



KW/OOP position statement on disproportionate incarceration of Aboriginal¹ women

KW/OOP position

- The over-representation of Aboriginal women in prison is totally unacceptable and further entrenches their disadvantage and vulnerability.
- Prison is an ineffective sentencing solution for most women given custodial sentences. There is an unnecessary, over-incarceration of vulnerable women who pose minimal risk to the community.
- Imprisonment carries with it significant human, cultural, social and economic costs, both short and long term that are borne by imprisoned individuals, their children, families and communities as well as government and society
- Much more can be done to tackle the issues associated with women in the justice system before imprisonment becomes the only option.
- Culturally appropriate support is essential for Aboriginal women.
- Reintegration of Aboriginal women back into society after custodial sentences, and reducing recidivism is a whole-of-government issue and requires effective community support.

Rationale supporting KW/OOP Position

- Aboriginal women experience multiple factors of trauma and disadvantage that are major drivers of justice involvement. This is confirmed by social, health, justice and economic markers ⁱ.
- Over-representation of Aboriginal women in Australian prisons is associated with perpetual grief, loss and trauma due to ongoing colonisation, racism and systemic disadvantage that impact on positive health and social and emotional wellbeing.ⁱⁱ
- The impact of cultural and social dislocation, child removal and loss of language have contributed to intergenerational trauma, disparities in health, marginalisation from essential services and incarcerationⁱⁱⁱ.
- Aboriginal mothers in prison have significant health needs associated with unresolved trauma, physical and mental health, and psychological distress ^{iv}.
- Incarceration also leads to loss of culture, identity, family, community and connection to the land. The cycle of trauma, disadvantage, poverty and incarceration continues, making communities less safe. ^v
- The over-representation of women with disabilities in NSW prisons is especially pronounced among Aboriginal women.

The 2019 KW/OOP snapshot study of women in prison found that^{vi}:

- 32% of women in custody in NSW were Aboriginal, although Aboriginal people make up only 2.9% of the NSW population
- The rapid increase of 33% of women in prison since 2013 reflects over-representation of Aboriginal women. There was a 49% increase in sentencing of Aboriginal women compared with 6% increase in sentencing for non-Aboriginal women
- 87% of Aboriginal women had experienced prior incarceration (compared with 72% of non-Aboriginal women)

¹ The use of the term Aboriginal in this document refers to both Aboriginal and Torres Strait Islander women.

- Two thirds of Aboriginal women in prison were mothers
- There are high rates of mental health issues, disability and experiences of trauma and abuse among women in prison.

KWOOP calls for

- Investigation of the interplay of factors that contribute to very high levels of incarceration of Aboriginal women and adoption of culturally appropriate strategies with demonstrated effectiveness to address these
- Targeted initiatives to provide diversionary pathways for Aboriginal women away from sentencing to community-based support including opportunities for healing and other culturally responsive strategies
- Culturally appropriate community programs to address the underlying factors that contribute to risk of contact with the justice system including intergenerational trauma, racism, discrimination and social and economic disadvantage
- Adoption of smarter justice approaches and preparedness to invest in innovative community-based initiatives focussed on early intervention, prevention and diversion
- Elevation of the voices of First Nations children, young people, women, families and communities including those with lived experience of the justice system
- Support for the work of Aboriginal community organisations and communities to develop and deliver smarter solutions that increase safety, address the root causes of violence against women, cut reoffending and imprisonment rates, and build stronger and safer communities as per recommendations of Change the Record (Blueprint for Change).²

Context

- There were approximately 950 women in NSW prisons in August 2019. It is understood there are currently 805, a 20% reduction due to COVID changes in policing and Court procedures
- There had been a 33% increase in the number of women in prison in NSW since 2013. This is not due to an increase in criminal activity.
- 58% were on remand or serving a sentence of 12 months or less.
- 32% of women in custody were Aboriginal. 2.9% of the NSW population is Aboriginal.
- Around 40% were on remand - they had been arrested and charged and were awaiting court for bail or sentencing.
- 60% of women were mothers.
- Almost 24% of women in prison grew up in care, and 14% said their parents had been in care as children. 18% of the children of prisoners in NSW are in care.
- It costs approximately \$110 000 to keep a woman in custody for a year compared with approximately \$6,495 for women to receive support services in the community.

ⁱ <https://www.aihw.gov.au/reports/australias-welfare/understanding-indigenous-welfare-and-wellbeing>

ⁱⁱ Anthony T. *Indigenous People, Crime and Punishment*. Oxon (UK). Routledge. 2013

ⁱⁱⁱ Sullivan E, Kendall S, Baldry E, Sherwood, J et al 2019 Aboriginal mothers in prison in Australia: a study of social, emotional and physical wellbeing. *Australian and New Zealand Journal of Public Health* Vol.43/3:241-247

^{iv} Sullivan E, Kendall S, Baldry E, Sherwood J et al 2019, *ibid*

^v <https://www.pwc.com.au/indigenous-consulting/assets/indigenous-incarceration-may17.pdf>

^{vi} KWOOP Coalition. 2020. *Profile of women in prison in NSW. A Snapshot*.

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² <https://drive.google.com/file/d/0B3OIOcaEOuaFU3BNc3Zrb19wa0U/view>