.
- **CaPS – Children and Parenting Support (SEQ):** Mainly provides intensive in-home support to increase the parenting capacity of criminalised mothers living in the community.
- **Health Support Pilot Program (SEQ & NQ):** Provides intensive post-release support to improve the health and wellbeing of women and their children, and provides ongoing support for those with complex health needs.
- **D2DL – Day-to-Day Living (SEQ):** Supports individual criminalised women with mental health issues.
- **(Reconnect) Crucial Connections (SEQ):** Provides practical support and counselling to young people affected by the criminal/youth justice system who are homeless or at risk of homelessness.
- **Youth Skills (SEQ):** Facilitates training and employment support for young women in metropolitan Brisbane who are engaged with YJ or QCS.
• Yangah (SEQ & NQ): Reduces the number of girls in youth prisons, through improving their access to community-based services to increase the likelihood of a successful bail application, and providing post-release support to enable girls to continue to meet their bail conditions.

• SCB - Supreme Court Bail (SEQ & NQ): Reduces the number of women in Queensland prisons on remand through enabling eligible women to apply for SCB.

• Sexual Assault Counselling (SEQ): Provides face to face counselling and support to women prisoners in SEQ who have experienced sexual assault.

• **Next Step Home** Townsville Pilot Program (NQ): Supports eligible women prisoners to access dedicated head-leases immediately post-release, maintain their tenancy for 12 months, and build their capacity to continue to live independently in safe, secure, affordable housing.

• BYDC Young Women’s Art Group (SEQ): Builds relationships with young women in BYDC and links them with other SIS programs.

SIS also undertakes other unfunded activities in Brisbane which work closely with our funded programs, including:

• Our weekly young Indigenous women’s art group has been running for several years.

• Barista Sistas Coffee Cart, our social enterprise project, has been in development during 2018.

• SIS has recently commenced targeted parole advocacy in SEQ women’s prisons.

Whilst substantial data is available through regular reporting for all programs, as a small community organisation SIS has limited capacity to consolidate this data and commission overall program evaluations. 3 programs have been independently evaluated – *A Place to Call Home* Pilot Program (2007), the Special Circumstances Court (SCC) Support Program (2011) and, most recently, the Health Support Pilot Program (2018 – forthcoming).

SIS is particularly committed to preventing women and girls’ criminalisation before they are charged. Ideas on possible approaches are included later in this submission. To date, the SCC Support Program is the closest to this model. Accordingly, a copy of this evaluation is attached as part of this submission (ATTACHMENT 2).

**Examples of Successful SIS Programs**

The following program was based on the evidence of the need for intensive *whole-of-family* intervention to prevent criminalisation:

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**Best Practice Example 1: 3-2-1 Transition Support**

SIS’s 3-2-1 Transition Support Program was an 18 month diversionary project funded by the POCA Crime Prevention Fund during 2012-14 to work intensively with 3 highly criminalised families. In order to participate in this program, the woman had to be a victim of violence, have at least one dependent child, have been imprisoned only once, and be at risk of recidivism.

Over the preceding 10 years, one of the 3 selected families’ direct imprisonment costs alone amounted to well over $¼ million. This took account of neither the cost of other systems nor other adverse consequences of the mother’s original imprisonment.

The project worked intensively with the mother and up to 15 family members nominated by the woman – both individually and as a whole family – for 6 months following the woman’s release from prison. Support focused on addressing the factors known to place family members at risk of imprisonment:

- Establishing the woman’s identification, housing and income immediately upon release from prison.
- Advocacy with other service providers (e.g. housing, mental health, financial assistance, child protection, substance abuse, schools, family support/parenting).
- Rapid response intervention and support with individuals and whole families when crises arose.
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• Targeted support to address the particular issues faced by the children, including loss of attachment bond with parents, mental health problems, physical health problems, behavioural issues and school-related problems.

Throughout the life of this project, no participating woman or family member returned to prison. Critical to the project’s success was access to a flexible brokerage budget of $15,000 per family to address service gaps (e.g. accessing personal identification, debt assistance, education costs, respite, purchase of private health services or counselling).

The following example relates to the Special Circumstances Court Diversion Program which was defunded by the LNP Government in 2012. It should not be confused with the current program of a similar name.

**Best Practice Example 2: Special Circumstances Court (SCC) Support Program**

The SCC Diversion Program employed a number of staff, including 2 dedicated magistrates. People who were living with homelessness and/or mental health issues appearing before the Brisbane Magistrates Court for certain minor offences could opt to have their case transferred to the SCC. SIS was funded for 2 workers to support women who appeared before the SCC, and all women appearing were offered the option of support from SIS.

239 of the 240 women involved in the SIS SCC Program over a 3 year period (2007-2010) had a reduced rate of offending during and following their involvement. The Program had a 96% success rate in diverting women from prison. Overall, the independent evaluation estimated that the Program saved the Queensland Government almost $250,000 in imprisonment costs alone.

The success of the program was attributed to 3 key factors – the shared values (in particular, a commitment to diverting women from prison wherever possible) between the magistrates and SIS; the relationship between the magistrates, SIS and women; and the SIS approach to service delivery. According to Magistrate Christine Roney:

*The Sisters approach really works ... Sisters is there for women, not just during the criminal justice process, but for life!*

*Sisters provides a bridge whereby women stay engaged. Because the Sisters workers trust the magistrates, and the women trust Sisters Inside, clients learn to trust the Court. That’s really important within this model …*

And Jane, a woman with a long term history of poly-substance abuse, homelessness and imprisonment says that Sisters Inside and the SCC Program have turned her life around and now she sees the moon and the stars! … She has stopped the drugs, stopped smoking, has her daughter with her on weekends, attends counselling regularly, lives in a share house and is getting dental care. Jane is quite sure she would otherwise be dead or in prison, and believes if you are in prison you may as well be dead.

The Yangah**64** Program commenced in April 2018. For an overview of girls’ experiences leading up to their imprisonment in CYDC or BYDC, see the recent article by Fernanda Dahlstrom, who interviewed Program participants at the Indigenous young women’s art group at SIS.

**Best Practice Example 3: Yangah Bail Support Program for Girls**

In 2018, SIS was funded to reduce the number of young women and girls being held on remand in the 2 youth prisons in Queensland and police watch houses. Since 30 April, 2 workers have provided services in SEQ and since 7 May, a single worker has provided services in NQ. The Program accepts referrals from YJ, however it remains girls’ choice as to whether they wish to engage with SIS.

The Yangah Program is responsible for improving the likelihood of a successful bail application through ensuring girls’ access to suitable and stable community-based services and support including legal representation, accommodation, health services social outlets and employment/education/training opportunities. It also provides post-release support via outreach to enable girls to continue to meet their bail conditions.

SIS Yangah workers are available 24/7 to support girls in police watch houses in Brisbane and Townsville. We also engage with girls already in youth prisons, particularly through soft entry strategies such as running an art group for 2 days each week inside BYDC, and regular visits to the CYDC in Townsville.
In its initial 7 months of operation, Yangah provided tailored support to over 80 girls, and assisted with over 90 bail applications. On average, Yangah workers provide support to 8-9 girls each week, assisting girls to meet their bail conditions in the community.

Yangah has been highly successful in reducing the number of girls in BYDC and CYDC on remand. Of the girls who got bail through the program, only 19 have had new charges or returned to the watch house or youth prisons; that is, fewer than 25% of girls have returned to contact with the legal system. This is an outstanding achievement in 7 months for a new program.

Too many women are being refused bail, most commonly due to homelessness or failures of the health system:

Best Practice Example 4: Supreme Court Bail (SCB) Support Program

The SIS SCB Program aims to reduce the number of women in Queensland prisons on remand (currently almost 50% of women prisoners) through enabling eligible women to apply for SCB.

Since March 2016, SIS has engaged with all women held on remand in BWCC, NCC and TWCC. SIS SCB workers visit BWCC and TWCC weekly (and NCC as required) and generally meet women on remand within 1 week of imprisonment. Workers invite all women newly on remand to be assessed for their eligibility to apply for SCB, provide support for eligible women, and manage brokerage funds to assist women to address barriers to bail (e.g. emergency housing or transport assistance). The SCB workers also train and support Peer Bail Clerks in BWCC and TWCC to assist women to compile their applications on a day-to-day basis. The Program refers applicants to other SIS programs to access the support services required to prepare for bail and to maintain women’s bail conditions.

Between 7 March 2016 and 3 October 2018, a total of 82 women (state-wide) have been released on SCB – that is, approximately 1.5 women per week. According to the Minister\(^6\), since March 2016, the SCB Program had saved 11,000 bed days in SEQ and 2,215 bed days in NQ. Based on the (conservative) cost per prisoner per day in the QCS Annual Report 2017-18\(^6\) we estimate the SCB Program has saved the Queensland Government over $2.3 million in imprisonment costs alone.

The Health Support Program (HSP) grew out of an unsolicited submission by SIS to the Minister for Health. It provides a useful example, because it is one of the few opportunities SIS has had to implement the service delivery approach we know works with women – without having to deal with the constraints of narrow, pre-prescribed funding guidelines. The HSP is currently under review, pending the end of the pilot on 31 December 2018. The evaluation report is not yet publicly released however the following gives an indication of the success of the program:

Best Practice Example 5: Health Support Pilot Program (HSP)

The SIS Health Support Program (HSP) engages with women following release from prison, giving priority to recently released women and women with a high level of complex health needs. It can also provide health support for their children. The HSP supports women to access health (medical, dental, social, emotional and mental health) and substance abuse services, and addresses any wider issues impacting these women and children’s wellbeing. Brokerage funds play a critical role in meeting needs which cannot be met by existing services. The 2 HSP workers in NQ and 3 in SEQ mainly:

- Facilitate appointments with doctors, dentists and other/allied health practitioners.
- Offer supported referral to other services to meet needs which impact women and children’s wider wellbeing.
- Offer support, particularly to those with complex pharmaceutical regimes, to maintain their treatment.
- Contribute to a shared SIS data-base of women friendly health practitioners in Queensland.

It’s difficult to over-estimate the complexity of health and wellbeing needs faced by many women involved with the program. As 2 of the HSP workers said:

*If they can find anyone else equipped to work with a mentally ill, transient, poly-drug-using, Aboriginal grandmother with PTSD, hypertension and sciatica who’s in remission from cancer and has 3 children in jail … I’ll give them a gold-plated unicorn.*
It’s difficult to over-state the level of unmet health needs of some of the women we work with. For example, over the period of 4 weeks, I supported one woman to attend 17 medical appointments … and this was before we began addressing the other needs impacting on her health. Yesterday, I spent 3 hours with her, whilst she was experiencing a psychotic episode. The good news is that she hasn’t returned to prison!

Participating women have resoundingly voted with their feet. Over approximately 12 months, the HSP worked with a total of 109 women – 75 in SEQ and 34 in NQ – the majority of whom self-referred to the Program. Only 25% of participants were Caucasian; 67% of participants were Indigenous women. 63.5% of participants experienced homelessness during their involvement. Despite this, to date, only 4 (3.6%) women have returned to prison for minor new offences, with a further 2 returned for breaches of parole (which arguably demonstrated failures of parole and rehabilitation services, rather than a failure on each woman’s part). As 2 Indigenous participants with complex health needs said:

*It makes you feel like there’s some hope, some way out of the maze, if there’s a worker who understands where you’re coming from and doesn’t hassle you about stuff you have no control over. Otherwise it’s just ‘why bother’ – I might as well give up and go back to using.*

*I wouldn’t be able to get to all my health appointments without the health worker. Also I haven’t really seen a doctor much before, the health worker has helped me get my health and medications sorted out and it stops me using drugs. I don’t feel so scared of the doctors now.*

It is difficult to quantify the cost savings associated with the HSP – particularly since the program has not been running for 2 years and most recidivism data relates to the 2 years post-release. However, based on the usual return to prison rate, the HSP evaluation conservatively estimates that to date, it has cost $279,279 to re-imprison (6) HSP participants, compared with an estimated annual imprisonment cost of $1.68 million had participants returned to prison at the usual rate. First Nations women return to prison at a significantly higher rate than women as a whole. It has cost $232,730 to re-imprison (5) Indigenous HSP participants, compared with an expected annual cost of $2.37 million.

Horrified at the number of women being kept in prison beyond their parole date, SIS began the following, unfunded program:

**Best Practice Example 6: Parole Advocacy Support**

Since August 2018, Sisters Inside has offered parole advocacy and support to women in prison in Queensland. This program aims to increase the number of women released on parole. Initially the program targeted women past their parole date; more recently, it has begun supporting women approaching their parole date. The Program provides women with information about parole; follows up with the Board or other stakeholders for information; offers proactive assistance to address barriers to parole (e.g. accommodation, substance use); advocates for women in the case of preliminary, adverse refusals by the Board; and refers women to SIS and external programs for post-release support.

Over a 3 month period (1 August - 31 October 2018), a total of 50 women prisoners were referred to the program. Most of these were self-referrals – indicating women’s trust in SIS services. Of these, over 25 women have already been released or granted parole, subject to bed availability.

SIS has experienced great difficulty accessing funding for genuinely preventative programs – those that stop people at high risk of imprisonment from ending up in prison. The SIS BOWS Program provides support to children of women prisoners from age 0 – 12, who then graduate to the Reconnect Program when they become teenagers:

**Best Practice Example 7: Reconnect Crucial Connections Program**

This program works with 12 – 18 year olds at extremely high risk of criminalisation, and those who are already in the youth justice system. Over a 3 year period, almost 60% of participants were Indigenous young people. Approximately 50% met at least 6 of the following 8 criteria: they were Indigenous; had a past (personal or family) experience of homelessness; were disengaged from education/training; had a family history of criminalisation; had a personal history of criminalisation;
had been subject to a Child Protection Order; had a history of mental health issues; and/or had past experience of violence. Only 21% had lived with the same people from age 12 – 18, and only 10% had ever lived with both parents. Almost 20% had been in foster care. Almost 20% were themselves parents, of up to 3 children. 55% had already had some involvement with YJ. Despite these barriers, almost 60% of participants remained voluntarily involved with Reconnect for over 12 months, many for 3+ years.

Primarily funded to address actual or potential homelessness and to re-engage young people with education/training, the SIS program aims to address any area of practical support which might reduce young people’s risk of criminalisation. The following are youth workers’ comments which reflect the complexity of participants’ housing situations:

- Became homeless shortly after connecting with Reconnect as the house she was living in was taken back by Dept Housing because she couldn’t cover the rent while mum was inside. Was assisted to move to dad’s briefly. Now lives with boyfriend’s family.
- At risk at beginning of Reconnect due to how difficult it was for her in resi care as she was constantly being charged by workers (e.g. broke baking paper owned by resi house and faced criminal charges for wilful damage). Also was at risk again due to DV relationship in late last year/early this year.
- Has been on and off homeless since leaving resi, having to compromise stable accommodation to avoid criminalisation. Continues to couch surf as no alternative beyond resi has been provided.
- Xxx’s primary offending correlates with her time in resi care, predominantly all her child history are the result of charges accumulated there. She left resi in early 2014, self-placed with her boyfriend’s family. She had no further offending until late 2015/early 2016 which correlates with her trying to cope with a DV relationship and housing instability.

Facilitating secure long term housing for these young people has often proved impossible. Given the complexity of young people’s background and current lives, it is difficult to measure the real success off the program by short-term outcomes. Too often, the so-called outcomes required by funding bodies are not sustained. However, there are some criteria by which the program’s success can be measured. For example, whilst 50% of participants had disengaged with school by age 16 (some since they were as young as 8 or 10 years old), over 90% of Reconnect participants were engaged with education/training whilst involved with Reconnect.

- Xxx had been disengaged from schooling (from age 11) for a year prior to becoming involved with Reconnect. She wanted to go to a mainstream school, but Child Protection refused to allow her to go as they believed she wouldn’t be successful. Xxx worked with Reconnect to find an alternate school she was happy to reconnect with and she re-engaged at age 13.
- Xxx was referred to Reconnect by her (mainstream) school, as she was at risk of being expelled. Reconnect supported her through her final year of school … and she graduated in 2015.
- Xxx disengaged from school at age 15 while her mum was in prison for 6 months, and again when she became homeless. Reconnect continued to support her through these ups and downs, and she ultimately completed high school at a mainstream school.
- Despite being in residential care, when Xxx first became involved with Reconnect at age 13, she hadn’t been to school for over a year. With support from Reconnect, she re-engaged in education through an alternate school, and only stopped her schooling when she became a full time mother.
- Xxx was disengaged from school when she first became involved with Reconnect. Workers supported her to find an alternate school she was happy with. The school arranged a hospitality traineeship with a local café … and she is still employed there 2 years later.

The evidence from these, and other, SIS programs clearly demonstrates that addressing the causes of, and contributors to, women and girl’s criminalisation using an empowering model of service delivery would significantly reduce the number of women in prison in Queensland, and the associated cost to the state.
Structural Change

It is critical that this Inquiry advocate genuine solutions to the increasing imprisonment and re-imprisonment of First Nations peoples, women and children. If any non-government program had a failure rate of up to 70%, it would be instantly de-funded. However, despite this failure rate, the carceral system continues to be seen as an essential part of the state apparatus. Current approaches to crime prevention have clearly been an abject failure. Any evidence-based solution must be driven by a commitment to decarceration, and exploration of alternative ways to prevent and address crime.

SIS is calling for a commitment to the re-direction of funding from carceral structures to preventing initial criminalisation and implementing genuine alternatives to imprisonment. This is different to so-called justice reinvestment – which has generally served to extend the net of the carceral system. Justice reinvestment strategies have generally reinforced the carceral state, through adding an additional layer of programs and services rather than replacing existing structures. Similarly, too many government departments and non-government service providers have imposed forms of pseudo-imprisonment through their programs – working in collaboration with carceral structures to surveil and control women and children’s lives.

It is essential that funds are re-allocated from the QPS and QCS to evidence-based decarceration approaches. Not only would this reduce crime and social harm (particularly over the long term) … it would also contribute significant savings to the state economy.

SIS supports the development of a variety of prevention, early intervention, diversionary and rehabilitation measures. As an abolitionist, human rights driven organisation, we believe that any alternative is better than prison. However, some services and approaches are not much better than prison. It is important to acknowledge the relative lack of success of many programs which have been previously implemented as so-called alternatives to imprisonment.

Prevention

As detailed above, there is a clear nexus between imprisonment and poverty. Women prisoners are overwhelmingly from low-income segments of the community, with most having experienced homelessness. Almost half the women’s prison population is effectively imprisoned (on remand) for failures of the state to meet their most basic emotional and physical survival needs. The single most critical strategy to reduce the number of women prisoners is to reinstate the war on poverty. At a state government level, in the first instance, this would require significantly increased public housing stock.

It should be easy for women to escape domestic and family violence, and establish a safe, secure, affordable life for themselves and their children. The quantity, variety and cultural appropriateness of support services, particularly refuges and other forms of safe accommodation, is far short of demand. The majority of women prisoners are survivors of family violence, and too many report being driven to offending as a result of their domestic situation. Women prisoners, particularly First Nations women, are increasingly being labelled violent – for either offences which do not involve physical violence at all, or reactive violence following sustained (particularly family) violence. Non-government organisations and services routinely deny, or limit women’s access to, domestic and family violence services on the basis of women’s criminal histories which include violent offences. A requirement that criminalised women have equitable access to domestic and family violence services would significantly contribute to reducing imprisonment rates.

