

Committee on Children and Young People
Public hearing – 29 April 2021

Responses to supplementary questions

Keeping Women Out Of Prison Coalition (KWOOP)

Inquiry into support for children of imprisoned parents in New South Wales

Supplementary questions to evidence given at public hearing, 29 April 2021. (Two questions from Leon Last, Committee Manager, email of 6 June 2021.)

Response of Janet Donald, pro bono research consultant to KWOOP (Keep Women out of Prison) collective.

Question 1: In light of your experience in directly sourcing data from CSNSW on the parenting status of women in prison (*Profile of women in prison in NSW*, p.14), did you encounter any challenges when trying to collect data on imprisoned parents?

Response: Thank you for the opportunity to make further comment to the Committee. I was not the researcher who sourced the CSNSW parenting statistics shown in the KWOOP report Profile of women in prison in NSW, Part A: a Snapshot, March 2020. However, as the present KWOOP pro bono research consultant, with 50 continuous years of experience in sourcing statistics and research findings from all three sectors of the Australian economy, I have found the statistical and associated research publications of Corrective Services NSW difficult to locate on the organisation's website. This is principally because the information on the organisation's large and complex website is not structured or arranged to facilitate search and access by researchers outside the organisation.

To give one example. In March 2021, CSNSW published, in its Corrections Research Evaluation and Statistics Division, a 15-page research document, Women in prison: an examination of the support needs of women in custody with children. The document is categorised as Research Brief No.4. Researchers Jude Lobo and Mark Howard authored a professional analysis of a total of 12,900 "custodial episodes involving a female entrant that commenced between 1 January 2015 and 31 December 2019", with the data extracted from CSNSW OIMS (Offender Integrated Management System). While the data is not 100% exhaustive, it is highly valuable and I will make extensive use of it for KWOOP. But it was very difficult to locate and access. My search involved much time-consuming to-ing and fro-ing among a large number of documents, while following the overall search stream as follows: Corrective Services NSW > Home > Resources > Research and Reports > Corrections Research Evaluation and Statistics > Research Brief > Research Brief No 4.

In addition, so far in my work, I have not discovered any other reliable sources of data on the children of prisoners in NSW. For example, I have not yet been able to discover whether the extensive official Police Force or Local Court data bases capture reliable information about the children of arrested women in a systematic way.

Question 2: Would there be a benefit in having more data on imprisoned mothers publicly available?

Response: It's an axiom that it's impossible to formulate, deliver and sustain effective advocacy for any cause without accurate updated data from reliable sources.

As the Committee knows, KWOOP's purpose and aim is to keep women out of prison. The court data of NSW Government, collected through the Government's own comprehensive data collection and analysis systems, demonstrates irrefutably that 95% of women who become involved in the arrest-court-prison system do not pose a serious threat to the safety and well-being of general society. The summary offences that land women in police stations, Local Courts and prison are not the result of planned intention to defy the law, act with hate and violence, kill and harm others with weapons, or run organised crime. For 95% of women, their offences are the result of lifetime deprivation of the knowledge and skills and means and support to live without colliding with the law, together with the need to navigate the dangers and harms of domestic violence. These women are effectively punished for not having a safe or secure place or way to live in our society. The NSW court system is aware that women do not pose a threat of violence and harm to general society. This is shown in three main ways:

1. Close to 100% of women's cases are finalised in the State's 150 Local Courts, since they comprise summary or petty offences. Only a handful of cases each year comprise serious indictable offences that go through to the higher Courts.
2. Each year, 70% of women with an imprisonment sentence receive 6 months or less, and a further 20% receive 12 months or less – 90% in total.
3. Detailed examination of women's offences, which are individually categorised by ANZSOC (Australian and New Zealand Standard Offence Classification), proves that women are not violent and dangerous and do not organise to exploit and harm society.

In addition to this advocacy issue is the issue of remand. In any year, 35 -50% of women in prison – 300-400 women at any time - are on remand, waiting to learn their Local Court sentence – prison, community order, fine or no sentence. These women have not received a prison sentence for their summary offences, but are incarcerated in the Silverwater Maximum Security Prison for women. They are brought to the maximum security prison from hundreds of towns in New South Wales, leaving their families in disarray, stress and uncertainty. They cannot access any prison programs, such as mental health programs, and they cannot take part in any work done by sentenced prisoners. They are in limbo. The period of remand varies from woman to woman, with an average of around 45 days. KWOOP does not accept that a community-based system cannot be developed and implemented to reform this socially unjust and unacceptable practice.

In this context, it is recognised and acknowledged that the children of women in prison on remand and women with prison sentences suffer. A large volume of continuing research in Australia and worldwide affirms the serious and at times catastrophic effects of a mother's absence on children's physical, mental and emotional health, together with the risk to their overall safety and well-being. As was heard during the Inquiry, children can be and are removed by the State from their homes in these circumstances.

For reasons of its advocacy to keep women out of prison, KWOOP wants and needs accurate, reliable, updated data and analysis of women in prison who have children **and** of the children themselves. Government has demonstrated for more than 40 years, through the excellence of the work of BOCSAR (NSW Bureau of Crime Statistics and Research), that it is able to provide the highest standard of statistical data and analysis for public use. It is our request that the same seriousness of purpose and professionalism are given to women in prison with children and to the children themselves.

Thank you for your attention.