



Inquiry into Victoria's Criminal Justice System

Parliament of Victoria Legal and Social Issues
Committee





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Statement of Recognition

Good Shepherd Australia New Zealand acknowledges the Traditional Custodians of the lands and waters throughout Australia. We pay our respect to Elders, past, present and emerging, acknowledging their continuing relationship to land and the ongoing living cultures of Aboriginal and Torres Strait Islander Peoples across Australia. We recognise that the perspectives and voices of First Nations women should be at the forefront of conversations about women's imprisonment.

About Good Shepherd Australia New Zealand

Good Shepherd Australia New Zealand is a not-for-profit organisation that challenges the critical and ongoing issues facing women, girls and families. Our programs and services ensure people do not fall through the cracks, helping them to feel safe and take control over their own lives.

Good Shepherd offers a range of safe and affordable financial programs to people who are financially vulnerable, and provides financial counselling and support to improve financial capability, knowledge and confidence. Our programs promote economic wellbeing for people with low incomes, especially women and girls, and enable them to move from financial crisis to resilience and inclusion.

We support children, young people and families to realise their value and improve their relationships through education, counselling and wellbeing programs. Good Shepherd's specialist domestic and family violence services support women and children to achieve safety, stability and recovery.

Good Shepherd has been working with the community for over 200 years and is part of a global network spanning 70 countries. Our vision is for all women, girls and families to be safe, well, strong and connected.

Acknowledgements

We thank the practitioners from Good Shepherd client services who shared their practice wisdom with us and which we have referenced in this submission. Their insights from working with women and families enhance our understanding of the financial and family violence experiences of women in prison.



Executive summary

Good Shepherd Australia New Zealand (Good Shepherd) welcomes the opportunity to provide a submission to the Inquiry into Victoria's Criminal Justice System. Good Shepherd is a major provider of family violence and financial counselling & capability services to women across Victoria, including at the Dame Phyllis Frost and Tarrengower prisons. We work with women who are already imprisoned or at risk of exposure to the criminal justice system. Two of the biggest drivers of women's imprisonment—family violence victimisation and financial disadvantage—are central to Good Shepherd's services and mission.

We are very concerned about the rate of women's imprisonment in Victoria and women's overincarceration. This is partly symptomatic of the well-established link between offending/imprisonment and traumatisation from family and/or sexual violence. Nearly all women in Victoria's prisons have experienced trauma.

Financial insecurity, over-indebtedness and poverty also drive women's initial offending and reoffending. Imprisonment compounds disadvantage and financial insecurity; women lose jobs, housing, and community and family supports. Women are at greater risk of post-release homelessness than men.

Our overarching position is that the Victorian Government should pursue a decarceration strategy for women and set targets for women's decarceration. This means reinvesting prison funding in community-based family violence services (including for women with complex needs) and addressing structural causes of offending such as homelessness and financial insecurity.

To the extent women are imprisoned, the Victorian Government should ensure all women in prison have early and ongoing opportunities to access specialist family violence programs. Specialist practitioners should be embedded in prisons, and women's outcomes and safety can be improved by providing continuity in family violence services, from reception to post-release support.

All women in prison, including the many women on remand, should also have timely access to financial counselling, to build financial stability and reduce reoffending risks. Existing programs can be enhanced by improving identification of debt issues on women's entry into prison, and working with industry to build awareness and understanding of the circumstances of women in prison, and to develop a baseline response from creditors for debt relief.



Recommendations

Recommendation 1: Pursue a decarceration strategy for women, and set targets for women's decarceration in Victoria.

Recommendation 2: Ensure all women in prison have early and ongoing opportunities to access family violence support, including women on remand.

Recommendation 3: Strengthen family violence prison programs by embedding specialist family violence practitioners within prisons, and providing continuity of: services, case management, pre-release planning and post-release support.

Recommendation 4: Reinvest prison funding in family violence measures, including community-based services for women with complex needs.

Recommendation 5: Ensure prison-based financial counselling programs are resourced to meet demand and provide timely support to all women, including women on remand.