Indigenous families continue to be torn apart through the removal of children from family, culture, community and Land. Too often, discriminatory government practices reduce the access of children to kinship care. Section 9 of the Criminal Law (Rehabilitation of Offenders) Act 1986 (Qld) talks about disregarding convictions after the “rehabilitation period” has expired – 10 years for adult
offences involving sentences of 30 months or less. Yet, First Nations people with lived prison experience are routinely excluded from accessing a Blue Card (Suitability Card from the Commission for Children and Young People). This seems to apply regardless of the nature of their offending or the length of time since the offences occurred. It is essential that the criteria for accessing a Blue Card are significantly revised to enable as many suitable kinship carers as possible to enter the system.

Apart from homelessness, the other key barriers to bail and parole for women prisoners is limited access to mental health and substance abuse support services, particularly for women with a dual diagnosis. During the evaluation of the SIS Health Support Program (HSP), workers particularly highlighted failures of the current rehabilitation system. Many women enter and/or leave prison dependent on S4 or S8 drugs. There are currently insufficient rehabilitation places – and no gender-specific, culturally-valid, family-friendly services. Current rehabilitation services are based on a narrow range of models and most are driven by religious values and require a high level of conformity (not unlike prison) from residents. Many are expensive, and beyond the means of criminalised women. Most critically, Aboriginal HSP workers report that there are currently no culturally valid rehabilitation services for women in Queensland. It is essential that the Queensland Government fund dedicated, culturally valid services for Indigenous women as a matter of urgency. These should be driven by Indigenous women, employ Indigenous staff wherever possible, and ensure all workers are culturally competent.

Ultimately, the public respects a government which takes a consistent, principled leadership role. It is time that the Queensland Government led a community education process to counter unfounded tough on crime rhetoric. The gap between public assumptions and reality is reflected in the report of a 2016 national study of survivors of violence in the USA\textsuperscript{67}, which revealed that:

- 60\% of victims preferred shorter prison sentences and more spending on prevention and rehabilitation to longer prison sentences;
- Victims were 3 times more likely to prefer holding people accountable through options other than prison, such as rehabilitation, mental health and drug treatment, and community supervision;
- Victims were also 3 times more likely to believe that prison makes people more likely to commit crimes than to rehabilitate them;
- And perhaps most poignantly, 7 out of 10 victims of violent crimes preferred that prosecutors focus on solving neighborhood problems and stopping repeat crimes through rehabilitation, even if that meant fewer convictions and prison sentences.

(Jorge Renaud 2018)

A preventative approach to crime prevention can only enhance community safety over the long term.

**Early intervention**

Diverting women and child from the criminal justice system and addressing the real causes of their criminalisation is an essential component of any decarceration strategy.

Early intervention strategies should offer a pre-criminalisation response which reduces the number of women and girls being charged and imprisoned on remand. It is critical that women and girls are diverted from the criminal justice system prior to being charged. Women and girls face lifelong implications if charged or imprisoned, even if a conviction is not ultimately recorded or the charges are minor.

SIS proposes that a **Women and Girls Centre** be established, based at a re-purposed existing carceral facility. Run independently of QCS and QPS by an NGO, the Centre should employ support staff 24/7 and be available to police throughout Queensland. Police should be required to call the Centre to discuss supports that could be put in place to meet the woman’s needs for every woman taken into police custody, as an alternative to charges being laid. This would most commonly involve supporting the woman to meet her housing and health needs. The Centre would also be resourced to meet women’s legal needs, should the police pursue charges. SIS would be happy to develop a more detailed proposal, drawing on international models from the UK and USA.
A comprehensive support service should be also available to assist arrested women to access bail when they first appear before a court. Similar to the successful SIS Special Circumstances Court Support Program and the Yangah Bail Program for Girls (see Best Practice Examples 2 & 3, above), this would involve locating staff in key arrest courts, with prosecutors required to refer women to the service to enable preparation of a case for bail prior to any proposal for imprisonment on remand. In-court workers would broker women’s access to a bail address and health services as required to optimise their access to immediate bail. Off-site workers would support women on bail and women being release from prison on parole, to access the services they need to stay out of prison.

Since the LNP Government slashed services in 2012, the effectiveness of diversion courts in Queensland has been limited their resources, and the services available to them for alternate sentencing - most commonly accommodation, mental health services and drug rehabilitation programs. Funding for the full range of specialist and diversion courts (including associated NGO services) available prior to 2012 should be reinstated and extended. In particular, these should include specialist courts appropriate to the unique criminogenic profile of women and girls, particularly Indigenous women and girls. It is critical that these include culturally and gender appropriate systems and services.

Post-release support

Immediately post-release, women and girls have a daunting practical and emotional workload. They must adjust from being totally compliant and passive, to taking an active, independent role. They must re-establish their lives. Most women need to access personal identification; access immediate food, shelter and clothing; find longer-term housing; meet the requirements of Probation and Parole; meet Centrelink and Employment Agency requirements; deal with the child protection system; deal with schools; care for their children (and, sometimes other family members); deal with mental health and/or substance abuse issues; address outstanding or exacerbated health needs; address family trauma arising from their imprisonment; re-establish family relationships; choose between homelessness and returning to a violent setting; and/or participate in employment, education or training. Too often, each of the statutory systems in their lives demands primary focus, and women are forced to choose between meeting QCS requirements (at risk of return to prison), Centrelink requirements (at risk of losing income support) and Child Safety requirements (placing reunification with their children at risk). All this, on a small Centrelink advance payment and reduced payments for the following 2 weeks, usually relying on (expensive) public transport. It is hardly surprising that many women self-harm, some suicide and many return to prison during the days and weeks following release.

In order to reduce the number of women returning to prison, it is critical that flexible post-release support programs, such as those provided by SIS, continue to be funded and are expanded (or contracted) as required in response to the number of women being released from prison.

Legislative Change

Being a mother as a sentencing factor

Most women prisoners are mothers of dependent children or have caregiver responsibilities; research has found up to 80% of Aboriginal and Torres Strait Islander women are mothers or caregivers. Forced separation from children and family as a result of imprisonment has devastating social consequences for women and their children, often serving to entrench intergenerational disadvantage and criminalisation. The multi-generational consequences of the imprisonment of mothers could be dramatically reduced if primary parenting responsibility for dependent children was treated as a factor in sentencing.

A human rights approach to sentencing could play a valuable role in improving justice for women (and their children) who have already faced so much injustice and trauma in their lives. Criminalised women, almost universally, have begun life from an unjust starting point and have generally lived with severe disadvantage all their lives. There are many situations in which the judiciary can contribute to reducing the number of women prisoners – particularly through
approving bail and giving non-custodial sentences for offences which do not carry a mandatory sentence.

Whilst the Commonwealth Crime Act requires a court to take into account the probable effect of a sentence on an offender's family or dependents\(^7\), some courts have seen this as only applying to *exceptional circumstances*\(^7\). At a state level, judges and magistrates have repeatedly asserted that they either cannot, or should not, take parental status into account when sentencing. The Victorian Court of Criminal Appeal, for example, has stated that *the offender cannot shield herself under the hardship she creates for others, and courts must not shirk their duty by giving undue weight to personal or sentimental factors*\(^7\). There is clearly a need for judicial education about the realities of imprisonment, the over-imprisonment of women, and the effect of imprisonment as punishment for children.

SIS strongly supports changes to the *Bail Act 1980* (Qld) and the *Penalties and Sentences Act 1992* (Qld) to require courts to consider the best interests of the child in bail and sentencing decisions. In our submission, decisions that support mothers to remain in the community living with their children, or in regular contact with their children, are in the best interests of the child.

There is international precedent to support policy changes that prioritise the release of mothers and pregnant women from prison. In 1994, Nelson Mandela granted remissions to certain categories of prisoners, including all mothers in prison with children under the age of 12 years old. This action was challenged by a South African father in prison on the basis that it was discriminatory; however it was upheld by the Constitutional Court of South Africa\(^7\). Earlier in 2018, the Supreme Court in Brazil effectively ordered that pregnant women, mothers with children under 12 years old, and people with disabilities charged with non-violent crimes should not be held in prison on remand and should instead be placed in home detention\(^7\). While we do not support the implementation of home detention in Queensland, this decision highlights the possibility for alternatives to imprisonment (e.g. bail with reporting requirements) and the human rights imperative to release mothers and other people in vulnerable situations from prison.

**Remand for women with unmet housing & health issues**

Changes to custom and practice in relation to bail must also be implemented to ensure that homelessness or other circumstances of marginalisation are not barriers to bail. Rather than requiring an address, text messaging services could be implemented to encourage people to maintain court and/or police reporting commitments.

Additionally, we support review of the use of bail for minor offences where the court process is likely to trap marginalised people in cycles of criminalisation (e.g. a woman who is arrested for public nuisance or a minor drug charge, granted bail (either in the watch house or at court) but continues to be criminalised for failure to appear). In these circumstances, police and courts would benefit from clear legislative guidance to not charge or to dismiss charges for failure to appear, especially in circumstances where a person voluntary presents to the court to address outstanding matters.

We note sentences for failure to appear are cumulative rather than concurrent, which further compounds their impact on women in marginalised situations. Additionally, we are aware of circumstances where women who are severely unwell with mental illness have been sentenced to short periods of imprisonment (e.g. 14 days) for failure to appear. Short sentences for failure to appear are costly and harmful to women and their families.

**Mandatory sentencing**

SIS opposes all forms of mandatory, minimum and presumptive sentencing. These have a disproportionate impact on Aboriginal and Torres Strait Islander people. In addition to mandatory sentences of imprisonment and mandatory non-parole periods, all non-custodial penalties must be repealed, e.g. mandatory disqualifications for driving offences, and mandatory community service under section 108B, *Penalties and Sentences Act 1992* (Qld)\(^7\).
Reframing violent offences

Although it is consistently stated that many Aboriginal and Torres Strait Islander women are in prison for violent offences, it is likewise true that almost all criminalised women are survivors of domestic, family and sexual violence. Most criminalised women have also experienced violence at the hands of the State by police officers, medical professionals or carers (while in child protection). Intergenerational institutional violence has a serious impact on women’s ability to trust and respect State authorities.

SIS does not deny that some women commit acts of violence. However, in our experience and based on the available data, we know that women’s violence is usually against intimate partners, family members or authority figures. Women, especially Indigenous women, rarely commit serious acts of violence against strangers.

Additionally, many violent offences may not involve actual or serious violence. For example, pursuant to section 790 of the Police Powers and Responsibilities Act 2000 (Qld), it is an offence to assault or obstruct a police officer in the performance of the officer’s duties. People are routinely charged with this office multiple times as a result of interactions with police, often for walking away from police or resisting arrest; however it is not apparent from a person’s criminal history that this charge often involves no physical violence on the part of the person charged.

Pursuant to section 340(1)(b) and section 340(2AA) of the Criminal Code, a person may be charged and sentenced for serious assault for wilfully obstructing a police officer or a public officer while the officer is performing their duties or a function of their office. In practice, this means that women are charged for situations that involve no actual violence by them. This is considered to be a very serious offence, which almost always results in a sentence of imprisonment.

Gender-informed response to family violence

The complex dynamics of violence in women’s lives cannot be addressed through the criminal law system, especially for Aboriginal and Torres Strait Islander women. The Queensland Sentencing Advisory Council recently published sentencing data in relation to manslaughter for the period from 2005-06 to 2015-16. Significantly, in relation to the 5 Aboriginal and Torres Strait Islander women convicted of manslaughter in this period, the data shows that in 4 cases (80%), the victim was an intimate partner or ex-partner and in the 1 other case (20%), the victim was a family member.

Criminal law’s inability to address family violence is obvious from the rising number of women in prison for breaches of DVO’s, and from the apparent differential sentencing of Indigenous and non-Indigenous women. Data provided by QCS to SIS shows that in both 2014-15 and 2015-16, breach of the Domestic and Family Violence Protection Act 2012 (Qld) was the tenth most common offence type for women in prison in Queensland (either on remand or sentenced). In 2015-16, women in prison had 227 offences for these breaches on their records. Also in 2015-16, 36 women were serving sentences of imprisonment for breaches of the Domestic and Family Violence Prevention Act 2012 (Qld) as their most serious offence.

According to data requested from Queensland Courts in 2015-16 there were 15,362 charges for breaches of domestic violence protection orders finalised across Queensland. Women were defendants for 1,780 of these charges, which is around 12% of the total number of charges. Of those women whose matters were finalised, 632 were Aboriginal and Torres Strait Islander women. 132 (21%) Aboriginal and Torres Strait Islander women were sentenced to a period of imprisonment for that offence (but not necessarily time to serve). In contrast, out of the 1,148 non-Indigenous women whose charges for breaches of DVOs were finalised, only 125 (11%) women were sentenced to periods of imprisonment.

The vast majority of domestic violence is directed by men against women. The de-gendered nature of Queensland legislation has functioned to mask this reality; even, to further victimise women survivors of family violence. SIS is deeply concerned about the increasing use of legal sanctions against women victims of family violence (with long term consequences for their children), including the assumption of women’s culpability or equal blame so often made by police, particularly in remote Indigenous communities. Legislation should require police to take a default
position – the assumption that the male party is the perpetrator of violence, in the absence of overwhelming evidence to the contrary. It is important that we return to the original intent of domestic violence legislation – that is, to primarily protect women and children.

Decriminalise street offences

In relation to alternatives to imprisonment, it is also essential to consider and implement systemic alternatives to criminalisation, for example: decriminalisation of minor offences (e.g. public nuisance, evade fare, begging, possession of drugs under a certain quantity); introduction of adult cautioning, and/or greater use of justice mediation or referral to restorative justice conferencing, even for violent offences.

Shoplifting is a useful example of the current, systemic failures in the legal system. For a person who takes goods under the value of $150, police have the option of charging the person either with unauthorised dealing with shop goods under section 5 of the Regulatory Offences Act 1985 (Qld) (liable to a fine of 6 penalty units) or with stealing under section 398 of the Criminal Code (maximum penalty, 5 years imprisonment). In our experience, it is common for police to charge women with stealing, even in situations where the offence would meet the threshold for the lesser charge under the Regulatory Offences Act 1985 (Qld).

If a person is charged with shoplifting, police often advise that there is no option of referral to justice mediation because the complainant is identified as a ‘company’ (e.g. Coles, Target etc.) rather than an individual. This significantly limits diversionary options for offences that clearly reflect need and social exclusion. Similarly, a person charged with assault/obstruct police cannot be referred to justice mediation because it is considered a conflict of interest for the police, as both the prosecuting authority and the ‘complainant’, to participate in justice mediation. This is a severe limitation in the ability to resolve matters outside the formal criminal legal system.

Sentencing and parole

Data requested from Queensland Courts confirms that since 2007-08, an increasing number of women appear to be sentenced to period of imprisonment with a parole eligibility date within 6 months of their sentence date. In 2007-08, 27 Aboriginal and Torres Strait Islander women and 53 non-Indigenous women were sentenced to a period of imprisonment with a parole eligibility date within six months of their sentence date; in contrast, in 2016-17 – at the peak of this trend – 118 Aboriginal and Torres Strait Islander women and 313 non-Indigenous women had parole eligibility dates within 6 months of their sentence date. Although the numbers have decreased in 2017-18, the number of women being sentenced with a parole eligibility date in close proximity to their sentence remains significantly higher than 10 years ago.

In our experience, women are often sentenced to a period of imprisonment and the parole eligibility date is set as the sentence date. Women are rarely sentenced to periods of imprisonment longer than three years; however, a parole eligibility date (rather than a parole release date) is required because women have been charged with further offences while subject to an existing parole order.

These trends suggest that women are increasingly becoming entrenched in cycles of criminalisation for minor offences, as a result of social exclusion and disadvantage. While women’s marginalised situation is recognised by courts, because women are sentenced with a parole eligibility date, they are spending longer periods of time in prison because of systemic delays in the parole and social services systems.

The operation of the Parole Board has significantly improved following implementation of the recommendations of the Sofronoff review. However, women still face significant barriers to parole, especially in relation to housing, mental health services and advocacy with the Parole Board. This led to development of the SIS Parole Advocacy Program (see Best Practice Example 6 above).
Contributing to National Change

The Queensland Government should play a lead role in advocating for policies that aid in decarceration at an Australian Government level.

Measures to directly alleviate poverty in Australia have progressively diminished over the past 30 years. These include reduced value in real terms of most Centrelink benefits and narrowing of guidelines for the more secure forms of benefit. This places enormous economic pressure on women to stay in, or return to, violent relationships and commit survival offences. It forces many women and children into homelessness. Any strategy to reduce imprisonment rates must include concrete improvements in income support arrangements for women and children. This should include consideration of a national Guaranteed Minimum Income system – a possibility that is being taken seriously by progressive governments and academics throughout the western world\(^1\).

Over recent years, Federal funding which used to go to Aboriginal and Torres Strait Islander community-controlled organisations has increasingly been subject to competitive tendering, and has instead been granted to mega-NGOs. Queensland should actively advocate for the Commonwealth to fulfil Australia's international obligations by developing collaborative, sustainable funding models to support Indigenous agencies that provide culturally-competent legal, health and welfare services to Aboriginal women and girls in urban, rural and remote areas.

Whilst in prison, women are not covered by PBS & Medicare, leaving the Queensland Government responsible for prisoner health costs. This has led to levels of health care well below community standards, including prescription of outdated pharmaceuticals no longer in use in the wider community. Many women leave prison in worse health than they entered. Interestingly, the state bears the cost of Federal prisoners in Queensland prisons. Perhaps the Commonwealth should cover the same level of health care costs for prisoners as for the wider community, in exchange for care of Federal prisoners. Alternately, the Queensland Government could charge a fee-for-service for provision of prison services, and allocate this income to prisoner health services.

The NDIS has proven inaccessible to most criminalised women, particularly for those with mental health issues and limited English language skills. The application process is onerous, and long waiting periods are often involved. The Australian Government has announced the end of funding for key psycho-social programs (including the Day-to-Day Living Program), suggesting that the NDIS will meet these women's needs. Women’s NDIS packages are suspended when they go to prison, on occasion, leaving the state responsible for meeting the needs of women with disabilities beyond the capacity of the prison system. Following an extended prison stay, women with disabilities must reapply for NDIS services. The Queensland Government should lobby the Commonwealth for continuation of disability services for women – both inside and outside prison.

Conclusion

The evidence is clear – prisons have no social or economic value. Prisons are, in and of themselves, criminogenic. Prisons cause untold harm – to individual women, their families, their communities and the wider Queensland society. SIS urges this Inquiry to address both the immediate and long-term damage caused by imprisonment of women and girls. We urge this Inquiry to redirect funding from punishing women and children for poverty and their cultural background, to prevention, early intervention, diversionary and rehabilitation services which genuinely address women and children’s economic, social and cultural needs.

It is essential that this Inquiry propose interventionist models that address the harm caused by the violence of the carceral state and begin the process of decarceration. Only then, can a new, evidence-based and more effective mindset lead to better decision-making. **Nothing short of systemic transformation can achieve sustained reduction in rates of imprisonment and re-imprisonment in Queensland, and the associated costs to the community.** Carceral facilities must be re-purposed. Funding must be re-directed to durable long term solutions – including addressing racism, poverty and homelessness; and committing to relational, culturally-informed, multi-generational alternatives to imprisonment.
Endnotes

1 From interview with Elizabeth Hinton, Assistant Professor of History and African and African American Studies at Harvard University and the author of From the War on Poverty to the War on Crime (Harvard University Press, 2016) at https://www.dissentmagazine.org/blog/booked-origins-carceral-state-elizabeth-hinton

2 According to QCS, prisoner labour generated $8.6 million in revenue in 2017-18. (See QCS 2018:121)

3 For example, the Commonwealth Government’s Community Development Program (CDP) which is exclusively imposed on unemployed people in remote Australia.

