FAMILIES DOING HARD TIME
THE HIGH (AND PAINFUL) COST OF SENDING WOMEN TO PRISON

THE END OF LAW FIRMS?
ACCLAIMED FUTURIST RICHARD SUSSKIND ON WHY LAW AS WE KNOW IT IS DYING

THE MYTH OF LAW FIRM DIVERSITY
WHY IT’S TIME FOR MORE THAN JUST TALK

LEARNING HOW TO Cage THE RAGE
AND WHY IT MIGHT SAVE YOUR CAREER

7 STEPS TO A MORE RESILIENT YOU
SMART WAYS TO BUILD A STRONGER SELF

UNTANGLING THE TANGLED WEB
THE MURKY WORLD OF GRANNY FLATS
The number of women in NSW prisons has quadrupled since 1982, growing at twice the rate of men. The result is pressure on an overloaded system; calls for more programs to help women when they are in prison, and the need to develop more diversion programs to keep them out.

JANE SOUTHWARD meets experts who agree it’s time for a different approach.

The location of the SHINE café is far from its selling point. Twenty metres away are the walls and gates of Silverwater Correctional Facility and the buzz of cars and trucks on roads around the jail can be heard as you sip your cappuccinos. Outside is a courtyard with herbs growing in rustic planter boxes and, at certain times of the day, you can hear the voices of prisoners on the inside as you look towards the high wall.

However, Gloria Larman, the chief executive officer of the SHINE. For Kids charity, says the café is one of the most positive places she knows. Most of the staff are inmates and the customers are jail staff and families killing time before they visit relatives on the inside. The café, set up in 2012, is a social enterprise project – which means profits go to SHINE, set up more than 30 years ago to help the children and families of prisoners. (SHINE stands for support, hope, inspire, nurture and empower.)

But the best part about it, according to Larman, is that staff are given training and employment, as well as hope for their futures post-release. According to figures from the NSW Bureau of Crime Statistics and Research (BOCSAR), NSW jails are housing record numbers, having grown by 2.3 per cent from April to June 2015. In June 2015, NSW jails held 10,770 men and 847 women and their average age was 35. BOCSAR says the increase is “almost entirely attributable to a growth in prisoners on remand”.

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Women getting three-month sentences – that’s just crazy. Many of them become repeat offenders and there’s enough time to lose your house, lose your kids, lose your self-respect, and lose your job.”

GLORIA LARMAN

• 38% consumed alcohol in a hazardous or harmful way in the year before incarceration, with 16% showing signs of dependent drinking
• 78% have used illicit drug and 52% had injected drugs
• 20% have been to a psychiatric unit
• 27% have attempted suicide
• 49% are mothers of children aged 16 or under
• 45% left school before completing year 10 at an average age of 14 years
• 32% were in care as children
• 67% were unemployed in the six months before incarceration; of these 25% had been unemployed for 10 or more years
• 66% have been in violent relationships
• 80% are smokers.

The number of women who are pregnant varies all the time and at one time, 16 pregnant women were in NSW jails, Hyop says. The women gave birth in hospital – Westmead or Nepean. Depending on their classification they can live in small cottages, or live in a 12-person room. The numbers instead of having them all at one centre. It is hard to implement services because they don’t know how long they are going to be on remand.”

NSW Senator Lee Rhiannon told State Parliament in 2013 that, according to the Productivity Commission, the total operating costs per prisoner in prison is more than $100,000 a year. Speaking in support of WIPAN she said: “It is time that we made a reassessment of how we are managing prisoners in this country.”

As the number of people in jail goes up, the costs for services go up, Larman says. “There’s more kids needing to visit and more need for all of our services. Yet we are pulling back programs.”

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The women give birth in “an environment that’s just crazy. Many of them have been left at court and mum has been taken to prison without arrangements being made for the children.”

“Unfortunately, in some instances, these children then end up living with a violent father who may not have been in their lives for some time.”

Jones supports the idea of “expanding the Corrective Services Mothers and Children program to include some mothers in medium security. She is also calling for more post-release services to help women access safe and secure housing to help them get out of violent relationships and have their children stay put.”

“Often women are safest and clean when they are in custody and away from the violence in their lives.”