Recommendation 6: Improve identification of debt/financial issues on entry into prison, and enable women's early engagement with financial counselling.

Recommendation 7: Work with industry/creditors to build awareness and understanding of the circumstances of women in prison, and develop a baseline response from creditors for debt relief.



The harms of women's imprisonment

Within the context of this Inquiry Good Shepherd is primarily concerned with women's overincarceration; gendered drivers of criminalisation and imprisonment; and the needs of women and families who are exposed to the criminal justice system, particularly in relation to family violence, poverty and financial insecurity.

It is widely noted that Victoria is imprisoning women at a disproportionate, unsustainable and harmful rate. In the ten years to June 2018, the number of women in prison increased by 138% versus 81% for men ([Caruana et al, 2021: 11](#)). The skyrocketing remand population is largely driving women's increased imprisonment. As of July 2021, unsentenced women comprised the majority (55%) of all women imprisoned in Victoria, a reverse of the usual situation. Women are more likely to be held on remand than men (44% of male prisoners), consistent with previous years ([Corrections Victoria, 2021](#)).

First Nations women are grossly overrepresented in Victoria's prisons, comprising 14% of women prisoners in Victoria in 2019 (Aboriginal and Torres Strait Islander people comprise 0.8% of the total Victorian population) ([Corrections Victoria, 2020](#)). Incarceration endangers the lives and wellbeing of First Nations women, compounds near-universal experiences of family and/or sexual violence, and continues a colonial legacy of dislocating First Nations families by separating mothers and children, placing young children in a prison environment, or triggering child removal ([Zevallos, 2019](#)).

Addressing women's overimprisonment requires attention to three key issues ([Caruana et al, 2021](#)):

- the gendered drivers of women's contact with the criminal justice system, including widespread trauma and victimisation from family, domestic and/or sexual violence
- women's relatively low-level, usually non-violent offending and short prison sentences (in 2020, 25% of sentenced female prisoners in Victoria were serving a sentence of less than one year ([Corrections Victoria, 2020](#)))
- the long-term harm to women when separated from children, communities and services, and the significant harm to children as a result of women's incarceration.



Our overarching position is that the Victorian Government should pursue women's decarceration and focus on structural and community-based solutions. Most women in prison are not a threat to public safety. Imprisonment represents disproportionate punishment for typically minor offending, by entrenching disadvantage and producing long-term mental, social and financial harm.

It is well-evidenced that women's financial security is severely affected by imprisonment, including loss of and difficulty regaining employment, and loss of housing and greater risk of post-release homelessness than men ([Holland, 2017](#)).

Around 65–70% of women in Victorian prisons are mothers ([Walker et al, 2019: 1](#)). Imprisonment causes major disruption to families, reduces financial resources, and increases the risk of women losing 'custody' of children or having them placed in out-of-home care ([Dowell et al, 2018](#)).

Women's decarceration requires a continuum of policy measures, including:

- preventative and diversionary strategies such as justice reinvestment that address the role of poverty, trauma and victimisation in women's offending (see [Caruana et al, 2021](#))
- bail reforms to address the very substantial growth in the female remand population, consistent with the 'Smart Justice for Women' coalition recommendations
- increased support for women in prison, to address the structural causes of offending and prevent reoffending.

While Good Shepherd advocates improved prison-based programs in two critical areas (family violence trauma and financial/debt issues), this type of support should ideally be delivered to women in the community where they can maintain connections to children, family and social networks, jobs, study and service supports. Prison-based programs should be accompanied by sentencing policy aimed at decarceration, as the growth of trauma-informed, gender-responsive prison programs, on their own, could have the effect of 'civilising' women's imprisonment and making it more favourable in sentencing.

Recommendation 1: Pursue a decarceration strategy for women, and set targets for women's decarceration in Victoria.