4 Connor 1997 cited in Byrne & Howells 2000


6 CCC 2018:8-11

7 CCC 2018:26


9 Queensland Corrective Services 2015

10 TWCC in 2008 and Gatton in 2012 (originally intended for women and now a women’s prison) Queensland Government 2008:41

11 Law Council of Australia 2015

12 Evidence detailed in Sisters Inside 2009 & Sisters Inside 2013

13 Multiple studies cited in Quixley & Kilroy 2011; ADCQ 2006; and Cerveri et al 2005.

14 CCC 2018:14

15 CCC 2018:11.

16 Anglicare Australia 2017:40

17 CCC 2018:11

18 Queensland Child Protection Commission of Inquiry 2012. For example:

- In Queensland in 2010, 86% of Aboriginal and Torres Strait Islander women prisoners were found to have a diagnosed mental health disorder over a 12 month period - including substance misuse disorders (69%), anxiety disorders (51%), depressive disorders (29%) and psychotic disorders (23%) – Heffernan et al 2012:39.

- Indigenous women prisoners are more likely to be a victim of a violence crime, including physical and sexual abuse than non-Indigenous women - ADCQ 2006.

- At least 80% of the Indigenous women prisoners are believed to be mothers of dependent children – Behrendt et al 2009.

- And, some had carer responsibilities for other family members prior to imprisonment – Goulding 2004

19 NSW Aboriginal Justice Advisory Council 2001

20 Newnam 2008

21 Between February and August 2017, SIS’s Supreme Court Bail program in Townsville has assessed 141 women on remand at Townsville Women’s Correctional Centre. Through our assessments, we have identified that 28 women (almost 20% of the women assessed) are remanded in custody for contraventions of domestic violence orders. Almost all of these women are Aboriginal and/or Torres Strait Islander.

22 NSW Aboriginal Justice Advisory Council 2001


24 CCC 2018:22-24

25 23 May 2018 -157 open clients; of whom 34 were awaiting referral (to S4 or, failing that, to other segregated units). 12 women in external mental health facility and 9 awaiting transfer (total 21 requiring mental health support beyond that available in BWCC – i.e. 5% of women prisoners who aren’t or shouldn’t be in BWCC due to mental health issues) (CCC 2018:27-28).

26 Little research has been conducted in this area. The data in this area relies heavily on Sisters Inside’s own research with women prisoners in Queensland.

27 Quixley & Kilroy 2011:16


29 Cited in Aboriginal and Torres Strait Islander Justice Commissioner 2009:42.

30 Allard et al 2010

31 Victorian Department of Justice 2006

32 NSW Aboriginal Justice Advisory Council 2001

33 ADCQ 2006:108


35 Pereira 2001

36 ADCQ 2006
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See reference to QCS policy in ADCQ 2006
Data disclosed to Sisters Inside under RTI request 180931 (28 February 2018).
McCulloch & George 2009:107,119
CCC 2018:28-31. Ironically, the GM suggested that drugs are primarily entering through new women prisoners, despite routine strip searching of all women entering the prison, but provided no supporting evidence. Counsel Assisting (Glen Rice QC) raised questions about the legitimacy of high level of searches. The GM accepted that strip searching may be re-traumatising for women – but justified it because not detecting it doesn’t mean it’s not there and it has a significant deterrence justification.

McCulloch & George 2009:107,119
CCC 2018:28-31. Ironically, the GM suggested that drugs are primarily entering through new women prisoners, despite routine strip searching of all women entering the prison, but provided no supporting evidence. Counsel Assisting (Glen Rice QC) raised questions about the legitimacy of high level of searches. The GM accepted that strip searching may be re-traumatising for women – but justified it because not detecting it doesn’t mean it’s not there and it has a significant deterrence justification.

41
See, generally Lamusse 2018
42
Australian Medical Association 2012
43
CCC 2018:24-25
44
CCC 2018:25-26
45
Office of the Chief Inspector 2016:26
46
CCC 2018:15
47
Baldry 2007. These align directly with the key predictors of recidivism amongst former prisoners, identified by Baldry based on the available research data - that the person is from a socially and economically disadvantaged background; and/or is homeless or transient, or has insecure housing; and/or has debts; and/or is returning to an abusive or violent relationship; and/or has mental health issues or other disabilities; and/or is isolated from family/friends; and/or has a poor educational background; and/or has substance abuse issues.
48
Goulding 2004
49
Indications of recidivism amongst women vary - one study found that women return to prison at a higher rate than men (Baldry 2003 cited in Baldry 2007); another found a 43% recidivism rate amongst women, which is lower than men (Johnson 2004 cited in Payne 2007). Return rates within 12 and 24 months were also findings by Johnson 2004 (cited in Payne 2007).
50
Baldry 2007 (ibid)
51
Law Council of Australia 2015
52
Shine for Kids (Children of Prisoners Support Group) cited in Aboriginal and Torres Strait Islander Justice Commissioner 2009
53
Queensland Child Protection Commission of Inquiry 2012
54
Data provided by QCS at a teleconference about the Sisters Inside Supreme Court Bail Program held on Thursday 11 October 2018.
55
23 September 2015 – data via email from Ron McDonald (Principal Media Officer, Communication Services Branch, Department of Justice and Attorney-General) to Debbie Kilroy on 26 October 2015. Cited in Kilroy 2016:4
56
Based on the snapshot day (23 September 2015). 405 women in prison in Queensland were not serving substantive sentences: of these, 189 were on remand and 216 had breached parole. According to the Productivity Commission 2016, the cost of imprisonment in Queensland is $296 per prisoner per day. It therefore cost $55,944 on that day ($20,419,560 annually) to imprison women on remand. It cost $63,936 on that day ($23,336,640 annually) to imprison women for breaches of parole. Total cost - $119,880 per day ($43,756,200 for 2014-15) assuming similar imprisonment rates for a full year.
57
Baldry 2007:4 (our emphasis). Other key determinants were homelessness/transience, increased substance abuse problems, being Aboriginal or Torres Strait Islander, being a woman and having debt(s).
58
See, for example, Goulding 2004 and Baldry et al 2007
59
In conversation with the Sisters Inside CEO in early 2018
60
New Economics Foundation 2008 summarised in Aboriginal and Torres Strait Islander Justice Commissioner 2009
61
62
Magistrate’s Court of Queensland 2011. Whilst the Murri Court did not reduce Aboriginal prisoner numbers, it did provide a bridge between Indigenous Elders and communities and the justice system. Moreover, the report used to legitimise these cuts also found that one of the primary limitations of the Murri Court was the lack of appropriate rehabilitation and diversion programs available for the court to refer offenders to as an alternative to custody (Morgan & Louis 2010). For diversion courts to be effective, they need access to services that address the underlying issues which lead to offending.
63
Johnson 2004 cited in Payne 2007:59, found that 43% of women in this landmark study reported having been previously imprisoned at least once in their lifetime - with an average of 3 episodes of imprisonment.
64
“Get up” (Yugambeh language)
65
Hansard 2018:73
66
QCS 2018:6. This is a very conservative figure. It is calculated on the basis of QCS’s costing of $181.55 per prisoner per day, which is much lower than the Productivity Commission’s reported cost of $293.77 per prisoner per day (including both operating expenditure and capital cost) during 2016-17 (Table 8A17).
67
Cited in Renaud 2018
68
Justice Wood (cited in Cashmore 2011:36) particularly noted the value of providing secure accommodation for young people appearing in the juvenile or adult justice systems as an alternative to remand and a basis
for non-custodial sentencing. Justice Wood also noted that this would accord with Australia’s international human rights obligations.

69 Goulding 2004
70 See, for example, Behrendt et al 2009; Bartels 2012:1,13; Department of Corrective Services 2009:53
71 29.25 Section 16A92 (p) cited in Flat Out Inc & VACRO 2006
72 Australian Law Reform Commission cited in Flat Out Inc & VACRO 2006 (ibid)
73 Cited in Flat Out Inc & VACRO 2006 (ibid)
75 Carvalho 2018
76 In practice, section 108B operates to impose an additional sentence. The women we support are often sentenced to a period of imprisonment or probation, in addition to the mandatory community service order.  
77 Queensland Sentencing Advisory Council 2017:6 (Table 1)
78 Received via email from Sonia Maloberti, A/Manager, Performance and Reporting, Queensland Corrective Services on 16 December 2016. A copy of this data can be provided on request.
79 Received via email from Alexis Vayro, A/Senior Performance Information Advisor, Courts Performance and Reporting Unit, Department of Justice and Attorney-General on 27 March 2017. A copy of this data can be provided on request.
80 Received via email from Jennifer Gallagher, A/Senior Performance Information Advisor, Courts Performance and Reporting Unit, Department of Justice and Attorney-General on 10 October 2018. A copy of this data can be provided on request.
81 See, for example, Eggleton et al (2018), where a Canadian senator and 4 leading thinkers and researchers propose that a well-designed basic income guarantee may be the answer to tackling poverty, income inequality and the changing labour market.
References


Behrendt, Larissa; Cunneen, Chris; & Liebesman, Terri. (2009) Indigenous Legal Relations in Australia, Oxford University Press, Melbourne


Lamusse, Ti (2018) *Solitary confinement in New Zealand prisons*, in *Economic and Social Research Aotearoa* (January)


McCulloch, Jude and George, Amanda (2009) *Naked power: Strip searching in women’s prisons* in Phil Scraton and Jude McCulloch (eds), *The Violence of Incarceration*, Routledge


Prison Policy Initiative (ongoing) *Producing cutting edge research to expose the broader harm of mass criminalization …* at [https://www.prisonpolicy.org](https://www.prisonpolicy.org)


Queensland Sentencing Advisory Council (2017) *Sentencing spotlight on … manslaughter* (July)


Renaud, Jorge (2018) *Should prosecutors and survivors have a voice in shortening long sentences?* Prison Policy Initiative Update for 25 October at http://news.prisonpolicy.org/t/ViewEmail/r/87477526A6D0BFE22540EF23F30FEDED/A7F49DB8B68BB7F51726EA5DA1051479


Sisters Inside (2011) *How We Do It: Diverting Women from Prison* (The SIS SCC Diversion Program), Sisters Inside, Brisbane (under separate cover)


Appendix: Case Studies

How First Nations people, women and children get trapped in the system

Case Study 1: Over-policing & Racism

Myall (17) has been involved with SIS since childhood. His strong relationships with several generations of his family has been reinforced and supported by our youth workers. He lives with an aunty who describes him as a good boy … not looking to get into trouble.

Many of the men in Myall’s family have a criminal history and his aunt’s house is known to the police from the past. Despite sharing a family name, Myall has only ever been charged with a single minor offence at age 14 or 15, which was compounded by his failure to appear in court. He reports that on 5 occasions during his 6 months on the run, his aunt’s house was raided by 4-8 police officers searching for him due, solely, to his failure to appear. Meanwhile, he was watching the process hiding behind bins up the road. He was already too scared to turn himself in to the police (due to family reports of being bashed by police) and these raids added to his fear. As a result, his charges escalated … police behaviour indicated that they thought it wasn’t sufficient for him to get a youth prison sentence. Myall reports having been bashed and called a little black dog (and similar) by police.

Within a few days of dealing with his outstanding legal matters with the support of SIS workers, Myall had got his drivers licence, taken a part time job and returned to school. He now has a permanent full-time job. Myall reports continuing to be pulled over by the police constantly (at least weekly) – having his record checked, being asked for name and details of what he’s doing and having his personal belongings searched. Despite this, Myall’s resilience is demonstrated by the fact that he has stayed out of trouble for several years.

Case Study 2: Criminalisation of survivors of DV

Joyce is a 30 year old woman, from a remote Aboriginal community in Far North Queensland. She has lived with family violence all her life – beginning with a sexual assault at age 2 which has left her unable to have children. She turned to alcohol and formed a relationship in her teens. She stayed in this relationship with a violent male partner, John, for 10 years.

John has seriously assaulted Joyce on numerous occasions – including one incident where he blinded her in one eye, and stabbed her. John was charged, convicted and imprisoned for this incident. Following his release from prison, the relationship continued. Further incidents occurred, including one where both were issued with a Domestic Violence Order (DVO).

Some months later, on the occasion in question, they had been drinking together for many hours. Joyce went to sleep on a lounge chair, and was woken by John shaking her. He bashed her (causing significant injuries), chased her down the street and repeatedly bashed her again. Many neighbours witnessed this. Then, Joyce saw a small knife on the ground. She picked it up and stabbed him, causing limited harm. Someone shouted She’s stabbed him. When the police arrived, she was issued a Domestic Violence Order, charged with Grievous Bodily Harm (GBH) and taken to hospital. Upon release from hospital, she was kept in the cells until being held on remand at TWCC.

Joyce was allocated a white, male lawyer. She never met her lawyer face-to-face. Much of the legal process occurred in writing; English is not her first language, and Joyce has limited English literacy. She didn’t understand the paperwork. When asked Did you stab him? She replied Yes. On this basis, her lawyer advised Joyce to plead guilty, without seeking any further explanation of the incident, the relationship history or her background.

Other women in the prison advised SIS of this situation. SIS sourced a woman lawyer, who met with Joyce and asked her to tell the whole story. It became evident that Joyce had every defence in the criminal code and her plea was changed to not guilty. In court, the Prosecutor relied on a single white male witness, who testified that the stabbing was unprovoked. The Defence called 8 Aboriginal witnesses, all of whom confirmed Joyce’s version of the story. Joyce was found not guilty by a jury.

Joyce had spent 18 months in prison on remand. Despite having been found not guilty, she was almost returned to prison – still on remand, due to the outstanding breach of the DVO order issued prior to the incident which had not yet been heard by a lower court. Despite police knowledge of his previous violent history, John was never charged with any offence in relation to this incident.
Case Study 3: Loss of child custody

Kaylah is a 37 year old Koori woman prisoner who had a very complicated pregnancy. Her condition required weekly scans and often fortnightly intrauterine blood transfusions. This was done under escort, and Kaylah was handcuffed to the bed during her overnight stays for the transfusions, with two corrections staff sitting in the room with her while she tried to sleep. This created considerable trauma since Kaylah had been victim of a rape which included being handcuffed by the perpetrator and held hostage for several days.

Kaylah was released from prison early February 2018 at 7 months pregnant. She gave birth, and her baby was placed in the Special Care nursery. The hospital started Neonatal Abstinence Syndrome Treatment & Management, without any toxicology being done on the mother or child to confirm that the infant was withdrawing. (Kaylah maintains that the only drug that she had been taking during her pregnancy was occasional low doses of Valium, prescribed by the prison health service for her anxiety.) Following the birth, the Department of Child Safety immediately applied for a Temporary Court Assessment order based on the suspicion that Kaylah was using drugs.

Prior to the removal of her child, Kaylah was doing very well with a variety of support services in place. She had suitable accommodation and parenting and health support from SIS. After her baby was removed and placed with its father, her mental health deteriorated. Now she is homeless and struggling with addiction. (SIS continues to support Kaylah and address her health and housing needs.)

Case Study 4: Health issues post-release

Susan is a 38 year old Aboriginal woman, with 3 dependent children (all of whom have been taken into care). She served an 8 year sentence, and after release lived with her adult son and partner. Following domestic violence toward both Susan and her partner by her son, Susan became homeless.

Susan was released from prison in November 2017, 3 weeks after giving birth to a daughter who was removed and placed in care. On release she required a full medical review. This included review of the medications she had been prescribed in prison (some of which were no longer necessary), organising her daily methadone dose, post birth check-up, mental health plan, and referrals for a knee and neck MRI for ongoing pain. Susan also required a dietician referral due to malnourishment.

Case Study 5: Failure of NDIS

Penny lives in a regional Queensland city and identifies as Aboriginal. She has a complex mental health and trauma history, and previously received support through Disability Services Queensland on the basis of her mental health. Penny also has a complex medical history, and uses a wheelchair for mobility. Until recently, Penny had stable public housing and her source of income was the Disability Support Pension.

In 2017, Penny was supported to access the NDIS. She was allocated a package based on her physical impairment only. Her mental health and psychosocial support needs were not assessed or included in the NDIS package. In early 2018, Penny's health deteriorated and we understand that she presented to the hospital on a number of occasions to seek assistance. During those presentations, we understand that she was assessed on the basis of her mental health needs and repeatedly turned away for assistance. During this period, Penny's NDIS service providers withdrew their support.

Penny was remanded in the watch house and un-represented for her court appearance (due to refusal of legal representation, likely as a result of her deteriorating medical condition). She was remanded in prison and transferred to BWCC. Penny had only very limited criminal history.

At the prison, Penny presented in an acute state of confusion and was diagnosed with multiple acute medical conditions. SIS supported Penny to access a lawyer and facilitated her to re-apply for bail on the basis that new NDIS service providers would be put in place by her NDIS support coordinator. However, there was a delay of approximately two weeks to put in place the arrangements for the new NDIS providers. Penny's NDIS package did not include funding for mental health or psychosocial supports, due to difficulties faced by the NDIS support coordinator in accessing sufficient ‘evidence’ for these needs.

Due to the deterioration in her personal circumstances, Penny has now lost access to her public housing tenancy and the NDIS service providers have recently withdrawn their support again. She has recently been charged with a new offence and has been remanded in prison again. If Penny is in prison for longer than 13 weeks, she will lose access to the Disability Support Pension.
Case Study 6: Multi-systems contribution to needs

Jordana is a 19-year-old Aboriginal woman from Townsville who self-referred to SIS in February 2018, after she was released on bail. Jordana has had a traumatic life. She was in and out of foster care as a child due to her parents’ drug use and domestic violence. Her mother passed away as a result of an overdose when she was 14 years old. Since then, her self-destructive life continued, including running away from each foster carer and linking with the wrong crowd, until she met her current partner. Jordana is a regular methamphetamine user, and is well known to most health and welfare services in the Townsville area.

Frequent homelessness has characterised Jordana’s short life. She has progressively burnt her bridges with most housing and accommodation services in Townsville. When she became homeless again, the local service was unwilling to provide crisis accommodation. (SIS paid for overnight accommodation at a motel.) Housing was arranged in the local young women’s shelter. However, Jordana was soon exited from the service because she struggled to meet the conditions of that accommodation – in particular, that she engage with programs and stay inside overnight – and was in conflict with both staff and other residents of the shelter. Since March 2018 Jordana, along with her boyfriend, has been homeless.

Jordana feels that the system has failed her. She says: “All I want is to be a part of a family who will love me and support me”. Many of her bad choices are a result of protecting her relationship, and she acknowledges the contribution of these choices to her current predicament. However, she believes it is unfair that she should be excluded from services because of these.

Case Study 7: Criminalisation in residential care

Lucy is a 17 year old young Aboriginal woman who has been connected with SIS youth programs since she was 11 years old. At the time Lucy was under a Child Safety Order living in residential care. She was placed in care at age 9 after her mother, Tracey, was imprisoned. Lucy was struggling in residential care, with staff members calling the police when she acted out. She was charged with a number of offences such as wilful damage and assault, and also began self-harming.

SIS advocated for housing for Lucy and her mother and supported their reunification post-release. Lucy was removed from the residential care system which had criminalised her. Without SIS’s ongoing intervention and support, there is little doubt that Lucy would have ended up in the criminal justice system. (Instead, she has had no further engagement with the police or court system since leaving residential care, has significantly improved health, and has continued to attend school on a regular basis.)

Case Study 8: Whole of family support

Nick is a 13 year old Aboriginal boy who was connected with SIS youth programs via his older sister, Katie (age 18) who is also supported by the program. Nick and Katie’s mother, Julie, has been in and out of prison over the past 2 years and is currently serving a 3 month sentence.