Jones says: “It can be an opportunity to provide services and programs and to help them escape violent relationships post-release. But women in custody need more access to counselling and therapeutic services. We are seeing that counselling really helps some women and we are hopeful that the Victims Services Counselling Pilot will be extended to all correctional centres in NSW.”

Jones points out that women on remand don’t have access to programs in prison and says about half of WIPAN’s clients have been on remand, some for 12 months. When it comes to children visiting, she says some women refuse visits as they fear being re-traumatised by strip-searching afterwards.

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As the number of people in jail goes up, the costs for services go up, Larman says. “There’s more kids needing to visit and more need for all of our services. Yet we are pulling back programs.”

“We used to have dedicated case workers who would work with women but we don’t have that anymore. It’s the worst I have seen it for at least 10 years.”

In one example, last year SHINE transported 123 children to see parents in jail on 63 separate occasions, but this service has been reduced due to funding cuts. SHINE also runs supervised activities days for children and parents in the school holidays but nearly all of these runs these programs due to budget restraints she describes as “about 10%”. The number of FaCS agencies that don’t think children should be visiting prisons is a lot of the out-of-care agencies make it difficult. It’s such a huge cost for families to get to and visit someone in jail. For the women, when the kids do come in, they are often brought in by elderly grandparents who are really struggling.

“Children don’t see the high walls and the razor wire. They want to see their parent. The relationship is really important and if you don’t keep that going – providing it is safe and in their best interests, of course – it’s going to have long-term effects on adults and children.”

GRAN PAPER
Mentoring women in the criminal justice system: Reducing recidivism and promoting community inclusion

By Linda Steele, Nicki Petrou and Kat Armstrong

The authors have been members of WIPAN’s executive committee since 2008. Dr Linda Steele is a lecturer at the School of Law, University of Wollongong. Nicki Petrou is a lawyer and one of WIPAN’s founding members. Kat Armstrong is Director of the Women in Prison Advocacy Network and one of WIPAN’s founding members. The authors have been members of WIPAN’s executive committee since 2018.

The Women in Prison Advocacy Network (WIPAN) is a grassroots organisation that aims to improve the lives of women affected by the criminal justice system. It was established in 2007 due to the gap in services specific to women in prison. WIPAN operates under the umbrella of the WIMM. A key achievement has been to foster the emergence of women as the fastest growing group in prison population in NSW.

WIPAN runs a mentoring program for women recently released from custody and/or affected by the criminal justice system. The program operates as a gender responsive model of specialised one-on-one mentoring and provides for emotional, practical and social support. WIPAN, working together with a defence lawyer in relation to a mutual client, can be a significant advantage in supporting a client through the legal process. WIPAN can also assist the legal profession more broadly in relation to women’s engagement in the legal and social outcomes for women affected by the criminal justice system.

What we know about women in prison

Punishment and imprisonment of women, as well as their re-entry into the community, through which they can be subject to discrimination and a lack of support and formal social services, can exacerbate their sense of social isolation and community exclusion before their incarceration. This dynamic of social isolation and community exclusion often translates into social policies or prison policy and service delivery to women in prison.

The experiences of the WIPAN mentees support the above points:

- 81 per cent of mentees were mothers;
- 70 per cent of mentees were not employed or studying in the 12 months before their last sentence;
- 9 per cent of mentees reported completing secondary education;
- Drug and alcohol services are the highest accessed support among mentees;
- Mentees report having few to no friends and 42 per cent indicated dissatisfaction with the support received from their friends;
- 82 per cent of mentees reported no regular participation in recreational activities in the past six months; and
- 70 per cent of mentees have previous incarcerations and almost 50 per cent were under 21 when first convicted.

Why mentoring works

WIPAN’s mentoring service starts from the premise of acknowledging the significance and dynamic of social isolation and community exclusion. Mentoring provides opportunities to build self-confidence and positive relationships, which assists in improving the criminal justice and social outcomes for mentees.

The mentoring program involves matching women who live in the community as mentors with women who are leaving prison (mentees). Each mentoring relationship is different, so an assessment and matching process is required. Once WIPAN has determined the mentee’s goals and the type and level of assistance she will require, a suitable mentor is then selected and the relationship commences. It is this initial willingness and motivation of the mentee that heightens the chances of creating a beneficial relationship and in turn successful outcomes.