Supporting safety, addressing trauma

The typical woman imprisoned in Victoria is a young woman in her mid-30s ([Corrections Victoria, 2020](#)) who has experienced trauma. Around 70–90% of incarcerated women in Australia are victim-survivors of sexual, physical or emotional abuse, occurring in their childhood and/or adulthood ([ANROWS, 2020](#)). As [Caruana et al](#) (2021: 24) observe, women in prison are overwhelmingly victims of crime, largely perpetrated by men. So much so that **ending family violence is a women's decarceration strategy**:

male family violence is a direct contributor not only to the increasing population of Victoria's male prisons, but its female prisons as well. Provocative though it may be, the question then becomes to what extent Victoria would need a women's prison were it not for its epidemic of family violence.

There is a direct link between family violence and women's exposure to the criminal justice system, due to factors such as: substance dependence and self-medication as a way of coping with trauma; being forced into sexual exploitation or offending by perpetrators; and financial deprivation and poverty, entrenched through financial abuse by a partner ([Caruana et al, 2021: 24](#)). This is consistent with the experience of Good Shepherd practitioners, who work with women who have been forced into offending by abusive partners.

Importantly, a key factor in women's incarceration is the criminalisation of women's attempts to get away from partner violence, such as driving without a licence or attempting to protect themselves and being misidentified and prosecuted as an offender ([ANROWS, 2020](#)).

Family violence prison programs

Following the Family Violence Royal Commission, Corrections Victoria has implemented a number of programs to better support women in prison who have experienced family violence, including identifying victim-survivors at the reception and pre-release phases and providing support services; making therapeutic programs available to women in prison; and sharing information under the family violence information-sharing scheme.

Good Shepherd delivers psychoeducation, risk assessment and safety planning services for women in prison, and training for prison staff in family violence and managing trauma. Staff are trained to be trauma-informed; for example, by



recognising that a woman might be triggered by the locking of a cell door where they have previously been locked in a room by an abusive partner, or that a woman could be continually re-traumatised by an ID photo taken on reception that reveals physical abuse. Staff are trained to provide support to traumatised women and refer them to specialist services. Prison-based family violence programs are critical because women do not have the option of contacting support services available to women in the community.

Our programs work with women who have fallen through the cracks. Almost 20% of women in prison have a parent/carer who was incarcerated during the woman's childhood ([AIHW, 2020](#)). Parental incarceration compounds disadvantage across various domains and puts the child at greater risk of criminal justice system involvement ([Centre for Policy Development, 2020](#)).

Many program participants have not been properly supported as family violence victims prior to incarceration. Research shows dual victims/offenders can be deemed high-risk and overly complex for mainstream family violence services ([Caruana et al, 2021: 24](#)). Our practitioners facilitate police referrals for women who have not felt safe or able to report violence, and assist women who have been misidentified as perpetrators and propelled into the criminal justice system rather than supported to escape violence. Police involvement can be an important element of the pre-release safety plan prepared with women.

Family violence programs are particularly necessary for the large remand population. This is a critical point for women to connect with services and ensure family violence victimisation informs bail and sentencing decisions. Good Shepherd practitioners support women to disclose violence to lawyers so they receive a fair hearing. This again speaks to failures in community-based systems, if criminalised women do not feel confident to report violence against them.

Our family violence programs also help identify acquired brain injury (ABI) and substance abuse linked to family violence. There is a strong association between ABI and family violence: 40% of family violence victims attending Victorian hospitals over a ten-year period had sustained a brain injury ([Goldsmith et al, 2018](#)). Women with ABIs are grossly overrepresented in Victorian prisons at 33% of the female prison population versus 2% in the community ([Jackson et al, 2011](#)). ABI identification is vital to achieving justice: it can inform service referrals, pleas, diversion, sentencing, and treatment in prison (see [Supporting Justice](#)).



Family violence programs should therefore be an ongoing and properly resourced feature of women's prisons. They can be strengthened by:

- embedding specialist family violence practitioners within prisons and ensuring collaborative service delivery with prison staff for better client outcomes and safety
- allowing family violence case management and brokerage (e.g. housing, material aid) by specialist practitioners, as occurs in community-based family violence services
- building capacity to communicate with women post-release to ensure they stay connected with services, including funding practical resources such as phones and devices that can be used for communication, and establishing safe communication methods. There is a need for further capacity-building and collaboration with prison staff to understand cycles of family violence.