Nick was living in residential care, but recently self-placed with his grandmother, Merle, refusing to return to residential care as he says he was unhappy there. Prior to residential care, Nick was living in foster care with his younger brother. When Nick was 10 he was separated from his brother and placed in a residential care house. It was in this house he was sexually assaulted by another child, which has had an extremely traumatic impact on Nick. He continues to have trouble sleeping and struggles with showering regularly as he does not feel comfortable removing his clothing.

Supporting his grandmother, who doesn’t have a car, has been central to supporting Nick. SIS regularly takes Nick to visit his mum, to ensure that they maintain their relationship while she’s in prison, and transports him to weekly psychologist appointments. Merle was supported to apply for and obtain Centrelink payments for Nick, and provided with food assistance in the interim. A SIS youth worker also advocated for Merle when issues arose with the Department of Housing in regards to Nick moving in and were able to assist Merle to prevent her tenancy becoming at risk.
Case Study 9: Value of early intervention

Miya (19) and Shannon (18)’s mum’s been in and out of prison all their lives, and they haven’t lived with her since they were 2 or 3 years old. They have variously lived with different family members. The girls are very close. Most of their offences have been committed together, and they have typically faced similar charges and spent a similar amount of time in youth prison. However, the outcomes for each have been very different.

Shannon was younger (about 14 years old) when she became involved with SIS youth programs. At the time, she was in youth prison on remand. Following release, the Youth Workers provided continuing intensive individual support and linked her to peer support (through the art program) for 2 years - she went back to school, undertook a school-based traineeship and progressively dealt with outstanding court matters. Over the past 2 years, she has worked in an administrative position with an Aboriginal-controlled organisation – beginning with the traineeship, moving to casual employment and recently being appointed to a permanent full-time position.

Miya was a bit older when she engaged with Crucial Connections at age 15. She experienced greater difficulties. When released from youth prison, she was really keen to make change, but faced many barriers. In particular, she had trouble finding a school that would take her. Disillusioned, Miya engaged more heavily with crime. She first went to adult prison at age 17. Miya’s mum and other family members have been in and out of prison all her life – so she has lots of family in there. Beforehand, she was VERY scared. But she quickly found prison easy because other prisoners protected her from exposure to the worst. Following release from this first stint in adult prison she was just getting her life together – she had left a violent relationship and had plans to enter the Navy. But, she didn’t quite make it … Now, the idea of prison doesn’t scare her at all, and she’s firmly entrenched in the adult criminal justice system.
What is ‘Inclusive Support’ and how does it operate at Sisters Inside?
Who are Sisters Inside?

Sisters Inside is a community organisation that is about promoting the human rights of women in the criminal justice system in Queensland. This means we work with any woman who has been ‘criminalised’ - including women who are currently in prison; women who have been in prison in the past but are now living in the community, often on parole; women who have been charged, but not tried or sentenced; and other women in the criminal justice system.

Sisters Inside also works with the extended families of women, especially kids. Some of the work we do includes:

- assisting a woman’s family to cope with her imprisonment and its aftermath,
- helping maintain contact between mothers and their children whilst in prison,
- counselling women inside and outside prison, and sometimes their family members,
- helping women (and sometimes their families) to deal with bureaucracies and other organisations,
- assisting women making decisions about children, jobs, drug and alcohol issues etc.,
- assisting women to find housing suitable to their needs,
- helping them find legal advice and representation, and
- crisis support.

We get the money to employ our workers from government and other sources. The bulk of Sisters Inside funding comes from the State and Federal governments. Different government departments provide money for particular programs, such as the BOWS (Building on Women’s Strengths) or SA (Sexual Assault) programs.

But Sisters Inside is not about doing the government’s work. We exist for two purposes: first, to assist and support criminalised women in practical ways. And second, to agitate and lobby for the human rights of women prisoners and, ultimately, the abolition of prisons. Sisters Inside believes that prisons harm the women, and the families of the women, that they lock up, and create more problems for society than they solve.

The model of ‘Inclusive Support’ is the method that Sisters Inside uses to do this work. This paper outlines what Inclusive Support means in practice, and the values it is based on. But first … a little bit about the context.

The context of the work we do

To understand the way that Sisters Inside operates, it’s important to understand the context that we work in. What we do is about sharing power with women who sometimes have very little power on a daily basis. Sharing power might take the form of providing women with good information, or listening to them with respect, or standing alongside women as they challenge unfair decisions that affect them. Sharing power means that the woman herself has the decision-making authority, and we are responsible for being flexible in the way we help her make decisions. Our job is to support and resource the woman’s decisions, rather than telling her what to do.

Like many other community groups, we work with women and their families who:

- are usually poor,
- have usually not experienced much respect in their lives from anyone,
- often experience racism on a daily basis,
- often do not feel very powerful, or able to make decisions about their lives,
are usually not well-educated by conventional standards (average about Grade 8-9 education),
are often homeless or badly housed in overcrowded dwellings,
are often struggling with drug and/or alcohol addiction,
are often unwell, sometimes with multiple illnesses,
may be chronically unemployed,
may be mentally ill, or else wrongly labeled as such,
see violence as a normal part of life, whether as victim or perpetrator or both,
may be Indigenous or from other marginalised groups in society,
have usually experienced sexual assault and/or domestic violence,
have very low levels of trust, especially for authority figures including ‘professionals’ like social workers,
are often suffering from Post Traumatic Stress Disorder as a result of traumatic experiences within or outside prison (eg. being strip searched in prison when they have a history of sexual abuse/rape),
and yet who have strengths, skills and intelligences that can be tapped, to improve their own situations and live well.

Unlike some other groups that seek to work with these women, Sisters Inside operates as a place where women will be heard, respected and treated with dignity. This is largely because Sisters Inside was started by women prisoners themselves. In the early 1990's there was a reformist era in Queensland criminal justice policy, under BWCC General Manager George Brown, Director-General Keith Hamburger and Minister Glen Milliner. At this time women in Boggo Road (the old women's prison) were able to take up positions on committees that made some decisions about what happened inside the prison. Sisters Inside grew from these small beginnings. Despite a much less progressive political environment in Queensland today, women in prison still play a key role in the management of the organisation.

The Inclusive Support model outlined below is how we make sure that the human rights of women come first in everything we do. Our success can be seen by the fact that not only do we help keep women out of prison, but also by the fact that women are usually comfortable with Sisters Inside staff, once a relationship has been established with them. The women know that we ‘walk the talk’ and are fair dinkum in treating them with respect. Some Sisters Inside workers are ex-prisoners, and these women are an invaluable resource for other staff, informing us of the best way to do our work in keeping with prison culture/s.

For a much more in-depth discussion of the social context we work in, read the Sisters Inside resource Working With Criminalised & Marginalised Women: A Starting Point.

What Inclusive Support is not

A lot of community and government groups work with marginalised people. Often they use a model of day-to-day operating called “case management”. In this model, there is a “client” (the woman) and the ‘experts’ (social workers, bureaucrats, parole officers, etc.) who have to ‘manage’ the life of the “client”.

Sisters Inside believes that case management is a flawed model that, in practice, relies on other people having significant power over the decisions that women make about their lives. Case management begins from a starting point of the “client” who either has problems, or is herself ‘a problem’. There is little if any analysis of social power structures that have led to the woman being in the situation she is in. Problems like crime or homelessness are blamed on the failings of the individual woman, rather than on the operation of an unjust social
system, a violent upbringing, a racist history of Indigenous child removal, or many other factors which inevitably affect the woman’s life.

In the case management model, the “client” sits down with the ‘experts’, who go through a process of deciding, ideally with the woman, what she needs to do to achieve certain outcomes, and ‘fix’ her problems. Rarely, if ever, does the woman get to decide what the outcomes should be, or the best way to go about change. In practice, the ‘experts’ tell or suggest to the woman in what ways she is ‘bad’ or a failure, and how to ‘fix’ her problems to their satisfaction. Because the ‘experts’ have structural power over the woman (e.g. the power to decide whether the woman gets custody of her children from the Department or not), the woman has little choice but to agree with their assessment of her decisions and her life. How can you have an equal discussion with somebody who has the power to remove your children from your care, or deny you housing?

Sisters Inside believes that case management is very often abused. It is very easily turned into a tool of coercion by workers and bureaucrats who have little if any understanding of where their “clients” are coming from. It’s important to realise that women who have been in the prison system have had ALL decision making rights taken away from them. Usually the women we work with have grown up without much power in their families, their schools, or their workplaces. They probably have not even had the power to decide what happens to their own bodies, often being survivors of rape, domestic violence, childhood sexual abuse, and strip searches in prison. They are accustomed to being judged harshly and disrespected, but that doesn’t mean that they like it, or that they don’t still have the right to make decisions about their lives. Nor does it mean women don’t have the intelligence to do so if given some support. Knowing this, women are rightly resentful of systems that treat them as stupid, or which attempt to keep them powerless.

Upon release from prison, women are generally not interested in giving away even more of their power by being case-managed. And if women are not interested in the process, it obviously has very little chance of success. This is why Sisters Inside rejects the case management model. It is unjust, and as a result, it’s also ineffective.

Underlying values of Inclusive Support

In contrast, the Inclusive Support model begins from a starting point of respect; of not imposing your power as a worker onto the woman who has sought your help.

Five dimensions of respect are relevant here (*from Working with Criminalised … Women*). To be effective, workers need to act in ways that show that we:

1. Respect women as equals.
2. Respect women as the experts on their own lives.
3. Respect women’s decisions about what they need.
4. Respect women’s context and culture.
5. Respect women’s space.

It is absolutely critical that you approach the women we work with as equals. Be prepared to step outside your comfort zone, to look silly, and to make mistakes, if that’s what it takes. And remember the words Brisbane Elder Aunty Lilla Watson quoted in her presentation to the United Nations:

>If you have come to help me, then you are wasting your time. But if you have come because your liberation is bound up in mine, then we can work together.<n
(Original activists group, Queensland, 1970’s)
Inclusive Support is based on women’s wisdom and experiences

Women’s involvement with Sisters Inside is 100% voluntary. Most refer themselves to Sisters based on our reputation. If we don’t interact with women in a way that they find useful, the word will quickly get around. The way we work must earn women’s trust.

Most criminalised women have had a gut-full of people saying they are trying to ‘help’ them. Most have experienced interventions in their lives by many different ‘well-meaning professionals’, and have strong views about the value (or not) of the services they’ve received. That’s why it was important to actively include women when developing the Inclusive Support model.

As part of this process, we asked a large number of women about the worker attitudes and behaviours they found ‘helpful’ and ‘unhelpful’:

<table>
<thead>
<tr>
<th>Practices women find helpful</th>
<th>Practices women find unhelpful</th>
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<tbody>
<tr>
<td>Sitting with a woman in her pain, especially when you can’t meet her needs (e.g. housing). Being honest about what you, Sisters Inside and/or other organisations, can and cannot provide.</td>
<td>Avoiding a woman when you can’t meet her needs, or referring her to another organisation without any guarantee that they can meet her needs.</td>
</tr>
<tr>
<td>Treating a woman with the same politeness you would anyone else (e.g. calling at 5pm to let her know if you haven’t found housing).</td>
<td>Directly or indirectly telling a woman what her priorities should be, based on your stereotype of the needs of women who’ve been in prison or moral judgments about what the woman should prioritise. Using planning processes to direct a woman’s priorities or seek to control her actions.</td>
</tr>
<tr>
<td>Recognising that different women have different realities and experiences. Working from each individual woman’s perceptions of her priorities and needs. Treating the woman as an equal, and making sure she has maximum possible control over her goals and service provision.</td>
<td>Pretending you ‘understand’ despite never having been ‘in her shoes’ (e.g. in prison, or Indigenous) and defending your mistakes.</td>
</tr>
<tr>
<td>Acknowledging the things you don’t know or understand, and readily admitting any mistakes you make.</td>
<td>Never promising something unless you are absolutely certain you can deliver it - routinely under-stating what you can offer, so that if more is possible this is a nice surprise.</td>
</tr>
<tr>
<td>Pretending you ‘understand’ despite never having been ‘in her shoes’ (e.g. in prison, or Indigenous) and defending your mistakes.</td>
<td>Promising a woman something you hope you can provide. The woman’s disappointment if you don’t keep your promise will risk reduced trust in both you and Sisters Inside.</td>
</tr>
<tr>
<td>Believing each woman's view of her life, and treating her experiences as valid.</td>
<td>Challenging or questioning a woman’s experiences or expertise in her own life.</td>
</tr>
<tr>
<td>Treating service provision as a right not a privilege. Expected the woman to be angry or upset, when her basic rights are not met.</td>
<td>Expecting a woman to be grateful for every small service rendered, even when these don’t meet basic human rights standards. Penalising the woman if she is angry or upset, when her basic rights are not met.</td>
</tr>
<tr>
<td>Treating any ideas you offer as a ‘possibility’ rather than a ‘prescription’.</td>
<td>Expecting a woman to place high value on your input/ideas and follow any directions given.</td>
</tr>
<tr>
<td>Offering to help the woman explore the consequences of her planned action, and, if she wishes, doing this in a shared way.</td>
<td>Assuming a woman knows the possible consequences of her planned actions and/or telling her what the consequences will/might be.</td>
</tr>
<tr>
<td>Treating any information about a woman’s life as private (within Sisters Inside), unless the woman explicitly gives you permission to share clearly defined information with other agencies.</td>
<td>Sharing personal information behind the woman’s back (e.g. referral briefing or case conferencing without her express knowledge and permission).</td>
</tr>
</tbody>
</table>

Inclusive Support was designed to ensure that our practice is ‘helpful’.
The women we work with at Sisters Inside have usually had lifetimes of other people assuming that they are stupid, 'bad', ignorant and incapable of change. It is our job to behave in exactly the opposite way – to recognise the strengths, insights and capabilities of the women who walk in the door and want our support. As you will learn, most of these women have already survived incredible life crises. Most of the women have a raft of survival skills that will astonish you as you get to know them. Accordingly, at Sisters Inside we seek to advise women and provide them with good information, not tell them what to do.

The Inclusive Support model is about women making their own decisions about what they want to achieve. If women sometimes make decisions that you feel are wrong, or ill-advised, then learn to live with it. Allow the women the dignity of making their own decisions, regardless of whether you think these decisions are right or wrong. It's their lives that are going to be affected by their choices. We have no right to make decisions on women’s behalf, and we should never seek to do so.

The nuts & bolts of Inclusive Support in practice

Main Support Worker (Assigned Worker)

At Sisters Inside, woman may interact with many different staff. We make sure that women don’t ‘fall through the net’, by allocating a main support worker (called Assigned Worker in the online data system, ORACLE). The main support worker's job is to help each woman develop a broad, long term vision - a flexible, informal plan which can be changed as often as the woman wants. This worker is responsible for keeping a track of the woman’s plan, even when the woman is so caught up with crisis that she loses sight of the ‘big picture’, or is interacting with lots of different Sisters staff. This is usually not a written plan, because many of the women we work with have limited literacy and are cautious about putting their ideas in writing (which has often been used against them in the past).

The Assigned Worker is responsible for plan tracking, rather than plan setting - based on a combination of the SIS Referral Form and entering information about interactions with each woman and actions taken into ORACLE, so all staff can see what’s happened.

Weekly Inclusive Support Meetings

The backbone of Inclusive Support is a weekly meeting where workers get together and consult each other about what is going on. This is not a staff meeting, and it follows the weekly staff meeting. The Inclusive Support Meeting keeps workers up to date with whether individual women are inside prison, have been released, or are facing court. It lets other workers know of likely upcoming issues, and also when women’s lives are going well and they don’t need as much support*. But it does much more as well.

(*The weekly meetings operate under our policy of agency-wide confidentiality. That is, when a woman makes contact with Sisters Inside, you need to inform her about our guidelines which state that any information she shares with a worker might also be shared with other Sisters workers. But the information won't be taken outside the organisation without her written consent.)

As well as being a practical, information sharing exercise, the Inclusive Support Meeting is an educational tool, a problem-solving opportunity and also a mechanism for debriefing workers. In discussing the weekly workload, staff share their different strategies. We talk about what has worked well, and what hasn’t. Because the work we do is so diverse, and so unpredictable, what has worked in some situations and with some women, won’t work with others. By chucking ideas and strategies around as a group, we draw on the strength of all our intelligences.
In the very nature of working with highly marginalised women and a repressive criminal justice system, Sisters Inside workers will face stresses. Inclusive Support Meetings provide a regular forum where workers can air concerns, and openly discuss their feelings about particular hard situations. Support therefore refers to support of each other as well as for the women affected by prison. Inclusive Support Meetings act a bit like personal supervision of social workers/psychologists. When critical incidents arise, more intensive one-on-one support of workers may be necessary, and can be requested. Sisters staff are encouraged to have regular external supervision, paid for by the organisation. But for ordinary weekly work, the Inclusive Support Meeting is the way we connect and reinforce with each other as workers.

Sisters Inside staff need to be mindful of setting personal boundaries around their work (e.g. by not taking work phone calls outside of paid work time). It is also important for Sisters workers to monitor their own levels of personal stress, and take appropriate steps to manage this. Burnout is an occupational hazard in the community services sector, and Sisters Inside workers are not immune.

**In and Out Board**

Sisters Inside staff have an extraordinarily high degree of autonomy in our work. The bottom line of the organisation – respect – applies to worker rights and responsibilities as well as to the women we work with. There isn’t the kind of checking up you might be used to in other workplaces. Management assume you are working here because you are committed to the job, and to the women, and will generally let you get on with the work with as little interference as possible.

We let other Sisters Inside workers and management know what we are doing both at the weekly Inclusive Support Meeting, and also through the “in and out” board in the lounge area. By filling in our general whereabouts for each day, we are contactable in emergencies or when women need to get in touch.

To work effectively at Sisters Inside, you will need to be comfortable making decisions, sometimes quite important decisions, on the run. You will also need to be self-motivated and able to work both in a team, and on your own when required. Management is always there for difficult times, but in general workers are expected to be capable of assuming responsibility and ‘step up to the plate’ at a moment’s notice. The skill of balancing this with the need to avoid burnout is one that Sisters staff develop over time.

**Diaries**

Sisters Inside supplies diaries to all workers and these are an invaluable tool for organising appointments etc. These diaries are also available to the women we support. Many women will have chaotic lives as a result of homelessness, poverty, substance misuse issues, etc. Diaries are offered freely as one strategy to help women think about their lives in an organised way.

**Peer Support**

As well as the weekly regular meeting, Sisters Inside workers draw on each other for peer support informally. If you’ve had a particularly hard day, or are expecting one, it’s normal to ask another worker for a few minutes of their time to talk about it. Sisters Inside works on a co-operative model where staff will generally go out of their way to support colleagues. This happens in the knowledge that we are all going to have good days and bad days, and all of us are going to need to ask for a bit of extra support at some time or another.
Cultural Issues

Many – maybe as many as half - of the women we work with are Indigenous. Others may be Pacific Islander, Asian or from other diverse cultural and racial backgrounds. Feel free to draw upon the expertise of other Sisters Inside workers who are of other backgrounds, or are more experienced. It’s okay to ask silly questions! Mistakes made by a worker who is genuine will nearly always be forgiven. And remember that developing good cultural competence is a key part of being an effective, professional worker. Accept that you have, as an Australian, grown up within a racist culture that privileges white knowledge and white people over Indigenous knowledge and Indigenous people. Many of the women you work with will have been imprisoned as a direct result of past racist events, policies and individuals. It is up to you to educate yourself about these issues. Don’t be afraid to ask for help.