Mentors often refer to their mentors as their “guide”, “role model” and “go-to person”. Mentoring is empowering as a mentee in a respectful and non-judgmental way to find and implement their own solutions while enhancing her social supports and networks. The mentor and mentee meet for at least one hour a week generally for six months with the mentor providing guidance, encouragement and companionship as the mentee navigates her way back into the community. Activities that a mentor and mentee engage in vary depending on the interests and needs of the mentee.

WIPAN knows that women’s social and emotional needs can be met through gender-specific social support through mentoring. This contributes to women making and maintaining positive changes in their lives, peeling away from past behaviour and relationships that involved criminal activity.

A recent internal evaluation illuminates the WIPAN mentoring program’s success:

- WIPAN mentored 59 women from August 2014-2015 and four of these women returned to custody. Of this group, one had committed a new offence, with the remaining three women returning for a breach of parole;
- 53 per cent of mentees who were matched to a mentor and engaged in the mentoring program did not return to custody when the parole or custody review rate of WIPAN’s mentees in 2015 is 7 per cent compared with the NSW female recidivism rate of 43.7 per cent. Of the 7 per cent who have returned to custody, all have maintained contact with their mentor, via letter writing, and plan to resume the relationship once released;
- 76 per cent of mentees reported their quality of life to be “very low” on referral to WIPAN. This score decreased to 17 per cent when reassessed after six to nine months of mentoring;
- 89 per cent of survey respondents who are community partners and services working in the criminal justice system reported being “very satisfied” with the WIPAN mentoring program and believe there is a need for mentoring in the criminal justice system;
- Changes seen by community partners and services working in the criminal justice system as a result of participation in the mentoring program include increased social support, role modelling and self-esteem, cessation of a positive activity aimed at turning her life around, which will have long-term and far-reaching consequences, including and beyond reduced risk of reoffending.

Reducing recidivism through the mentoring program also saves the criminal justice system money and resources. The program operates at 7.97 per cent of the cost to incarcerate 70 women per year. Based on the Justice NSW funding, WIPAN operated at a cost of $9.14 per day to mentor 50 women for 18 months.

What does mentoring mean for your client?

While mentoring can assist women with engaging in more formal support services and in following formal conditions, mentoring is not a substitute for other support services. Nor is mentoring intended to form a formal condition of sentencing, bail or parole. Mentoring is a voluntary program and the motivation for participating must come from the woman herself, rather than external coercion.

However, the success of the mentoring program cannot be understated and can have positive results in preventing reoffending and improving social outcomes for women clients. For a lawyer this can be an optimal result.

WIPAN can support mentees directly in the legal system, but only in a number of ways. WIPAN can write letters of support for mentees to be submitted to the court outlining the women’s engagement with the service and how they have progressed in re-building their lives. Being able to demonstrate that women have not only the support of formal therapeutic or social services, but also more informal social support may give courts another option than simply returning women to custody.

A woman’s successful completion or engagement in the program may be viewed favourably by the courts as a positive activity aimed at turning her life around, which will have long-term and far-reaching consequences, including and beyond reduced risk of reoffending. While mentors can also attend court with their mentees to provide emotional support and encouragement during what can be often a very stressful process.

While many lawyers are keen to support their clients, at times there can be misunderstanding or inability to comprehend the circumstances surrounding a woman’s contact with the criminal justice system. This is particularly the case where women breach parole conditions such as failure to engage with support services and so may be viewed as waiting a second chance or not trying hard enough. WIPAN and the mentors can assist a lawyer with understanding and working through the circumstances of a client’s case.

How can lawyers support the mentoring scheme and women in prison?

Lawyers can play a key role in the success of the mentoring scheme by referring clients to WIPAN and informing female clients of their options. Lawyers can also indicate to WIPAN their availability to provide pro bono legal assistance to women who may be facing other legal matters. Lawyers can donate to WIPAN, including through workplace giving, sponsorship and office fundraisers. Despite its positive outcomes, many women in prison are unable to be supported and matched by WIPAN due to lack of funding.

Ultimately, it is not simply the case that women in prison need to be “reformed” or “rehabilitated”. Identifying and understanding the role of social support and community inclusion in keeping women in the community and out of prison is essential. Lawyers, who are at the “coal face” of working with and supporting women in the criminal justice system have a significant role to play.

Email kat@wipan.net.au or visit wipan.net.au for more information on mentoring and WIPAN.