At the same time, however, we should pursue women's decarceration and reinvest prison funding in family violence measures that prevent women entering the criminal justice system in the first place. Women's imprisonment often stems from men's perpetration of violence as well as systemic and structural failures.

Recommendation 2: Ensure all women in prison have early and ongoing opportunities to access family violence support, including women on remand.

Recommendation 3: Strengthen family violence prison programs by embedding specialist family violence practitioners within prisons, and providing continuity of: services, case management, pre-release planning and post-release support.

Recommendation 4: Reinvest prison funding in family violence measures, including community-based services for women with complex needs.



Building financial stability

Along with family violence, economic insecurity and poverty also help drive women's imprisonment. Women are disproportionately impacted by homelessness and housing insecurity, which has a strong link with imprisonment ([ANROWS, 2020](#)). Women are remanded or have release postponed due to a lack of housing ([Caruana et al, 2021: 31](#)).

Problem gambling can drive offending in complex ways. In one financial counselling program at the Dame Phyllis Frost Centre, 39% of clients had experienced gambling-related harm, and gambling was the primary driver of offending for 72% of these women ([Centre for Innovative Justice, 2020](#)).

There is also a strong link between debt, imprisonment and recidivism. A study of Victorian women released from prison found women who reported debts on entry to prison had much higher rates of reimprisonment (32% vs 17% for those who did not have debts) ([Trotter, 2017](#)). Over-indebtedness is a barrier to resettlement in the community and rehabilitation. A clean financial slate, by contrast, helps women regain housing, buy household goods, secure incomes/work, and re-establish themselves in the community. Good Shepherd practitioners find it also assists with broader recovery, by helping to repair relationships with children and allow a fresh start. Stabilisation of financial status is one of the factors supporting desistance from offending ([Caruana et al, 2021: 107](#)).

Financial counselling in prisons

Good Shepherd provides financial counselling to women in the Dame Phyllis Frost Centre. Our financial counsellors assess women's financial needs during an initial consultation to get a picture of the debt situation, confirm the client's credit history, then work with creditors to clarify debts and seek waivers, based on the exceptional circumstances of women in prison. The majority of clients are unsentenced. Women self-engage with the program; however, many engage just prior to release and some are released before assistance can be provided.

Consistent with other prison-based programs ([Financial Counselling Australia, 2018](#)), the main debts relate to utilities, telecommunications, rent, very high interest/fee loans such as payday loans, secured car loans, buy-now-pay-later, rent-to-buy, and consumer leases for household goods. Family violence-related debt, where women have been coerced into debt and in some cases are not



aware of fraudulent loans in their name, also causes ongoing financial hardship. These financial issues compound in prison as interest and penalties accrue. Women are extremely stressed by this, as they cannot contact creditors or services like the National Debt Helpline. Financial counselling is therefore crucial in prison because of these practical limitations. Practitioners can also refer women to the Inside Access civil legal service at the Dame Phyllis Frost Centre, to assist with Centrelink issues, rent arrears, fines and other financial/legal issues. Good Shepherd's general intake service can connect women with broader supports and financial capability programs following release from prison.

Prison-based financial counselling is working very well and achieving good results for women and their families, who are assisted by measures like loan deferrals for houses and cars. Financial counselling supports the entire family's wellbeing. Online communication works well and could be harnessed further.

Debts are waived in many cases but there is a lack of consistency and understanding among creditors about the circumstances of women in prison and the need to waive debts on compassionate grounds. Most women will have experienced trauma before entering prison and again when incarcerated. They have no income or freedom of contact, leaving them highly distressed. Post-release, financial stresses can be overwhelming. Sensitive and pragmatic creditors take this into consideration and reduce stressors for women, allowing them to focus on their wellbeing and rehabilitation.