Critical Incidents

We work alongside marginalised and often damaged people. Critical incidents have happened at Sisters Inside before and may happen again in the future. Workers are required to always be mindful of their own personal safety, and the personal safety of everybody around them, including the women they are working with.

Staff should not enter the home of a woman who is new to Sisters alone on a first visit, but instead take a second worker along until the environment is checked out for potential hazards. If a worker is ever in a critical incident, or feels frightened, she should immediately leave the situation and notify management (and if possible other colleagues). A debriefing will then take place with the worker and where appropriate with the woman concerned.

In many, many years of us working with hundreds of criminalised women, only a very miniscule minority of incidents have led to workers and/or the women we work with being in any danger whatsoever. This, once more, comes back to acting respectfully and not attempting to ‘change’ or ‘improve’ women. Rather, we try to support women, and give them the best information we can. Then decision-making about their lives falls into their hands. When people feel respected, listened to and taken seriously, they are extremely unlikely to become abusive or violent.

Cultural differences are important here. In white Australian culture directness in communication is valued. In contrast, in Aboriginal culture a flat “no” to a request is often seen as very rude. Direct disagreement is also often seen as either rudeness, or a challenge of some kind, especially if others are present.

A transparent excuse for not being able to act on a request (“I’m sorry, but we won’t be able to help you do that because we haven’t got enough petrol”), or else a statement like “I’ll have to check with my manager” is much more culturally appropriate if you have to reject an unreasonable request by an Aboriginal woman. And as stated above, in 99.9% of cases women will accept boundaries set by Sisters Inside workers, provided they feel like they have been listened to.

Dependency

As in all human services work, criminalised women may on rare occasions develop unhealthy dependency on Sisters Inside workers, or on the organisation as a whole. Remember that the women we work alongside have rarely been treated as intelligent or capable enough to do anything for themselves. (They will often be used to others rushing in to ‘save’ them and do basic things that they themselves are perfectly capable of doing with a bit of information.) This paternalistic and/or maternalistic history leads some women to have unrealistic expectations about what Sisters Inside can do for them.

When we attempt to do things for other people that they are capable of doing themselves, we are often just being control freaks, or acting out of unexamined emotions of our own. It’s our
job as workers to remember our values, and to be supportive equals of, not crutches for, women in crisis. If you aren’t sure where to draw a particular boundary, talk about it with colleagues and/or bring it up in an Inclusive Support Meeting.

Remember also that in working with vulnerable people, we can come to ‘stand in’ unconsciously for other important people in their lives. This phenomenon, called “transference” can result in criminalised women coming to rely on workers in ways that are more appropriate for family members. We are not usually the mothers or aunties of the women we work with. We can support, listen and encourage – but we can’t replace family and shouldn’t try to fill that role.

On the other hand, it’s important to understand the massive, stressful workload many women (particularly immediately post-release) are under. Often women are daily meeting the time consuming requirements of Centrelink, and child protection, and probation/parole authorities which have control over their income, children and freedom… whilst having to find a bed each night because they’re homeless or survive in temporary accommodation. Sisters Inside tries to reduce some of this stress through practical support such as delivering food parcels, providing transport for women and their children, arranging appointments and offering immediate financial support. Services such as these are often seen as ‘dependency-creating’ by other organisations who do not understand the realities of criminalised women’s day-to-day existence and the associated risks. It is important that we both provide a practical ‘safety net’ when it’s needed, and support women to take control of all aspects of their lives when it’s not.

Referrals

Sisters Inside doesn’t have a magic silver bullet for every issue or every woman who rings up. Especially when it comes to housing, we sometimes have to refer women on to other services specialising in crisis accommodation. Basic Rights Queensland (formerly Welfare Rights Centre) is a key agency that can help with specialist advice for Centrelink issues. Sisters Inside is not always the right agency for the women who ring us, though we do have special skills in working with criminalised women.

Referral is not the same thing as ‘passing the buck’. The women we work with are very used to being given the ‘welfare run-around’, so it’s important to check whether another organisation can actually provide the service the woman needs, before offering a referral. There is always a risk that women will experience a referral as being ‘rejected’ by you/Sisters Inside, so it’s really important to offer support when making a referral (e.g. make the initial call, to go to the first appointment, or practice what she wants to say). You must always contact each individual woman soon after referral to find out how things went, whether she has other needs, and to reassure her that Sisters is still there for her.

When we refer women to other organisations they still remain a part of our base. They are still able to ask us for support and for information, and they frequently do. The relationships we build with women are for the long haul.

And finally …

Remember that Sisters Inside is a unique organisation doing remarkable things. We actually have the opportunity on a daily basis to make the world of the women we work with a better place. We all work with outstanding colleagues in an award-winning service. Don't forget to enjoy yourself along the way – you’re special too!
How We Do It

Diverting Women from Prison

(Sisters Inside Special Circumstances Court Diversion Program)

© Sisters Inside Inc. 2011
PO Box 3407
SOUTH BRISBANE QLD 4101
ph: (617) 3844 5066
fax: (617) 3844 2788
email: deb@sistersinside.com.au
web: www.sistersinside.com.au

Written & Compiled by Suzi Quixley, with particular thanks for feedback and ideas to: Debbie Kilroy, (Magistrate) Christine Roney, Ann Marie Tilley, Yvonne Chelepy & Margaret Fitzpatrick.
239 of the 240 women involved in the SIS SCC Program in 2007-2010 had a reduced rate of offending during and following their involvement. The Program had a 96% success rate in diverting women from prison.

*The Sisters approach really works ... Sisters is there for women, not just during the criminal justice process, but for life!*

(SCC Magistrate Christine Roney)

... the best thing about SCC is that they take everything into prospect. They also take in the real roots as to what you have done and why you have done it. The SIS SCC has helped me grow as a person within myself and they have also helped me look at myself and my future. The reason I haven't gone to prison is because of SIS SCC. ... SIS SCC have showed me the big picture in my life.

*(Simi - a young Aboriginal and Torres Strait Islander woman)*

*Jane says that Sisters Inside and the SCC Program have turned her life around and now she sees the moon and the stars! ... She has stopped the drugs, stopped smoking, has her daughter with her on weekends, attends counselling regularly, lives in a share house and is getting dental care. Jane is quite sure she would otherwise be dead or in prison, and believes if you are in prison you may as well be dead.*

*(Jane – a woman with a long term history of poly-substance abuse, homelessness and imprisonment)*
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The criminogenic profile of women prisoners is very different from that of men. Whilst crime rates amongst women have not increased in recent years, imprisonment rates have increased dramatically – both in Queensland and nationally. Women are increasingly being imprisoned for their first offence. Most are imprisoned for short periods for minor offences\(^1\). Further, amongst women prisoners:

- The vast majority have a history of abuse - including child sexual abuse and domestic violence.
- A hugely disproportionate number are Indigenous women.
- Most are mothers of dependent children, and were their primary carers prior to imprisonment.
- Most have a disability - including mental health problems, learning or intellectual disability and/or substance abuse issues.
- Most come from low income backgrounds, and have a limited education.
- Many have a history of homelessness.

In other words, almost every woman prisoner is also a victim of crime and breaches of her fundamental human rights.

Once released from prison, even after a short sentence, women face new issues. For most, their pre-existing problems have been compounded as a direct result of the trauma of imprisonment. Most have lost their home and income. Many have incurred debts and lost all personal belongings. Many have lost custody of their children, or return to children traumatised by the enforced separation.

The vast majority of women prisoners are not a threat to public safety. Imprisonment, in and of itself, is a key predictor of recidivism – if a woman has been imprisoned once, she is more likely to return to prison than a woman who has never been in prison. This is commonly a result of the re-traumatising effects of common prison practices such as strip searching, and of imprisonment itself, on women who are survivors of family violence. Imprisonment functions as a barrier to addressing the complex, inter-related issues in the lives of women and their children. Further, it frequently compounds the social issues faced by women prior to their imprisonment – making resolution of these issues even more intractable.

Imprisonment of mothers plays a longer-term role in undermining community safety. Imprisonment of mothers causes long term damage to their children – the children of women prisoners are 5 times more likely to end up in prison in later life, than other children\(^2\).

Further, alternatives to imprisonment for women make economic sense. The significant cost savings that can be expected from programs such as the Special Circumstances Court Diversion Program (SCC) are demonstrated later in this report.

\(^1\) As at 2000, the average sentence for women in Queensland was approximately 2 months (Women’s Policy Unit 2000:14). QCS advises that this average is now longer however concrete statistics on current average sentences for women are not available.

\(^2\) Shine for Kids cited in Aboriginal and Torres Strait Islander Justice Commissioner 2009:19
The Context

About Sisters Inside (SIS)

Based in Brisbane, Australia, Sisters Inside (SIS) is an independent community organisation which exists to advocate for the human rights of women in the criminal justice system and to address gaps in the services available to criminalised women and their children.

SIS is distinguished from many other services by our human rights-based approach to working with criminalised women. The SIS Values & Vision\(^3\) is a living document at the core of all aspects of SIS. All staff and management are required to sign on to these values. Wherever possible, SIS employs staff with a personal experience of criminalisation and/or Aboriginal or Torres Strait Islander staff.

Women prisoners played a central role in developing the SIS Values and Vision, and continue to have a significant influence over our direction and practices. SIS is a women-driven, transparent organisation which is (both structurally and informally) accountable to women in prison. As a result, all aspects of SIS development are guided by the experts, and the organisation has a high level of credibility amongst criminalised women.

For more than a decade, SIS has actively advocated for the human rights of criminalised women, particularly women prisoners. We have led and participated in campaigns against systemic violence and other human rights violations within prisons. Our primary goal is to reduce, and ultimately eliminate, the imprisonment of women.

SIS addresses many of the social issues that impact on criminalised women, and often lead to their criminalisation. The most common of these are women’s lack of access to appropriate and adequate housing; and mental health, family/sexual violence and substance abuse support services. These concerns are accentuated amongst Indigenous women whose needs have been embedded through multi-generational social and cultural damage. This past systemic abuse continues to severely damage Indigenous women, their families and their communities. SIS has also produced a wide variety of resource materials, which are available to prisoner advocates and other organisations working with people with complex, inter-related needs.

At a service delivery level, SIS services are available to all women impacted by the criminal justice system. The majority of women involved with SIS have lived prison experience (that is, they are, or have previously been, imprisoned). The wider group of criminalised women also includes women on non-custodial orders and women who have been charged but not convicted.

The SIS model of service, Inclusive Support\(^4\), ensures that our work with individual women is driven by SIS values. This includes treating each woman as the expert in her own life, and working from her perceptions of her needs and priorities. This empowering model of service actively respects women and children’s human rights. It builds the resilience of women and their families and often achieves sustained outcomes.

Most criminalised women face high levels of complex, interrelated needs. These needs are often a result of long term, even multi-generational, social failure to meet women’s most basic human rights. SIS provides a variety of services for women prior to and following their release from prison. We focus on enabling women to access services to meet their human rights, including

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housing, income support and all facets of health care. Since most criminalised women are mothers of dependent children, SIS functions from a whole of family perspective, providing services to both women and their children.

SIS may work with an individual woman, child or family over many months or years. The intensity of our involvement at any given time will vary according to the woman’s needs. Once a woman’s life has become more stable, SIS continues to function as a safety net - preventing escalation of minor issues which put her at risk of returning to prison (such as loss of support services or housing-related problems). When a woman is ready, SIS provides services to improve the long term quality of life of her family, including education, training and employment support.

SIS receives funding from a wide variety of sources including Australian and Queensland government departments, foundations and private donors. This enables us to provide many programs and services including:

- Seeking to reduce the number of women in prison, through supporting women in the Special Circumstances Court Diversion Program (SCC).
- Supporting women in prison (e.g. sexual assault counselling, Indigenous support workers, skills workshops).
- Offering age-specific services for girls and young women in youth and adult prisons.
- Undertaking early intervention with mothers in prison and their children, to address the issues which frequently result in a return to prison.
- Facilitating relationships between mothers and children (e.g. reunification of families from the Stolen Generations, enabling family contact during imprisonment and assisting with positive family reunification post-release including Kids and Mums Reunification Camps).
- Supporting children and young people whose mothers are in prison, particularly focusing on improving the social and educational connectedness of homeless or at risk young people whose mothers are in prison (e.g. Reconnect program, Hip Hop Movement program).
- Providing intensive support for women and children rebuilding their lives after the trauma of prison (e.g. individual support, camps, one day events, parenting support, computer courses, Writer’s Group).
- Increasing women’s participation in mainstream society, particularly through improving pathways out of violent family settings or homelessness (e.g. helping women access housing, income support, substance abuse services, mental health services, education, training and work).
- Undertaking community building programs (e.g. Indigenous Circus Project, arts and cultural groups).
- Developing stand-alone, user-friendly resources (e.g. Human Rights In Action booklet, Indigenous Women Working Toward Safety DVD) for Indigenous and non-Indigenous women, children and workers.

### About the Special Circumstances Court Diversion Program (SCC)

It has been widely recognised that:

Public order laws are likely to affect homeless persons disproportionately because their behaviour invariably occurs in public - that is to say, public spaces often constitute a homeless person's place of residence. Thus, many common activities of daily living, such as toileting, become a public order offence because those activities occur in public. Police officers regularly enforce these laws against persons who are evidently underprivileged and deprived of life's most basic necessities. ([http://www.qcjc.com.au/practice/econtent/1/2/143](http://www.qcjc.com.au/practice/econtent/1/2/143))

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5 Unlike other Australian states/territories, Queensland incarcerates 17 year olds in adult prisons.
6 This text is largely derived from: [www.courts.qld.gov.au](http://www.courts.qld.gov.au)
The Special Circumstances Court Diversion Program (the SCC) is one of a suite of Brisbane Magistrate’s Courts Innovations Programs, targeted at people who appear before the court for homelessness and/or drug and alcohol addiction related offences. (These include Murri Court, Drug Court and Indigenous Justice Programs.)

The Homeless Persons Court Diversion Program enables magistrates at the Brisbane Arrest Courts to refer people charged with public order offences to health and accommodation services, if the magistrate is satisfied that the offence is related to the person’s homelessness.

The SCC has been developed in addition to this program, in recognition of both the wider causal factors (special circumstances) behind many minor offences, and the need for support beyond sentencing. The Program is funded as a pilot by the Department of Justice and Attorney-General until 2012. The SCC provides for a more intensive, ongoing relationship with people:

1. Who are homeless or at risk of being homeless, and,
2. Whose decision-making capacity is impaired as a result of mental health issues (including drug/alcohol induced issues), cognitive disability, intellectual disability, or brain and neurological disorders.

The SCC aims to work with people in the early stages of the criminal justice process, to minimise their risk of becoming entrenched in the system and to address the underlying causes of their offending. The Court uses bail and sentencing options to place people with support services to help them deal with issues which are contributing to their offending (e.g. unmet housing and health needs) and enable them to make life changes.

The Court avoids imposing fines or imprisonment. Fines are avoided, because people who are homeless or dealing with health issues are unlikely to be able to pay them. Imprisonment is seen as a last resort. Instead, the SCC helps people to:

- Find secure accommodation.
- Attend court.
- Address (pre-existing) penalties managed by the State Penalties Enforcement Registry (SPER7).
- Connect with services which can help meet their legal representation, rehabilitation, health, personal development and life skills needs.

The Court has jurisdiction over a limited range of offences, including:

- Some drug-related offences.
- Some theft-related offences (e.g. shoplifting and stealing).
- Some property offences (e.g. property damage).
- Other public order (or related policing) offences (e.g. public nuisance, begging, being drunk in a public place and trespass).
- Procedural offences such as failing to appear in court or breaching bail for public order offences.

In order to be eligible for inclusion in the program, defendants must have their charges heard at the Brisbane Magistrates Court, be charged with an eligible offence and plead guilty or not contest the charges. People with criminal histories, or people who have previously participated in the program, may be eligible. Defendants are not eligible for the program if they are:

- Under 17 years of age.
- Charged with sexual or serious violent offences.
- Appearing on drug offences that may qualify them for a drug diversion program.

There are a range of entry points to the SCC Program. People can refer themselves. They can be referred by a friend, magistrate or duty lawyer at the Brisbane Arrest Court. They can be referred

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7 The body which administer fines in Queensland.
by a police officer, community organisation or legal service. Lawyers can seek to have their clients placed on the Special Circumstances List.

A number of dedicated staff are appointed to support the Court and its operations:

- 2 part time magistrates.
- 2 court liaison officers (also called Court Case Coordinators).
- A prosecutor.
- A probation/parole officer.
- A psychologist (on secondment from Queensland Health).

The SCC operates for 3 days each week (Wednesday, Thursday & Friday), in a discrete courtroom (Court 18, Brisbane Magistrates Court). SCC court liaison officers are available 5 days per week. The 2 magistrates generally sit in the Court on alternate weeks, and are each supported by one of the Coordinators. As a result, program participants generally develop an ongoing relationship with the same magistrate and Coordinator.

Service delivery staff from a number of organisations regularly attend the court. The SCC can ask these services to put supports in place for program participants. Some organisations accept new referrals from the SCC (e.g. Salvation Army, Micah Projects); some attend the court to support their existing clients (e.g. Richmond Fellowship). Legal Aid and the Aboriginal and Torres Strait Islander Legal Service (ATSILS) generally attend the court to represent program participants. The Centrelink Community Services Team is often available to provide support and advice related to income support. Sisters Inside is the only service focused exclusively on the needs of women. SIS attends the court each time it sits, and accepts all referrals of women.

A Court meeting is held every Tuesday afternoon, prior to SCC sittings for the week. Service providers, Court Case Coordinators, lawyers and prosecutors attend these meetings. The Court meeting often discusses sentencing options, and service providers have an opportunity to provide information about the program participants with whom they are working.

In order to participate in the SCC Program, defendants must agree to be assessed for their eligibility and needs by a Court Case Coordinator. This may include an assessment by the psychologist. Information provided during this assessment process is confidential, and is only provided to the court if the person agrees, and chooses to become part of the Program. (Defendants can opt to return to Magistrates Court 1, and have their charges heard there.) In addition to fitting the formal eligibility criteria, program participants must be willing to tell the magistrate what's happening in their life, and willing put in effort toward making changes in their lives. Participants who are unwilling to contribute to their own improvement, can be sent back to Magistrates Court 1.

Whilst initial referral to the SCC is voluntary, participants are required to fulfil the court’s directives once on the Program. Following confirmation of their eligibility, a magistrate can make an order for a defendant to participate in the SCC Program. Usually, the magistrate will order discharges and adjournments, usually with treatment and welfare conditions attached. The relevant Coordinator then works with legal representatives and prosecutors to find appropriate support services in the community. Coordinators are responsible for referring, supporting and monitoring program participants, while issues such as accommodation, mental health, and substance dependence are addressed by support workers from other organisations, including Sisters Inside. If on probation, or a bond to report back to the SCC, the participant is transferred to the probation/parole officer located at the SCC.

The SCC is a hive of activity – both inside and out. Located in a discrete area, and occupying one wing of a floor, there are 2 large, comfortable sitting areas and several vacant rooms which can be used for more private conversation. Drinks and snacks are available. Whilst the court is in session, support workers from a variety of agencies are both inside and outside the court, talking with the sitting magistrate or program participants.
Inside the court procedures are more flexible and informal than a conventional court. For example, the magistrate may argue with the prosecutor, or engage in lengthy conversation directly with the participant, in order to try to find out what is behind an offence. Participants are often required to report back to the Magistrate quite frequently (e.g. fortnightly) to report on their progress.

