

## **The Prison Merry Go Round – No Way Off**

By

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Sisters Inside Inc. is a National independent community organisation, which exists to advocate for the human rights of women in the criminal justice system, and to address gaps in the services available to them. We work alongside women in prison in determining the best way to fulfill these roles.

In Australia, Aboriginal women continue to suffer the shameful and devastating impact of colonization. From residential school, missions, to child welfare seizure – stolen generation, to juvenile and adult imprisonment; Aboriginal women and girls are vastly over-represented in state controlled institutions. Indeed, even as we work to deinstitutionalize and decarcerate, we are fearful that "treatment", used in both youth and adult prison systems across Australia, will be the next colonial control of choice.

Depending in which jurisdiction we look across Australia Indigenous women make up to between 23% - 42%<sup>i</sup> of the total women's prison population. Indigenous women have the most horrific experiences of violence and abuse before entering our prison cells. Eighty nine percent have been sexually assaulted or abused; ninety eight percent have experienced physical violence; fifty percent were children ceased from their families by statutory authorities<sup>ii</sup>. Seventy seven percent of Indigenous women will return to prison after release<sup>iii</sup>. Between 1993 and 2003 the women's prison population increased by 110%, as compared with a 45 % increase in the general male prison population<sup>iv</sup>. However, over the same time period the Indigenous women's prison population increased by 343%<sup>v</sup>. At March 2004, Indigenous women were imprisoned nationally at a rate 20.8 times that of non-Indigenous women<sup>vi</sup>. These are absolutely horrendous statistics and an appalling indictment on us all as a society.

We all know that women are not the cause of the greatest real or perceived risks to others yet we continue to perpetuate the myth by focusing on risk assessments and correctional programs, when it is those responsible for and/or complicit in the destruction of our social safety nets who are in the greatest need of correction. Just as the people had to examine their own actions, inaction and tacit complicity following the genocidal results of German policies and practices in the 1920s through the 1940s, those who fail to address these matters will be faced with the reality that they too could be directly impacted implicitly and possibly explicitly, depending upon their personal, economical and professional circumstances. It is simply not acceptable to merely hide our heads in the sand or re-arrange the proverbial deck chairs on the Titanic as the system becomes more overwhelmed and sinks<sup>vii</sup>.

We must instead have the courage and tenacity to challenge the continued creation of laws and policies that effectively criminalise Indigenous women, poverty, mental disabilities and the victims of genocidal legacies of colonization, and then developing classification, assessment and correction tools that pretend that the individual members of those very groups of people who are grabbed, sucked or thrown into the criminal and correctional systems are there because of their planned, voluntary and criminally intended actions?

Women who are released from prisons have many different needs and face many different obstacles when they come back into the community. But all newly released women have basic human needs - for food, shelter, clothing and health care - which must be met for them to *stay out* of the criminal injustice system.

When Indigenous women have been asked what they need to stay out of prison after their release into the community, their replies universally include safe and affordable housing. Isolation, loneliness and despair about the entrapment of poverty are known to draw newly released Indigenous women prisoners back into the cycle of drugs, prostitution and criminal behaviour. Without the resources that most Australians take for granted, a high majority of Indigenous women cannot help but fall back into circumstances that led to their imprisonment.

The release of Indigenous women into the community needs to be a fundamental area of concern for all. There needs to be a commitment to ensuring that the community release needs of Indigenous women are met in each of the States and Territories across the country. It is recommended that the range of needs be addressed:

- accommodation or housing requirements, including halfway houses, satellite units, supported independent living, subsidized and second-stage housing, private home placements [preferably in own, familial home or home community, as opposed to glorified foster home types of placements which provide more limited, potentially infantilizing environments];
- financial support, including paid, training and voluntary employment placements and options, facilitating access to social assistance, disability and other income support options;
- personal development and support, including bridging and facilitating familial and community contact, which include grief and loss counseling, access to appropriate mental health and drug and alcohol support, facilitating access to child care and support, peer and community support groups, recreational opportunities, vocational and tertiary training, on-the-job training.

All Indigenous women being released from prison should have access to the foregoing upon release. Moreover, there needs to be fundamental commitment to ensuring that services are provided with and for Indigenous women whilst they are incarcerated. These services need to be tailored to the specific needs of individual Indigenous women. Services presently are far and few between and this needs to be addressed by all levels of governments with assurance that they either develop and deliver funding resources to the community in jurisdictions that have no support services. Other jurisdictions where there are limited support services funding and resources need to be increased to an equitable level all Indigenous women being released from prison.

Further, it is fundamental that governments are encouraged to resource communities to establish meaningful community involvement for Indigenous women during their incarceration as, work release options in the community, community escorts to facilitate

programming, healing, personal development, access to women's centres and services, work releases and leave of absences.

Sisters Inside is of the opinion that a number of pilot projects need to be developed and delivered for specific post release services for Indigenous women. Such pilot projects include:

- working in conjunction with the Indigenous women in prison and community members and organisations, with input from prison staff to identify the needs of Indigenous women in prison in each State and Territory;
- assessing the existing resources available, as well as service delivery gaps in the all jurisdictions;
- consulting, enhancing and/or developing linkages and engaging state and federal government departments and non-government community-based organisations and resources, particularly Indigenous groups and services;
- proposing community accommodation options for the individual States and Territories;
- developing plans, including an evaluative mechanism, for the implementation of the proposed community accommodation options;
- providing resources and accommodation models in the community for Indigenous women who are mothers and primary care givers, which focuses on re-connecting with their children upon release;

We anticipate that the pilots could be conducted within a 24 month period which includes resourced evaluation processes undertaken alongside each pilot programs within all jurisdictions.

In conclusion, as stated by Karlene Faith,

For almost any woman, the relief of getting out of prison is quickly replaced by the anxiety of being out<sup>viii</sup>.

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<sup>i</sup> Social Justice Report 2004, Aboriginal & Torres Strait Islander Social Justice Commissioner, HREOC, 2004.

<sup>ii</sup> Kilroy, D. *Submission of Sisters Inside to the Anti Discrimination Commissioner for the Inquiry into the Discrimination on the Basis of Sex, Race and Disability Experienced by Women Prisoners In Queensland*, 2004.

<sup>iii</sup> ABS, *Prisoners In Australia*, 4517.0, Canberra, 2003.

<sup>iv</sup> *Social Justice Report 2004*, Aboriginal & Torres Strait Islander Social Justice Commissioner, HREOC, 2004.

<sup>v</sup> *Ibid* [15].

<sup>vi</sup> *Ibid* [16].

<sup>vii</sup> Kilroy, D, *Prisons: Australian's Default Response to Poverty, Homelessness and Mental Illness – Especially for Women*, Refocusing Women's Experience of Violence Conference, September 2005, unpublished.

<sup>viii</sup> Faith, Karlene. *Unruly Women: The Politics of Confinement and Resistance*. Press Gang Publishers, Vancouver, 1993.