

**INQUIRY INTO SECURITY CLASSIFICATION AND
MANAGEMENT OF INMATES SENTENCED TO LIFE
IMPRISONMENT**

Organisation: Women in Prison Advocacy Network (WIPAN)

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25 October 2015

**The Director
Standing Committee on Law and Justice
Parliament House
Macquarie Street
Sydney NSW 2000**

Sent via email to: law@parliament.nsw.gov.au

Dear Director,

**RE: Inquiry into the security classification and management of inmates
sentenced to life imprisonment in NSW**

Thank you for the invitation to provide a submission to the inquiry of the NSW Legislative Council's Standing Committee on Law and Justice into security classification and management of inmates sentenced to life imprisonment.

The Women in Prison Advocacy Network (WIPAN) is a grassroots community organisation committed to advancing the prospects and wellbeing of women and female youth affected by the criminal justice system. WIPAN is unique in its provisions and the diversity of its community as the only organisation in NSW solely addressing the many issues facing marginalised women and female youth affected by the criminal justice system. WIPAN systemically advocates to improve the prospects and wellbeing of women and female youths affected by the criminal justice system, including through making submissions to inquiries such as the one the subject of this letter. WIPAN also delivers an evidence-based practical mentoring program which:

- Provides gender-responsive social support, and engages women in the community
- Provides a safe space that is non-stigmatised
- Fosters a positive self-identity enabling every woman to live the life they deserve to
- Supports women vulnerable to reoffending in making choices that positively contribute to the community.

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A recent internal evaluation undertaken by WIPAN of its Mentoring Program illuminates the program's success. The evaluation found that of the 59 women mentored by WIPAN from August 2014-2015, only 4 of these women returned to custody. Of this 4, 1 had committed a new offence, with the remaining 3 women returning for a breach of parole. The evaluation also found that 93% of women who were matched to a Mentor, and engaged in the mentoring program, did not return to custody. This means that the recidivism rate of WIPAN's Mentees in 2015 is 7% as compared to the NSW female recidivism rate of 43-7%. Of the 7% of women from the WIPAN program who have returned to custody, all women have maintained contact with their Mentor, via letter writing or visits, and plan to resume the relationship once released.

WIPAN makes the following submissions based on its successful evidence-based experiences reducing recidivism and advancing the prospects and wellbeing of women and female youth affected by the criminal justice system.

Term of reference 2(d)

WIPAN urges the NSW Legislative Standing Committee on Law and Justice to make recommendations which further the rehabilitation and welfare of all individuals in prison and which respect the inherent dignity of these individuals, including by ensuring that full services and supports are available to all individuals irrespective of whether they have been sentenced to life imprisonment irrespective of their classification. To this end, WIPAN does not support any recommendations by the Standing Committee which will reduce the rehabilitative programs and services for people in prison sentenced to life imprisonment. WIPAN is particularly concerned that an individual being denied programs or services if they have 'little or no prospect of release from custody'. An individual's circumstances in this regard are complex and dynamic – being contingent to the intersection of a range of factors including (a) the general psychological and social wellbeing of an individual and (b) the supports and services they have available to them to enhance their wellbeing, coupled with (c) the ideas and perceptions of that individual held by relevant institutional and legal stakeholders and (d) institutional factors related to available funds and resources and public relations. An individual's prospect of release from custody will in part be related to their ability to access the very services and programs which term of reference 2(d) is suggesting might be denied (paradoxically) on the basis of them having little prospect of release.

Term of reference 2(a)

In taking account of 'community expectations' and to the extent that these inform recommendations, WIPAN urges the NSW Legislative Standing Committee on Law and Justice to be mindful of the polarisation of views on individuals in prison, particularly individuals serving longer prison sentences. WIPAN asks that the Standing Committee consider the diversity of views and give a balanced assessment of these differing views which is mindful of how 'shock jocks' and 'law and order' politics as well as discrimination, sexism and racism can render some views in society more readily apparent as 'community expectations' at the cost of views held by other cross-sections of society. This is particularly because community confidence in the criminal justice system can be contingent on different levels of understanding and access to information such that views that are given more 'air time' or are harnessed by individuals having political or media influence might have more impact on certain parts of the community who do not have available to them other perspectives.

There is also the risk that certain views in the community about individuals in prison will be informed by multiple stereotypes and discriminatory views about minorities. This is particularly so given that individuals in prison are disproportionately from multiple disadvantaged backgrounds: in poverty, Indigenous, have a disability, been in out of home care, been victims of childhood abuse and domestic violence. While this particular inquiry is focused on individuals who have little or no prospect of release from custody, giving inappropriate weight to discriminatory community expectations (even if only for individuals who might not necessarily be released from prison) has broader impacts on how society views people in prison generally. In WIPAN's experience, supporting unchecked these 'community expectations' increases the social isolation and community exclusion of all individuals who have been in prison, thus decreasing the prospects of individuals re-entering a community they feel connected to and increasing social isolation and the risk of recidivism. WIPAN's mentoring program, which focuses in part on raising community awareness about women in prison via the mentors has demonstrated that individuals can hold quite negative views of women in prison but these change once individuals become more informed of the issues facing these individuals. Through its mentoring scheme WIPAN has achieved a much lower rate of recidivism for its Mentees and a large part of this has been challenging 'community expectations' about women in prison.

Terms of reference 2(b), 2(c)

WIPAN does not support increasing the role of victims of crime in the classification and management decision making process and increasing the communication with victims concerning such processes. WIPAN acknowledges that victims of crime need to be supported to recover and feel safe. WIPAN itself is heavily involved in supporting victims of crime given that the majority of women in prison (and the clients of WIPAN) have themselves been victims of violent crimes (notably childhood sexual abuse, sexual assault and domestic violence). To this end, WIPAN supports restorative justice processes aimed specifically at addressing the emotional, relational and social impacts of crime and building a more socially inclusive and cohesive society. WIPAN submits that it is not appropriate for victims and victims' groups to have a role in determining sentence lengths or in prison classification. As judicial officers operate within legislated guidelines there is a structure for sentencing that has been agreed as appropriate and is debated and reviewed as the need arises.

If you require any further information, in addition to this submission, please do not hesitate to contact me. I, or representatives of WIPAN would be willing to attend any formal or informal discussions in person relating to this inquiry.

Yours sincerely,

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