The SIS SCC Program

Overview of the Program

Sisters Inside (SIS) always has at least one support worker present when the Special Circumstances Court (SCC) is in session. They may be in the Court itself, or interacting with women participants in the sitting/meeting area outside the Court. The SIS SCC Program is available to provide support services to any woman who becomes a participant in the SCC Diversion Program. As at 30 June 2010, SIS had provided services to a total of 240 women through the Program.

SIS provides customised services to each woman participating in the SIS SCC Program. SIS is committed to responding to whatever each woman needs, for as long as it takes. In some cases, SIS provides immediate resourcing to address women’s practical or referral needs. More often, SIS establishes an ongoing support relationship with women. Some women require high levels of intensive support over many weeks, months or even years; others simply need a safety net - the assurance that SIS will be available to provide support, should they want this. Most women (and often their children) receive support through both the SIS SCC Program and other SIS workers.

In addition to appearing before the Court itself, SIS SCC staff actively participate in Tuesday afternoon Court meetings. These discussions play a valuable role in the continuum of support for women. It enables SIS staff to provide evidence-based advocacy for women prior to their attending the Court. SIS staff often provide information about women which would not otherwise have been available to the Court. This has assisted in addressing pre-existing assumptions about particular women and has often led to reconsideration of sentencing recommendations.

Originally funded through the Legal Practitioner Interest On Trust Accounts Fund (LPITAF), the SIS SCC program now receives triennial funding of approximately $150,000 annually through the Community Legal Centres (CLC) Funding Program of Legal Aid Queensland. This is sufficient to employ one full time worker to provide support services to women participating in the SCC. SIS has dedicated a further half time position to the SCC program, using funding received to address the mental health needs of women. These 1.5 positions are frequently augmented through service provision by other SIS staff.

Aims & Objectives of the Program

The SIS SCC Program aims to provide support and bridging resources for women who have been diverted to the SCC according to each woman’s perceptions of her needs, and as agreed by the Court.

SIS staff walk alongside women to:
1. Increase their access to, and work with them to achieve, stable, safe accommodation.
2. Increase their access to, and work with them to achieve, ongoing support from mental health services.
3. Increase their access to, and work with them to achieve, ongoing support from addiction services.
4. Introduce them to services and organisations with the potential to respond to specific issues and needs.
5. Introduce them to other SIS programs that will help them address long-standing issues in an ongoing, sustainable way.

Unique Features of the Program

Most service provision models of the past have been demonstrably unsuccessful in helping criminalised women engage or reengage with the skills and resilience required to live independently, particularly following imprisonment. These approaches fail to understand and respond to the complexity of women's traumatic backgrounds and their individual and family needs. As a result, many women are imprisoned or re-imprisoned. Many return to other destructive life situations such as violent family settings, homelessness or substance abuse.

At one extreme, other agencies base their day-to-day work with criminalised women on conventional case management. This approach is typically appointment driven. It requires women to make steady, ordered progress toward pre-determined goals. Most criminalised women are living in chaotic circumstances. Most face multiple complex, inter-related issues, which compete for their attention. Many find it difficult to remember, or prioritise, appointments – let alone follow a step-by-step, linear process to address their life circumstances. This structured approach has been demonstrably unsuccessful in responding to criminalised women's needs.

At the other end of the spectrum, more intensive diversion programs exist. These are commonly delivered through residential programs in facilities located away from the pressures of everyday living. Programs may be as short as a few days, or as long as several months. When driven by Aboriginal women elders, healing programs have proven highly successful for Aboriginal women. An intensive residential approach has also produced benefits for non-Indigenous women. However, this type of approach has significant shortcomings when applied to non-Indigenous women. Women are required to make a major, once-off commitment to dedicate a period of their life to intensively addressing their multi-faceted needs – often, in isolation from their children. Many women find it difficult to maintain change when they return to the pressures of daily living. These types of programs are expensive – with significant capital required to develop suitable facilities (e.g. in the bush) and ongoing staffing costs required to maintain service infrastructure and provide intensive programs. Further, they have the capacity to respond to a limited number of women.

By contrast, the SIS SCC program provides ongoing support for women in real time, in their real life setting – including their family context. The model enables both highly intensive support when women are ready and able to focus on issues, and lower-key availability and support at other times. This approach progressively addresses women’s sense of isolation, helps them to feel part of the community and reduces the risk of them ending up living in a physical or emotional ghetto. It is driven by belief that actively respecting women and children’s human rights is essential to building the resilience of women and their families and achieving sustained outcomes. This is a cost-effective option with the capacity to adjust to the motivation, pace and needs of each individual participant. As detailed below, this approach has proven highly successful in responding to women’s needs in a cost-efficient manner.
Practice Principles underpinning the Program

Sisters Inside believes that being trusted by criminalised women is a privilege, which the organisation as a whole, and individual workers, must continually earn.

The vast majority of criminalised women have repeatedly experienced service provision which has stripped them of their authority and autonomy. Most are therefore wary of anyone with potential power over their lives. For women who’ve been in prison, this caution of service providers is reinforced through living within a prison culture which says trust no-one. For women to trust SIS SCC staff requires a huge leap of faith.

SIS is committed to working alongside women. Some services providers to the SCC see themselves as deputies of the court, and treat their first responsibility as being to the court. By contrast, SIS staff are driven by and accountable to women themselves, and see this as our exclusive responsibility. This is not in conflict with our commitment to work in a highly collaborative and cooperative way with SCC magistrates who are also on the side of the women.

All SIS staff are required to consistently demonstrate respect for women, through showing that they:

1. Respect women as equals.
2. Respect women as the experts in their own lives.
3. Respect women’s decisions about their needs.
4. Respect women’s context and culture.
5. Respect women’s space.

And, SIS sees the following as fundamental to effective service provision with women:

   (That is, workers should be authentic.)
7. Be consistent and truthful.
   (In particular, staff should never promise anything they can’t 100% guarantee to deliver.)
8. Be willing to admit your mistakes.
   (Women are generally very tolerant of staff mistakes, provided workers learn from these.)
9. Be willing to step outside your comfort zone.
   (This includes staff taking responsibility for their own learning about women’s background/culture.)
    (This has implications for common practices within the sector, including information sharing.)
11. Never reject women.
    (This includes never seeing referral as the end of the Program or SIS’s relationship with a woman.)
12. Always remember whose interests you serve.
    (All actions should be driven by the interests of women as they perceive them.)

A commitment to these practical principles is essential to effectively implementing the practices outlined below.

Day-to-day Practice within the Program

The SIS SCC Program is available to all women who join the SCC Program. Women become involved with the SIS SCC Program in one of 3 ways:

1. SIS refers women with whom we are already working to the SCC Program.
2. At least one SIS SCC Program staff member is always present when SCC is sitting. They will often engage informally with women in the area outside the Court. A woman and/or SIS staff then request a referral from the sitting magistrate.

3. The sitting magistrate requests that the SIS SCC Program provide services to a woman who has chosen to become part of the SCC Program.

Once involved in the SIS SCC Program, staff endeavour to meet:

- The service provision requests of the magistrate. (For example, the magistrate may ask SIS staff to address particular needs such as accommodation or mental health support.)
- The woman’s own perceptions of her needs. (These generally align to the magistrate’s request, since the magistrates are largely driven by women’s perceptions of their needs.)

The SCC magistrates have a sound understanding of the SIS model of service – *Inclusive Support*. They understand SIS’s commitment to a flexible, empowering approach to service delivery which is driven by women’s (often changing) perceptions of their needs and priorities. This model is very consistent with the general tenor of the SCC Program, which pays an unusual level of attention to women’s perceptions and priorities. (Women’s comfort with the SCC is aptly demonstrated through the fact that many choose to visit the Court, after their sentence is complete, just to let the magistrates know how they’re going!)

Every woman requires different services at different times. SIS is committed to working alongside women and responding to whatever each woman needs, for as long as it takes – days, months or years. At SIS, we encourage independence through giving women the same autonomy and decision making authority as any other community member. At SIS, women drive the decision making process which is designed to respond to their perceptions of their needs; to actively include them in responding to their life challenges. This helps women build their practical and emotional capacity make life changes and take responsibility for their own life and decisions. We provide support, rather than smothering (or worse, control), for each woman and her children.

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**Case Study - Desley**

Desley (age 39) has been diagnosed with Borderline Personality Disorder. She also has a damaged liver due to her long history of substance abuse. Desley has six children, all in care except her eldest daughter now 24 years, and lives with her partner who has recently become 100% deaf due to an assault. They live in a community housing complex.

Desley states the best thing about the SCC and the SIS Program is the support she receives not only when in court but the ongoing care. She says she has many issues but knows that she always can call for a chat, for support and when she requires practical assistance such as being driven to doctor or receiving a food parcel. She says the best thing is there are no strict time limits or cut off points and because of this she feels she always has a back-up when she is feeling vulnerable or depressed. This keeps her feeling safe and secure.

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At a functional level, this means that:

- The woman decides on the pace of action and change - whether to take a rapid or more measured approach to addressing her multiple individual and family needs.
- The woman decides on the nature of the support she receives from Program staff – whether workers take an active or background role in her process of change. Staff take responsibility for moving between fast, intense provision of multiple services when needed, and being a *safety net* when the woman, or her family, are managing on their own.

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The woman decides on priorities for action, and has the right to change her priorities from day to day according to her circumstances and preferences. Staff take responsibility for working within her (often-changing) priorities, in a responsive (rather than reactive) way.

The woman has significant power in selecting her Support Worker – her first point of call. This staff member takes primary responsibility for keeping a track of the woman’s needs, coordinating service provision, filling service provision gaps wherever possible and keeping the structural pathways open for the woman to achieve her longer term goals.

Meeting women’s multiple needs concurrently and seamlessly (rather than breaking them into ‘compartments’) is fundamental to the success of the Program. There is little point in providing housing, if a woman’s mental health needs are not being met and their behaviours put them at risk of eviction. There is little point in addressing drug dependence, if drugs provide the cushioning women depend on to function in a violent family setting. There is little point in referring a woman to Centrelink for income support, if they do not have personal identification, or the means to pay for it.

Program staff have the capacity to provide immediate or longer-term help to address women’s practical or referral needs. Some common practical needs include storing the woman’s belongings for safekeeping, establishing the woman’s identification (e.g. applying for a birth certificate), arranging emergency accommodation, providing emergency food supplies, providing transport to difficult-to-reach appointments or Court, getting legal information, getting information about the status of child protection arrangements or helping the woman access Centrelink benefits. Referral needs typically include finding mental health or substance abuse services willing to accept a referral, linking women with sexual assault counselling, getting women on public housing waiting lists or finding relevant education or training opportunities.

Over many years, SIS has developed detailed resource base, including information about legal matters, health, housing, issues affecting children and sources of emergency welfare and food. Some women choose to simply have SIS address a particular problem. In these cases, SIS SCC Program staff check in with the woman periodically (in an informal, non-intrusive manner), to ensure that she’s aware that she’s welcome to return for further support (during or following completion of her sentence from the SCC).

More often, SIS establishes an ongoing support relationship with women. Most women (and often their children) receive support through both SIS SCC Program staff, and other SIS workers. Younger women, despite having a terrible start in life, often have the capacity to engage with longer term goals more readily than women with a long history of imprisonment:

**Case Study - Simi**

Simi is 22 years of age and is an Aboriginal and Torres Strait Islander woman. She recently split up with her boyfriend of 3 years. Simi has problems associated with alcohol, child abuse and mental health. These have taken effect from her early childhood years. Simi is now living in a stable accommodation and is looking forward to long and bright future:

*The SCC held a Positive Lifestyle Program Course. The course went for 10 weeks one day a week. In these 10 weeks the modules I did helped me in a lot of area's that I did not realise that I had a problem with. SIS SCC workers have encouraged me to attend this course and have helped me with some of the areas in the course that I have come to work through thanks to the support of the SIS court support workers.*

*SIS workers have helped me build my self-esteem up with their encouragement and support. SIS have also helped me put a plan together for future goals in my life. Having SIS court support workers with me when I attend court is helpful, because I don't feel nervous and I feel comfortable within myself thanks to the support of SIS.*

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9 For example, the Support Worker may ensure that the woman’s name is not removed from the public housing list when she is changing address frequently, or they may track application dates for entering education or training programs. This role is particularly important when women are preoccupied with meeting multiple short term goals or dealing with crises.
Even some older women address sufficient of their longer term issues, to be able to engage with education and training:

Case Study - Pene

Pene is in her late 50s. She has experienced mental health problems and committed many minor offences over decades. SIS has supported Pene in the following ways:

- Appearing with her at the SCC, advocating on her behalf with the magistrate and working with her to achieve court-determined outcomes.
- Arranging for her to see a bulk-billing psychologist. (She has never had any mental health assistance before.) She is very happy with the psychologist and is working through long term problems which include impulsiveness and anxiety.
- Supporting her in re-establishing contact with her daughter.
- Arranging for her to undertake a Work Pathways Program in computing. Following the Work Pathways Program, she is now asking for assistance with some further study in animal care. A TAFE course has been sourced in animal grooming, and SIS staff are seeking financial support for Pene to undertake this course.

While Pene is dyslexic, she is very intelligent and has substantial practical knowledge in animal care. Pene has been on Disability Support Pension for a long time. Encouraged through the Work Pathways Program, she now aspires to open her own pet care business.

Pene is now in stable housing. SIS continues to provide support for Pene.

The women who appear before the SCC commonly face high levels of complex, interrelated needs. These needs are often a result of long term, even multi-generational, social failure to meet women and children's most basic human rights. For most, these interrelated needs have been compounded as a result of their criminalisation. (For example, if a woman was in temporary housing prior to imprisonment, she is likely to have both lost this housing and accumulated a housing-related debt; if a woman was struggling to get a job prior to criminalisation, the difficulties are even greater when she has a criminal conviction.) Many women require high levels of intensive support over a long period of time:

Case Study - Ms E. B.

Ms E. B. is an example of a woman with complex, interrelated needs. 40 years old, Ms E. B. has a history of long term homelessness, long term poly drug use, long term re-offending behaviours and a number of incarcerations. When she first became involved with SCC SIS Program, she was separated from her child and had poor physical and mental health. She engaged in doctor shopping and had no reliable long term General Practitioner. Her teeth and oral health were in a degenerative state.

Ms E. B. has appeared in the SCC over a period of approximately two years. SIS has supported Ms E. B. in the following ways:

- Assistance with temporary accommodation and support a number of times. Ms E. B. is now in stable housing.
- Assistance, including transport, to get to a GP. Support during these sessions to encourage Ms E. B. to attend only one GP and build an honest, open and trusting relationship with the doctor.
- Assistance to get to court appearances as Ms E. B. was often in areas where it was difficult to use public transport. Non-judgmental support given at court appearances.
- Developing Medicare care plans and sourcing psychologist and private dentist for regular appointments and dental care. Psychology appointments are ongoing. Dental care is completed.
- Support in re-engaging with her family. She has regular weekends and time with her family and daughter. There is no longer Department of Child Safety involvement. She
has re-established rapport with her family and is now helping her elderly mother with chores around her house, such as shopping and cleaning.

- Assistance in accessing substance abuse services. She is on a drug replacement programme and is reducing dosage. She has been clean for approximately six months and is allowed take-aways on weekends.

Over the past 2 years, Ms E. B. has built up her confidence. She has not committed an offence for 9 months. She has regular and manageable part-time work (2 hours per week). She has saved and used her pension on driving lessons and successfully obtained her driving licence. She continues regular contact with our service.

The intensity of SIS’s involvement at any given time will vary according to the woman’s perception of her own, or her children’s, needs. Once a woman or family’s life has become more stable, SIS continues to function as a safety net - preventing escalation of minor issues which put her at risk of returning to prison (such as loss of support services or housing-related problems). When a woman is ready, SIS provides services to improve the long term quality of life of her family, including education, training and employment support.

**SIS SCC Program staff are committed to being highly accessible to women.** We largely work with women outside the SIS environment. We generally go to where the woman is and meet her there – by contrast with many other agencies that require that women meet them halfway. We help women (who are often dealing with a large number of competing needs) to access other services in practical ways such as providing transport to appointments or court hearings. This has the added benefit of providing opportunities to build trust, communicate informally and ease some of the stresses that so often led to women’s criminalisation.

This is reflected in the data on Program staff contact with women, as detailed in Table 1. 63% of all contact with women has been via outreach, 33% by phone, and only 1% has occurred in the SIS centre. 98% of the 1005 total face-to-face contacts over the past 3 years have been via outreach.

<table>
<thead>
<tr>
<th>Type of Contact</th>
<th>2007-8</th>
<th>2008-9</th>
<th>2009-10</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>SIS – centre based</td>
<td>3 (1%)</td>
<td>20 (3%)</td>
<td>-</td>
<td>23 (1%)</td>
</tr>
<tr>
<td>Outreach – home visit</td>
<td>49 (11%)</td>
<td>59 (9%)</td>
<td>112 (22%)</td>
<td>220 (14%)</td>
</tr>
<tr>
<td>Outreach – other</td>
<td>231 (54%)</td>
<td>328 (51%)</td>
<td>203 (41%)</td>
<td>762 (49%)</td>
</tr>
<tr>
<td>Telephone</td>
<td>131 (31%)</td>
<td>215 (33%)</td>
<td>168 (34%)</td>
<td>514 (33%)</td>
</tr>
<tr>
<td>Other/Unrecorded</td>
<td>13 (3%)</td>
<td>19 (3%)</td>
<td>14 (3%)</td>
<td>46 (3%)</td>
</tr>
<tr>
<td>Total</td>
<td>427</td>
<td>641</td>
<td>497</td>
<td>1,565</td>
</tr>
</tbody>
</table>

**Table 1:** Type of Contact with Participants

Despite our best efforts, SIS SCC Program staff often cannot meet all women’s needs. We are dependent on other organisations for provision of essential services such as income, housing, mental health and substance abuse support. Many of the women we work with do not meet the narrow criteria for services (e.g. mental health services which will not provide counselling for people with substance abuse issues; substance abuse services which will not work with women with mental health issues). Many have already been banned from access to some (or many) services (e.g. emergency shelters and short term accommodation). The principle of truthfulness (Principle 7 on page 11), is particularly important when working with women who are entrenched within the criminal justice system. Staff are committed to not giving women false hope, or making promises which are outside the worker's power to keep.

**SIS SCC Program staff are committed to address long term, deeply entrenched problems.** In particular, many women have a long history of negative experiences with the health system:
Case Study - Ruth

One of the SIS workers was with Ruth in the doctor’s surgery. The doctor checked blood pressure, ears/eyes/throat … Ruth commented that No doctors do this … The reality of Ruth’s recent experience of doctors, was going in and out of bulk billing surgeries to get scripts for the prescription drugs on which she is dependent.

This ‘real’ doctor recognised that Ruth was suffering from serious anxiety, and applied for her to be moved from NewStart benefits to a Disability Pension. This was helpful, because it created one less stress in Ruth’s life, and allowed her to begin to address some of the other issues.

In the SCC, she proudly announced to the Magistrate: I saw a real doctor …

It is critical that SIS SCC staff recognise the length, depth and inter-relatedness of women’s experiences – both in their personal lives and within various social systems:

Case Study - Bindi

Bindi has a long history of mental health issues, sexual abuse, illicit drug use, doctor shopping, sex work and self mutilation. She spent most of her teenage years in and out of hospitals and juvenile detention centres. Bindi now sees her two boys regularly, is on a methadone program, sees a psychologist regularly and is on the Department of Housing highest needs list. She still self harms to the point of requiring skin grafts and extensive medical care for the injuries she inflicts.