Research beyond our own program shows a general lack of awareness, understanding and engagement among creditors about the needs of people in prison. We require a consistent baseline response from creditors for debt relief for people in prison ([Oakley and Collier, 2021](#)). This would free up financial counsellors to assist more women, and foster women's financial stability and rehabilitation.

Financial counselling programs should be complemented by other measures, particularly housing, that help women acquire financial stability on release and avoid reimprisonment. Increased investment in social housing for women leaving abusive relationships (a group who significantly overlap with the female prison population) would help sever the relationship between family violence, financial insecurity, homelessness and imprisonment ([ANROWS, 2020](#)).



Recommendation 5: Ensure prison-based financial counselling programs are resourced to meet demand and provide timely support to all women, including women on remand.

Recommendation 6: Improve identification of debt/financial issues on entry into prison, and enable women's early engagement with financial counselling.

Recommendation 7: Work with industry/creditors to build awareness and understanding of the circumstances of women in prison, and develop a baseline response from creditors for debt relief.



References

- Australian Institute of Health and Welfare. (2020). *The health and welfare of women in Australia's prisons*. <https://www.aihw.gov.au/reports/prisoners/health-and-welfare-of-women-in-prison/summary>.
- Australia's National Research Organisation for Women's Safety. (2020). *Women's imprisonment and domestic, family and sexual violence: Research synthesis* (ANROWS Insights, 03/2020). Sydney, NSW: ANROWS.
- Caruana, C., Campbell, E., Bissett, T. and Ogilvie, K. (2021). *Leaving custody behind: Foundations for safer communities and gender-informed criminal justice systems*. Melbourne, Australia: Centre for Innovative Justice, RMIT University.
- Centre for Innovative Justice. (2020). *Financial counselling practice guidance: Integrating financial counselling in a legal setting for effective collaborative practice*. Melbourne, Australia: Centre for Innovative Justice, RMIT University.
- Centre for Policy Development. (December 2020). *Partners in crime: The relationship between disadvantage and Australia's criminal justice systems*.
- Corrections Victoria. (30 June 2020). *Profile of women in prison*.
- Corrections Victoria. (August 2021). *Monthly time series prisoner and offender data*.
- Dowell, C.M., Mejia, G.C., Preen, D.B. et al. (2018). Maternal incarceration, child protection, and infant mortality: A descriptive study of infant children of women prisoners in Western Australia. *Health & Justice*, 6. <https://doi.org/10.1186/s40352-018-0060-y>.
- Financial Counselling Australia. (May 2018). *Double punishment: How people in prison pay twice*.
- Goldsmith, S. et al. (2018). *The prevalence of acquired brain injury among victims and perpetrators of family violence*. Marrickville, NSW: Brain Injury Australia.
- Holland, J. (24 July 2017). The national tragedy of female incarceration. *Power to Persuade*. <http://www.powertopersuade.org.au/blog/the-national-tragedy-of-female-incarceration/24/7/2017>.
- Jackson, M., Hardy, G., Persson, P. and Holland, S. (April 2011). *Acquired brain injury in the Victorian prison system*. Corrections Research Paper Series No. 4. Melbourne, Australia: Department of Justice.



Oakley, J. and Collier, T. (2021). *Fostering financial stability for people in prison project: Phase 1 report*. Thriving Communities Partnership.

Supporting Justice. <https://supportingjustice.net/>.

Trotter, C. (27 July 2017). Women leaving prison and the impacts of debt. *Power to Persuade*. <http://www.powertopersuade.org.au/blog/women-leaving-prison-and-the-impacts-of-debt/27/7/2017>.

Walker, S., Sutherland, P. and Millsteed, M. (2019). *Characteristics and offending of women in prison in Victoria, 2012-2018*. Melbourne, Australia: Crime Statistics Agency.

Zevallos, Z. (18 July 2019). Racial and gender justice for Aboriginal women in prison. *Power to Persuade*. <http://www.powertopersuade.org.au/blog/racial-and-gender-justice-for-aboriginal-women-in-prison/18/7/2019>.