Bindi says the best thing about SIS and the SCC has been the support and encouragement to change her long standing behaviours. She says that all her life has been about people dumping her or not understanding her. She says she now sees that she has some worth, and feels that there is some hope in her life! She no longer does sex work or uses heroin.

Bindi has no doubt that without the support she has received she would be dead.

In essence, the SIS SCC Program is committed to walking with women who have been given up on – by both themselves, and by other (government, non-government and private) service providers.

Evidence of Success

If it wasn’t for SCC and you (SIS worker), I’d be dead.

(Marylou – a woman with a long history of imprisonment/institutionalisation, self harm, substance abuse & mental health issues)

This is no idle comment. Dot Goulding, in her substantial study on the social and familial impact of imprisonment on women in WA, cited a study by Aungles (1994). Aungles found that the death rate amongst people serving community corrections orders was 6 times that of the general population for the same age group, and was most commonly a result of suicide in the weeks following release from prison. Further, Ogivly (2001) found that the suicide rate amongst women on parole was 3 times that of men. Despite not being asked a question about suicide or self harm, 13% of respondents in Goulding’s survey volunteered the fact that they had attempted suicide.
whilst in prison, and 35% reported that they had attempted suicide within the days or weeks following release.\textsuperscript{10}

Marylou’s sentiments are repeatedly mentioned by other women in the SIS SCC program. Like Marylou, many participants have long histories of imprisonment (including institutionalisation as a child), drug and alcohol issues, mental health issues and self harm.

It is important to understand the extent to which imprisonment has defined the lives of some women, and the difficulties they face in addressing complex, entrenched issues:

<table>
<thead>
<tr>
<th>Case Study - Ella</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ella (age 45) has been in and out of prison for her whole life – including substantial parts of her childhood spent in youth prisons. She has a long history of multiple abuse and violence, and continues to face serious housing issues. Many years ago, she lost custody of her son, who lived with her family and is now an adult. She has been a poly-user of drugs – mainly heroin, but also pharmaceuticals. She is currently on a methadone program.</td>
</tr>
<tr>
<td>Ella has been involved with SIS since 2006, and has participated in most SIS programs. She still often says I think I’m better off in prison. She shows all the signs of being addicted to prison, and has been known to commit minor offences (such as obvious shoplifting) in order to be returned to prison.</td>
</tr>
<tr>
<td>Since beginning the SCC program in July 2009, she has dramatically reduced her offending – with no major offences and a significant reduction in minor offences, none of which resulted in imprisonment. This is the first time she’s spent 12 months out of prison in her adult life.</td>
</tr>
<tr>
<td>Ella says that she has begun to address some of the issues in her life because someone was prepared to listen. She’s a skilled artist, writer … and actor who craves attention. In the wider world, she gets a lot of recognition through projecting a big shot crim image. Now, she’s TRYING not to offend. She loves both SCC magistrates … and the attention she craves is coming from them!</td>
</tr>
</tbody>
</table>

Breadth of Women Involved

Between 1 July 2007 and 30 June 2010, a total of 240 women participated in the SIS SCC Program. These women reflected a rich variety of ages and cultural backgrounds, with many experiencing mental health issues. The number of women participating in the Program more than doubled over the 3 year period – from 102 women in 2007/8, to 180 women in 2008/9, to 254 women in 2009/10. The number of new women involved each year ranged from 102 in 2007/8 to 74 in 2009/10.

A weakness of the (required) data collection system is that it does not fully protect against double-entry of the same participants. We know that exactly 240 women have participated in the Program over this 3 year period. According to the cumulative data, however, a total of 261 new cases were opened – 21 additional women. This small variation does not impact the substantive themes emerging from the data.

\textsuperscript{10} Goulding 2004: 16, 36
Age of Participants

The age profile of participants has been consistently concentrated in the 25 – 49 year age range, with approximately 70% of participants at any given time falling into this group:

<table>
<thead>
<tr>
<th>Current Participants During Period</th>
<th>Under 18</th>
<th>Under 24</th>
<th>25 - 49</th>
<th>50+</th>
<th>Other/Unknown</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 July 2007 – 30 June 2008</td>
<td>1 (1%)</td>
<td>15 (15%)</td>
<td>69 (68%)</td>
<td>11 (11%)</td>
<td>6 (6%)</td>
<td>102</td>
</tr>
<tr>
<td>1 July 2008 – 30 June 2009</td>
<td>2 (1%)</td>
<td>19 (10%)</td>
<td>122 (68%)</td>
<td>18 (10%)</td>
<td>19 (10%)</td>
<td>180</td>
</tr>
<tr>
<td>1 July 2009 – 30 June 2010</td>
<td>4 (2%)</td>
<td>27 (11%)</td>
<td>176 (69%)</td>
<td>19 (7%)</td>
<td>28 (11%)</td>
<td>254</td>
</tr>
</tbody>
</table>

Table 2: Age of Current Participants by Financial Year

This trend is equally evident amongst ongoing and new participants. Participants in this age range are no more or less likely to access ongoing support, than other age groups:

<table>
<thead>
<tr>
<th>New Participants During Period</th>
<th>Under 18</th>
<th>Under 24</th>
<th>25 - 49</th>
<th>50+</th>
<th>Other/Unknown</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 July 2007 – 30 June 2008</td>
<td>1 (1%)</td>
<td>15 (15%)</td>
<td>69 (68%)</td>
<td>11 (11%)</td>
<td>6 (6%)</td>
<td>102</td>
</tr>
<tr>
<td>1 July 2008 – 30 June 2009</td>
<td>1 (1%)</td>
<td>4 (5%)</td>
<td>60 (71%)</td>
<td>7 (8%)</td>
<td>13 (15%)</td>
<td>85</td>
</tr>
<tr>
<td>1 July 2009 – 30 June 2010</td>
<td>2 (3%)</td>
<td>8 (11%)</td>
<td>54 (73%)</td>
<td>1 (1%)</td>
<td>9 (12%)</td>
<td>74</td>
</tr>
<tr>
<td>Total</td>
<td>4 (1%)</td>
<td>27 (10%)</td>
<td>183 (70%)</td>
<td>19 (7%)</td>
<td>28 (11%)</td>
<td>261</td>
</tr>
</tbody>
</table>

Table 3: Age of Total Participants 2007 – 2010

This is slightly older than the concentration of women in the prison system. It suggests that women are more motivated to address the issues they face as they become a little older. Anecdotally, many women see themselves as just having got to that age. They comment on the need to stay out of prison in order to meet their parenting responsibilities:

Case Study: Sharon

Sharon is a 38 year old Aboriginal woman, who has been in and out of prison her whole life. Since joining the Program in December 2009, she has not committed any further offences. Sharon has a 19 and 21 year old. She wants to be there for her two younger children (age 5 and 8) in a way she wasn’t for her older children. Sharon is highly self-motivated and prefers to control her process of change. Of her own volition, she has joined a drug rehabilitation program and regained custody of her younger children. She deals with most issues and systems herself and makes her own arrangements to attend court. She rings the Program when she wants information or support.

As Sharon says … I'm too old to do this crap ...

Cultural Background of Participants

Participation of women from different cultural groups in the SIS SCC Program at any given time follows a similar pattern to their rates in the women’s prison population. In particular, despite comprising only 2.7% of the Queensland adult population\(^{12}\), 27% of women in Queensland prisons on 30 June 2008 were Indigenous women\(^{13}\). The combined participation of Aboriginal and Torres Strait Islander (Indigenous) women in the Program was slightly higher than their presence in the prison population:

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\(^{11}\) Note that 17 year olds are incarcerated in adult prisons in Queensland. Queensland is the only Australian state or territory to breach the United Nations Convention on the Rights of the Child in this way.


\(^{13}\) Queensland Corrective Services 2008b:69
SIS SCC Program participation rates amongst Aboriginal women peaked at 32% of new participants in 2010, with the rate of involvement amongst Indigenous women totalling 30% (that is, higher than the rate of imprisonment of Indigenous women):

The SIS SCC Program has been particularly successful in engaging with Aboriginal women:

**Case Study - Maree**

Maree is a 20 year old Aboriginal woman. She is the only child in her family. Her mother and father are both alcoholics. Maree has supported herself all the way through her secondary schooling. She has now finished Year 12 and has an alcohol problem. According to Maree:

... the best thing about SCC is it has given me a chance to get my life back on track. SCC has also helped me to stay out of prison. The reason I have not been sent to prison is because SCC are caring and supportive workers. I have not re-offended since being in SCC because the workers have been supportive in my life. 

I have not re-offended because I do not want to do probation, community service. I do not want my charges returned to Roma Street Magistrates because I feel that they don’t support me and they don’t look at the big picture as to why I offended in the first place. I feel that Roma Street Magistrates would have sent me to prison or put me on some order. SCC is good to me because the workers are supportive and encouraging and the magistrate cares about people and it’s like the magistrate understands me.

SIS have helped me build my self esteem within myself. The workers have set up appointments for me. The workers have also taken me to appointments and they encourage me to be anything I want to be. SIS have also helped me find employment or studies that I am interested in.

Similarly, Missi-D has made strides forward in her life:

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14 Described as Australian in the data system.
15 Torres Strait Islander
16 Culturally and Linguistically Diverse (includes South Sea Islander)
17 Described as Australian in the data system.
18 Torres Strait and South Sea Islander
19 Culturally and Linguistically Diverse (includes South Sea Islander)
Missi-D is 22 years of age and is an Aboriginal/South Sea Islander woman. She is currently studying Certificate 3 in Child Care. Missi-D is now living in stable accommodation. She has an alcohol problem, due to grief and loss in her life.

... the best thing about SIS SCC is that it gives me lots of support and the magistrate supports me and I think she is really cool.

I haven't gone to prison because SCC has supported me in other ways besides of probation, community service and fines. SCC support workers are caring, encouraging and the workers take notice of me. As for any other magistrate they would have not taken any notice of me, they (the magistrate) would have just given me a fine, or community service or maybe even sent me to prison.

This is my first time in SCC. When I arrived to SCC I had no idea what it was about until I met SIS court support worker who explained to me what her position is and what the SCC is about.

SIS have helped me to set up a goal plan to complete my certificate 3 in Child Care. SIS have been there when I needed someone to talk to. I go the SIS office every Monday and Tuesday from 9 am - 3 pm so they can help me with my Cert 3 studies. SIS have also given me a diary and pen to help me keep my appointments. They have also given me great support to build my self esteem.

Aboriginal women have no choice about being in prison. However, they do have some choice in whether or not to participate in the SIS SCC Program. That around 30% of participants are Aboriginal and Torres Strait Islander women is a significant Program achievement.

### Mental Health of Participants

The formal data on the mental health of SIS SCC Program participants is misleading. The data entry system only enabled entry of those women with a psychiatric diagnosis, Acquired Brain Injury or other neurological diagnoses.

According to Program staff, the vast majority of women participating in the SIS SCC Program have mental health/psychological issues. This is hardly surprising, given the rates of trauma experienced by the vast majority of imprisoned women. For example, every woman participant who returned to prison had unresolved mental health issues. Yet a relatively small percentage appears here under Psychiatric Disability. A significant proportion of women in the Other or Unknown categories below face debilitating mental health issues:

<table>
<thead>
<tr>
<th>Current Participants During Period</th>
<th>Alcohol/Drug Issues</th>
<th>Psychiatric Disability</th>
<th>ABI&lt;sup&gt;20&lt;/sup&gt;/Neurological</th>
<th>Other/Unknown</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 July 2007 – 30 June 2008</td>
<td>36 (35%)</td>
<td>12 (12%)</td>
<td>2 (2%)</td>
<td>52 (51%)</td>
<td>102</td>
</tr>
<tr>
<td>1 July 2008 – 30 June 2009</td>
<td>65 (36%)</td>
<td>18 (10%)</td>
<td>5 (3%)</td>
<td>92 (51%)</td>
<td>180</td>
</tr>
<tr>
<td>1 July 2009 – 30 June 2010</td>
<td>79 (31%)</td>
<td>22 (9%)</td>
<td>5 (2%)</td>
<td>148 (58%)</td>
<td>254</td>
</tr>
</tbody>
</table>

**Table 6:** Mental Health of Current Participants by Financial Year

Similarly, the **Other** and **Unknown** status of the absolute majority of participants in the following table indicates the large proportion of women with mental health issues, but no formal psychiatric diagnosis:

---

20 Acquired Brain Injury
The Queensland Government acknowledges recidivism rates of 50 – 60% amongst prisoners with mental illness\textsuperscript{22}. The anecdotal evidence suggests similar, or higher, rates of mental health issues amongst the women involved with the SIS SCC Program. The Program has, by the Queensland Government’s own criteria, been remarkably successful in addressing recidivism amongst criminalised women:

\begin{table}
\centering
\begin{tabular}{|c|c|c|c|c|c|}
\hline
New Participants & Alcohol/ & Psychiatric & ABI\textsuperscript{21}/ & Other/ & Total \\
During Period & Drug Issues & Disability & Neurological & Unknown & \\
\hline
1 July 2007 – 30 June 2008 & 36 (35\%) & 12 (12\%) & 2 (2\%) & 52 (51\%) & 102 \\
1 July 2008 – 30 June 2009 & 32 (38\%) & 6 (7\%) & 4 (5\%) & 43 (51\%) & 85 \\
1 July 2009 – 30 June 2010 & 14 (19\%) & 4 (5\%) & 0 (0\%) & 56 (76\%) & 74 \\
\textbf{Total} & 82 (31\%) & 22 (8\%) & 6 (2\%) & 151 (58\%) & 261 \\
\hline
\end{tabular}
\caption{Mental Health of Total Participants 2007 - 2010}
\end{table}

Comparing 2 Approaches to Working with Women with Mental Health Issues

The Queensland Government markets the Department of Communities’ \textit{Transition from Corrections Facilities Initiative} as a model of positive practice with criminalised people with a mental illness. This program can be readily compared with the SIS SCC Program:

- Both programs have worked with a similar number of people (the DoC Program has worked with 243 people; the SIS SCC Program 240 - 261 women).
- Data for both is available for the same period - July 2007 to June 2010.

By contrast, during the same 3 year period:

- Only 15\% (37 participants) in the DoC Program were Indigenous\textsuperscript{23}, whereas 30\% (78 women) involved in the SIS SCC Program were from Aboriginal and/or Torres Strait Islander backgrounds.
- The SIS SCC Program achieved a recidivism rate of 4\%, compared with 13\% for the DoC Program\textsuperscript{24}.

Further, according to SIS SCC Program workers, the single most common cause of women with mental health issues returning to prison was a lack of access to a mental health bed or appointment.

Recidivism

Only 9 (4\%) of the 240 women participants in the SIS SCC Program over a 3 year period, were imprisoned for new offences committed since commencement of their involvement:

\begin{footnotesize}
\begin{itemize}
\item Acquired Brain Injury
\item Queensland Government 2011:34
\item Queensland Government 2011:34
\item Queensland Government 2011:34
\end{itemize}
\end{footnotesize}
Summary of SIS SCC Program Recidivism Data

- Total no. of women in SIS SCC Program – 240 women
- Total no. of women imprisoned for new offences committed following SIS SCC Program commencement and within 2 years of Program completion – 9 women (3.8%).
- Total no. of women in the SIS SCC Program imprisoned - 12 women (5%).
- Total no. of women in the SIS SCC Program legitimately imprisoned – 11 women (4.6%).
- No. of women imprisoned by other courts due to pre-existing charges outside SCC jurisdiction prior to completing program – 2 women (0.8%).
- No. of women imprisoned due to charges outside SCC jurisdiction – 6 women (2.5%).
- No. of women who returned to the Program post-imprisonment – 4 women (33% of the 12 women who had been imprisoned).

The 9 women imprisoned for new offences, and the total of 12 women imprisoned, all faced multiple complex, inter-related issues that continued to impact on their criminalisation. In summary:

<table>
<thead>
<tr>
<th>Issue</th>
<th>No. of Women Affected</th>
<th>% of Women Affected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prior experience of imprisonment amongst women with new offences²⁵</td>
<td>9/9</td>
<td>100%</td>
</tr>
<tr>
<td>Inadequate access to safe, secure, affordable housing</td>
<td>12/12</td>
<td>100%</td>
</tr>
<tr>
<td>Significant poly-drug use²⁷</td>
<td>12/12</td>
<td>100%</td>
</tr>
<tr>
<td>Mental health issues²⁸</td>
<td>12/12</td>
<td>100%</td>
</tr>
<tr>
<td><strong>Combined housing, mental health &amp; drug abuse issues</strong></td>
<td><strong>12/12</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

Table 8: Issues Impacting Re-imprisoned Participants

Appendix 1 provides a more detailed account of the context and outcomes of each of the 12 women. In most cases, re-imprisonment was a direct result of lack of access to services essential to women’s rehabilitation. Despite the best efforts of SIS SCC Program staff, it was often impossible to access services (e.g. mental health appointment; an emergency or mental health bed) for some women, leaving the issues which contributed to their criminalisation untreated or unresolved.

Re-imprisonment of women should not be seen as the sole determinant of the success or failure of this Program. Of the 240 participants in the SIS SCC Program, all but one (239 women) have demonstrated a reduced rate of offending since beginning the Program.

Women’s long term rehabilitation prognosis is significantly improved by progress in these key areas. Whilst 11 of the 12 women continued to inject drugs (occasionally or regularly), several have made significant changes to their rate of use – with one woman having decreased her use level from approximately $1000 per day to $150 every 3 or 4 weeks. Whilst all women continue to face housing issues, most have more stable, safe and comfortable accommodation than previously – with all having moved from primary homelessness to secondary or tertiary homelessness. All 12

²⁵ One woman, who had not committed any new offences since joining the Program, was mistakenly imprisoned.
²⁶ The woman who was illegitimately imprisoned also had a prior history of imprisonment. The previous imprisonment status of the 2 women with pre-existing charges outside SCC jurisdiction is unknown.
²⁷ All women have a history of injecting drug use. 5 are also heavy cannabis and alcohol users.
²⁸ Of these, 10 had a formal diagnosis. The remaining 2 women have undiagnosed and untreated mental health issues – significant post traumatic stress and grief/loss.
women now have access to counselling and support – when they are ready to access these and/or if they relapse in achieving their change goals.

Fiscal Benefits

Little cost/benefit analysis on diversionary programs exists. A rare study of the cost savings associated with one program produced a *conservative estimate of an annual net benefit of ...$16,622 per completer*\(^{29}\). This savings estimate through the MERIT drug diversion program (NSW) was based on 3 factors – direct savings accruing from the reduced sentences given to program completers, reductions in re-offending and reductions in hospitalisations. In other words, this estimate did not take account of a variety of other costs, including costs to other systems (e.g. other parts of the health system, the child protection system) and the multi-generational impacts of imprisonment.

Program evidence demonstrates that the SIS SCC Program provides significant fiscal benefits for the State of Queensland – in both the short and long term. Short term, over a 3 year period it cost $1,875 for each woman to participate in the SIS SCC Program. By contrast, during the same period it cost approximately $10,818 for a woman to serve an average period of time in prison. 9 participants were imprisoned for offences committed after commencing the Program. This imprisonment rate was significantly lower than for similar non-participants. A *very* conservative estimate indicates that a total of at least 32 women in this population would have been imprisoned at least once during the 3 years of the project. Indicatively, over a 3 year period, the State spent $97,362 imprisoning women involved in the SIS SCC Program, compared with an expected expenditure of at least $346,176 – an immediate saving of almost $¼ million on imprisonment costs alone.

It is difficult to predict the long term costs of repeated imprisonment (possibly an average of 3 imprisonments for almost half the women in prison\(^{30}\)) which could have been expected in this cohort. We know that imprisonment escalates women’s needs in a range of areas including physical and mental health, housing, income support, child protection, substance abuse, parole and legal services.

No consistent, quality, accessible, gender-specific, statistical data exists on a wide variety of issues related to criminalised women, including recidivism rates amongst women prisoners. In general, we must largely rely on occasional studies and anecdotal data. The following cost comparisons are based on a mix of known costs and *extremely* conservative estimates.

<table>
<thead>
<tr>
<th>Known Costs</th>
<th>Extremely Conservative Estimates</th>
</tr>
</thead>
<tbody>
<tr>
<td>- A recurrent cost per prisoner per day of $180.30(^{31}).</td>
<td>- Average time in prison of 2 months (60 days) for women prisoners(^{32}).</td>
</tr>
<tr>
<td>- The total cost of the SIS SCC Program over 3 years - $450,000(^{32}).</td>
<td>- A recidivism rate of 27% within the 2 years following women’s release from prison(^{34}).</td>
</tr>
</tbody>
</table>

\(^{30}\) Johnson 2004 cited in Payne 2007:59, found that 43% of women in this landmark study reported having been previously imprisoned at least once in their lifetime - with an average of 3 episodes of imprisonment.
\(^{32}\) $150,000 per year x 3 years
\(^{33}\) In 2000, the (then) Queensland Department for Correctional Services advised SIS that the average period served by women prisoners (including women on remand) was about 2 months. QCS has since advised that the average period served is now significantly longer than this, however we do not know the actual figure.
\(^{34}\) The data being used in this analysis comes from a 2003 Australian Institute of Criminology national survey of 470 adult women prisoners (Johnson 2004 cited in Payne 2007:59, which found that 27% of women reported having been imprisoned during the previous 24 months. This is a conservative figure, given that the 2009 ABS prisoner survey found that as at 30 June 2009, over half of all prisoners (56%) had served a sentence in an adult prison prior to the current episode (Australian Bureau of Statistics 2009), and at least one of the few substantive studies in this area have found a higher recidivism rate amongst women than men (Baldry et al 2003 cited in Baldry, Eileen 2007:4).
The following are **unknown costs**, and are not a part of these calculations:

- Immediate cost of imprisonment to other parts of the criminal justice system – particularly police and courts.
- Immediate cost of SCC to the criminal justice system – particularly court resources (including additional court support staff).
- Long term social costs of imprisonment/recidivism – including physical and mental health, housing, income support, child protection, substance abuse, parole and legal support.

The immediate per capita costs of participation in the SIS SCC Program are significantly lower than the cost of imprisoning these women:

![Diagram 1: Comparing the total cost of service delivery per woman](image1)

A total of 240 women participated in the SIS SCC Program, between 1 July 2007 and 30 June 2010. The cost per woman in **Diagram 1** is calculated by dividing the total Program budget over 3 years ($450,000) by the number of women (240).

The per capita cost of $1875 is in marked contrast with the cost of imprisoning a woman for an average period of time. The conservative cost of an average prison sentence is calculated by multiplying the average number of days served by women prisoners (60) by the recurrent cost per prisoner per day in Queensland ($180.30).

Over a 3 year period (1 July 2007 to 30 June 2010) only 4% (9 women) were imprisoned within 2 years of completing the program for offences committed after joining the Program. All these women had previously spent time in prison. However, the cost of imprisoning these women was significantly lower than might otherwise have been expected:

![Diagram 2: Comparing the Indicative Cost of Imprisonment for Women](image2)
A significant majority of women in the SIS SCC Program had previously been imprisoned. For the purposes of Diagram 2, it has been assumed that 50% of SIS SCC Program participants (that is 120 women) had a history of incarceration. This is significantly lower than the real figure, which is unavailable. Diagram 2 assumes that 27% of these 120 women (that is 32 women) could have been expected to end up in prison during the 3 year period.

Cost of imprisonment of women for offences committed since commencing the Program ($97,362) is calculated by multiplying 9 women by the average sentenced served by women (60 days) at the 2009 daily recurrent cost of imprisonment in Queensland ($180.30).

Similarly, the expected cost of imprisonment for a similar cohort of women not participating in the SIS SCC Program ($346,176) is calculated by multiply 32 women by the average sentenced served by women (60 days) at the 2009 daily recurrent cost of imprisonment in Queensland ($180.30). This conservatively represents an immediate fiscal saving of at least $248,814 over the same 3 year period.

Critical Success Factors

Case Study - Cheryl
Cheryl has a long history of homelessness, drug use and imprisonment in Victoria, and now in Queensland. She lives with her partner, Harry, under the William Jolley Bridge. She survives by begging:

_The thing I like most about the SCC is the motivation. Having appointments means I have to do things … I feel some hope. It feels like here everyone cares. The magistrate really does care, and shows a real interest in how you’re going. I’m going to start a Salvo’s “Positive Lifestyle Program” through the Court next week._

_I love SIS and everything that they do for us … they do wonderful, great things. Margie is great … she has really cared …_

Critical Success Factor 1 – SCC Philosophy & Approach

The SCC focuses on addressing the causes of criminalisation. Provided women are prepared to genuinely commit to making changes in their lives, the SCC rewards women for progress, rather than penalising them for failure. The Court is predicated on the belief that rewards are much more effective than punishment in achieving behaviour change. This provides women with an entrenched history in the criminal justice system with the space to address the long standing issues which underpin their criminalisation.

With the Court’s leave, SIS SCC staff advocate on behalf of women to the Court – both through Tuesday Court meetings and before the Court itself. The Court benefits from having someone who can tell an anecdote on behalf of a defendant. SIS staff have recognised that the Court appreciates hearing about the realities of women’s lives – their successes and failures, and the context in which these occur. This includes advocating the apparently small achievements made by women, which indicate a genuine willingness to make change in their lives. SIS staff have adapted to the less conventional approach of the SCC and regularly update the Court on women’s stories.
The mainstream criminal justice system sees the magistrate’s role ending with sentencing. In the SCC, post-sentence supervision is one of the most effective things magistrates do. The success of this strategy depends on creation of a trusting, open atmosphere and direct communication between the magistrate and defendant. This relationship focuses on understanding and validating women.

This unusual role for magistrates requires a difficult balancing act – between proper sentencing and appropriate regard to the welfare of the woman. The informal court atmosphere which is central to the success of this approach, challenges the assumptions of all participants – women themselves, service providers, prosecutors and defence lawyers. Many women report to the court frequently (e.g. fortnightly), allowing the magistrate to develop an understanding of their day-to-day life and efforts toward change. This understanding depends on engagement with the women, and asking questions such as What did you do last night? or What are you using now?

The success of this trust-based approach is clearly evident. As one magistrate said:

I sometimes see people who have finished their sentence at the back of the court, and think ‘oh no!’ But they’ve just called in to say hello. One woman was doing really well, and was re-engaging with study after 30 years. She was having trouble with her homework … so she came to court looking for help and we were able to get together and sort something out. Another woman appeared at the door with a friend who wanted to turn herself in on warrant …

(Magistrate Christine Roney)

Critical Success Factor 2 – Relationship between SCC, SIS & Women

The SIS SCC Program is the glue in the relationship between women and the Court:

Sisters provides a bridge whereby women stay engaged. Because the Sisters workers trust the magistrates, and the women trust Sisters Inside, clients learn to trust the Court. That’s really important within this model … (Magistrate Christine Roney)

SIS SCC Program staff have a sound understanding of the role, and constraints, of the Court. This enables them to help women understand how the SCC operates and the boundaries within which magistrates must function. This, in turn, enables women to understand the consequences of testing these boundaries.

SIS staff maintain ongoing contact with women in a way that the magistrates cannot. They are able to establish systems with women that demonstrate the efforts women are making. Where women face complex, interrelated issues in their lives, small changes can represent a significant effort to change. Magistrates need evidence of these efforts, in order to be able to exercise appropriate leniency and support alternatives to punishment:

It’s important to stay in touch with the women, and the Sisters staff do this. They encourage women to do things like keep a diary – which gives us critical information about how they’re addressing things on a day-to-day level. Sisters workers often provide information that we can’t see – for example, they might tell us about changes that women are making which may seem small, but indicate that they are really making an effort. Without all that information, we’d have no choice but to issue warrants … (Magistrate Christine Roney)

The functioning of the SCC would be limited by lack of information, without the critical brokerage role of SIS and other service providers.
Critical Success Factor 3 – The SIS Context

The Sisters workers pay practical attention to detail. If you have impairments and lack of confidence, you can’t just ‘go here’ or ‘go there’. Sisters staff do important things like picking women up and taking them to appointments, until they get their life together.

(Magistrate Christine Roney)

Unlike most models of service, the SIS Inclusive Support model values any support which can contribute toward women achieving their goals. This includes reframing professionally unpopular concepts such as dependency. Providing transport, for example, is often seen as reducing women’s capacity to be independent by other agencies. Conversely, in certain circumstances, it can play a critical role in fast tracking women’s change process. By eliminating some of the day-to-day barriers to action, such as spending 3 or more hours on public transport, practical support enables women to move toward independence more efficiently.

In the past, many of the women who appear before the SCC have faced failure to appear and similar procedural charges in other courts. These charges have resulted from the multiple pressures on their lives rather than any deliberate decision not to attend court. These women live complex, demanding lives. In any given day, a woman in the SIS SCC Program may need to:

- Secure emergency accommodation for the next night.
- Go to a clinic or pharmacy to get their daily dose of methadone, or attend an AA meeting.
- Report to their parole officer, or the police.
- Attend an appointment – at court, or lawyers, or child protection.
- Participate in counselling or a program (e.g. mental health or substance abuse).
- Report to Centrelink in order to maintain income support.
- Undertake a task toward seeking employment, if they are on Newstart Allowance.
- Shop for food.
- Pick up their children from school.

… all this, without a vehicle. Provision of transport, or a food parcel, can play a critical role in making it possible for women to move beyond mere survival, and begin to meet the multiple pressures placed on them by the different systems with which they interact.

In this context, it is easy for women to forget appointments, or find transport difficulties an insurmountable barrier to appearing before the Court. Particularly early in women’s involvement with the Program, SIS SCC workers often play a critical role in reminding women of their court date, then actually picking them up and bringing them to Court. Similarly, SIS staff frequently make appointments on women’s behalf with other agencies and take them to those appointments. Where appropriate (and with the woman’s permission), SIS staff sit in on the appointment to ensure that the necessary information is obtained, and that woman fully understands what the service providers have said. According to Magistrate Christine Roney:

This provides women with the means to indicate some progress in their circumstances to the Court. Once started many defendants gain their own momentum - dressing nicely to come to court, making and attending their own appointments. Without that ‘kick start’ many would lack the self confidence and optimism to make the first step.

The location of the SIS SCC Program within the wider Sisters Inside context is critical to providing seamless support to women through this process in an ongoing way. Many of the women involved with the SCC face up to the types of pressure detailed above on a daily basis. It is hardly surprising that, faced with the demands of daily living, some women see prison as a safer or easier place to be or feel that any effort to change their life is hopeless. It can take many months and years – well beyond the end of their SCC sentence – for some women to gain, or regain, control over their life. Once women are no longer part of the SIS SCC Program, they can continue to receive continuity of service through the many other programs at Sisters Inside.
These are amongst the most marginalised and disadvantaged members of our society. Our capacity to work from where women are at (both literally and figuratively) is enhanced by SIS staffing policies. Wherever possible, SIS appoints staff (across the organisation) with a personalised understanding of some of the experiences faced by women participants - particularly staff with lived prison experience and Murri staff. Anecdotal evidence strongly suggests that participation of women with lived prison experience in SIS as a whole organisation is strongly influenced by SIS employment of staff with lived prison experience; participation of Murri women in SIS as a whole is strongly influenced by SIS employment of Indigenous staff. This wider context in which the SIS SCC Program is located, creates an environment which contributes to women’s trust of the Program and willingness to become involved.

Recruiting and retaining staff with a sophisticated understanding of the income support, prison, health and housing systems has been critical to the success of the SIS SCC Program. Employment of staff with a sound understanding of employment, education and training systems has added value to the mix. Ongoing employment of staff with sophisticated substance abuse, homelessness and nursing skills and experience has been invaluable to the stability, influence and success of the Program. Ongoing employment of staff with a commitment to informal education of key stakeholders in the relevant systems – particularly doctors, lawyers and police – has added value and credibility to the Program, and enhanced the ability of staff to influence other service providers with the capacity to impact on women’s current and future lives.

**Barriers to Optimum Service Delivery**

**Barrier 1 – Unreasonable Expectations by Key Service Providers**

Commonly, other community and health service providers appear to assume that they are the only body making demands on women’s time … that women should dedicate all their energy to addressing that particular agency’s priorities or meeting its appointment schedule (whether this be a health service, or corrections, or a training provider). Few appear to have adequate understanding of the realities of the time and emotional pressures in women’s lives – they simply see them as unemployed and therefore available 24/7. Few appear to have any understanding of the impact of cultural and family responsibilities on Murri women, and the priority women must give to these. Few appear to have an understanding of the realities of a daily battle with mental health or drug issues, and how these can overshadow all other activities.

The impact of these unrealistic expectations are exacerbated in situations where organisations have structural power over women’s lives. This includes power over whether women have essential family needs met (e.g. housing or income) or the power to return women to prison or report breaches of bail or parole conditions.

**Barrier 2 – Lack of Essential Resources**

No amount of emotional support can make up for an absence of essential services for criminalised women. SIS staff, and women themselves, waste inordinate amounts of time competing for the limited places available in drug treatment programs; trying to access mental health counselling; checking that women have not lost their place on the public housing list whilst homeless or in prison; or trying to convince a private practitioner to bulk bill to make up for the shortfall in government services. Endless hours are wasted trying to find women and their children a safe,
secure, affordable overnight accommodation, or an emergency Centrelink payment to feed their family.

There are simply too few services available to meet demand, in critical areas such as housing, health and income support.

It is only when these fundamental human rights of criminalised women are met, that they will truly be free to move forward with their lives.

**Recommendations**

**Recommendation 1** – That, following the end of the pilot in 2012, the Special Circumstances Court Program be instituted as a permanent program of the Department of Justice and Attorney-General.

**Recommendation 2** – That funding for the Special Circumstances Court Program be increased to allow for extension of the Program to a larger number of criminalised men and women.

**Recommendation 3** – That the Sisters Inside SCC Program be guaranteed permanent funding, with a 50% increase to enable appointment of a dedicated staff member to work with the substantial number of Aboriginal women appearing before the Court.

**Conclusion**

It is impossible to substantiate the long term social costs of imprisonment and recidivism amongst criminalised women. **We know** that imprisonment does actual harm to women and their children. **We know** that the children of women prisoners are many times more likely to be criminalised in later life than their peers. **We know** that imprisonment invariably compounds the problems faced by women, and places additional demands on the health, housing, income support, child protection, police, parole and legal systems.

How long will society continue to bear the current and future costs of continuing to needlessly imprison women? It is clear that our failure to provide alternatives to imprisonment comes with a price tag. How much better to invest in an ongoing commitment to the SSC and the SIS SCC Program – programs which have been demonstrably successful in diverting women from prison.

Paying **attention** to women is more efficient and effective than paying the costs of **detention**. Addressing the underlying social causes of offending rather than imprisoning women is an investment in crime prevention. The SCC and Sisters Inside make a significant contribution to reducing crime, and its associated costs, in Queensland.
## Individual Profiles of Imprisoned Program Participants

(Women Imprisoned whilst participating in the program or within 2 years of completion)

<table>
<thead>
<tr>
<th>Date of SCC Program Completion</th>
<th>Financial Year of Imprisonment</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 May 2008</td>
<td>07/08</td>
<td>Heavy duty MH issues (BPD), and heavy drug use. Really intelligent. Housing issues. Explicit public sexual behaviour. Imprisoned for spitting at a police officer (BPD-typical behaviour).</td>
</tr>
<tr>
<td>3 Transferred to Court 26: Aug 2009</td>
<td>09/10</td>
<td>Already had an established, long term, pattern of offending ... possibly a slightly decreased rate whilst in Program? Serious MH issues, under Public Trustee &amp; Adult Guardian. On weekly medication – aggressive if she doesn’t get this ... misses injections (forgets? chooses?). As at June 2010, has a room now - but mostly sleeps on streets. Poly drug user; IV drugs. Prostitution and poor physical health. Imprisoned via Murri Court.</td>
</tr>
<tr>
<td>4 Remitted to arrest court: Feb 2010</td>
<td>09/10</td>
<td>Multiple order/bail breaches in other courts. MH issues (BPD) and D&amp;A (alcohol, heroin, cannabis &amp; prescription pills). Appeared drunk at MH appointments – therefore service would not provide treatment. Housing issues – returned to DV situation.</td>
</tr>
<tr>
<td>5 Mar 2010</td>
<td>09/10</td>
<td>Terminated from SCC, on this occasion, because unwilling to change. Untreated MH (PTSD), drug and homelessness issues. Goes doctor shopping for pharmaceuticals - significant Xanax abuse.</td>
</tr>
<tr>
<td>4 Jun 2010</td>
<td>09/10</td>
<td>Completed an SCC bond. Later offended on the Gold Coast. Alcoholic. She refused MH services – wanted housing first, and they weren’t willing to assist with this.</td>
</tr>
<tr>
<td>7 Jun 2010</td>
<td>08/09</td>
<td>Severe self-harm, BPD, IV &amp; Benzo use and soliciting. Very significant ongoing homeless issues. Mistakenly imprisoned in BWCC rather than taken to a secure hospital ward and treated for her self harm severe leg burns, after SCC directed that she be taken into custody for compulsory medical treatment – she was effectively imprisoned for failures of the MH system and communication breakdown between the health teams and the law &amp; justice teams.</td>
</tr>
<tr>
<td>8 July 2010</td>
<td>09/10</td>
<td>Pre-existing charges in another court – failure to appear and breach bail ... multiple small charges related to drugs and prostitution. Housing issues. Imprisoned while still in the SCC Program – did not finish the program.</td>
</tr>
<tr>
<td>9 current (returned)</td>
<td>09/10</td>
<td>Other charges were pending in another court. New (prostitution) charges related to pre-SCC offences. History of drug use and insecure housing. Lost custody of her children.</td>
</tr>
<tr>
<td>11 current (returned)</td>
<td>09/10</td>
<td>Has an intellectual disability and serious MH issues. Stayed out of prison for a long time (nearly 2 years) … ended up being imprisoned on minor charges. Previously had major housing issues; as at June 2010 has public housing unit. Is under the control of Public Trustee &amp; Adult Guardian. Now has daily contact with a carer.</td>
</tr>
<tr>
<td>12 current (returned)</td>
<td>07/08</td>
<td>MH issues were undiagnosed until SCC – saw a proper doctor and ended up on disability pension. MH, drugs IV &amp; benzos, very unstable housing, now in shared accommodation. The only SIS client to be returned to prison by the SCC – asked to go back for a break ... was finding it too hard on the outside.</td>
</tr>
</tbody>
</table>


Creative Sparks Pty Ltd (2007a) Homeless Person’s Court Diversion Program Pilot: Evaluation at 

Creative Sparks Pty Ltd (2007b) Homeless Person’s Court Diversion Program Pilot: Case Studies at 


Payne J (2007) Recidivism in Australia: Findings and Future Research, Research and Public Policy Series No. 80, Australian Institute of Criminology. At 


Women’s Policy Unit (2000) Profile of Female Offenders, Queensland Department of Corrective Services, Brisbane