



**KW/OOP**  
Keeping Women Out of Prison  
COALITION

# **Profile of women in prison in NSW**

## Executive Summary

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## Note about this document

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*This is the Executive Summary of the report of a research study commissioned by the Keeping Women out of Prison Coalition (KWOOP) to **establish a baseline profile** of women in prison in NSW drawn from available data. The main report *Profile of Women in Prison Part A: A Snapshot* contains the data pertaining to women in prison as at August 2019.*

*The study also included the compilation of a comprehensive list of support services for women in NSW affected by the corrections system. The **census of services** is published as a separate document, *Profile of women in prison in NSW, Part B: Census of Services*, and can be read in conjunction with this report.*

### **Acknowledgements**

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*The research study was undertaken by Lucy Phelan with assistance from Mindy Sotiri and Margaret Scott and support from Rosalind Strong, KWOOP convenor.*

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# Keeping Women out of Prison Coalition NSW

The *Keeping Women out of Prison (KWOOP) Coalition NSW* comprises individuals and organisations: service providers, philanthropic and not for profit organisations and universities, and women with lived experience of the criminal justice system. **The purpose of KWOOP** is to influence systems, policy and practice in order to reduce the number of women in prison and to minimise the impacts on their families and children. The KWOOP Coalition NSW works collaboratively with policy and law makers.

[https://www.sydneycommunityfoundation.org.au/find\\_a\\_fund/kwoop-keeping-women-out-of-prison/](https://www.sydneycommunityfoundation.org.au/find_a_fund/kwoop-keeping-women-out-of-prison/)

## **KWOOP Coalition NSW Vision**

Better outcomes for women and children affected by the NSW criminal justice system

KWOOP is auspiced by the Sydney Community Foundation and members include the following:

- The Sydney Community Foundation (SCF) through its Keeping Women out of Prison (KWOOP), By My Side, and Sydney Women's Funds
- Community Restorative Centre (CRC) through The Miranda Project
- Dress for Success Sydney
- SHINE for Kids
- Women's Justice Network
- Zonta Club of Sydney
- UTS Australian Centre for Public and Population Health Research
- Corrective Services NSW
- Justice NSW
- Kathleen York House
- UNSW School of Social Sciences
- Individual academics and experts

## **The need for research**

The KWOOP Coalition identified a gap in the availability of consolidated evidence on the status of women in prison in NSW and the services available to them. In 2019 it commissioned this baseline study to address this gap.

The study report provides robust consolidated information including:

- **Current statistical data** on the number of women in custody and remand in NSW, the nature of their offences, length of terms, offending history, recidivism rates, as well as demographic data on their age, ethnicity, Indigenous status, family status, geographical area and other social and health statistics.
- **A comprehensive census of support services** for women in NSW who have been affected by the criminal justice system, details of the types of services provided and how they are funded.
- **A review of NSW Government policies and strategies** concerning women affected by the criminal justice system and available details of budget allocations and funding.

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## Glossary of terms

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**Table 1: Glossary of terms**

Term	Meaning
<i>Indigenous</i>	<i>Aboriginal and/or Torres Strait Islander</i>
<i>Non-Indigenous</i>	<i>Neither Aboriginal nor Torres Strait Islander</i>
<i>Remand</i>	<i>Adults refused bail who are remanded in custody pending future court action. Includes persons granted bail but unable to meet conditions, persons refused police bail and remanded in custody in a gazetted correctional centre and persons on remand being managed as correctional patients under the Mental Health (Forensic Provisions) Act 1990.</i>
<i>Sentenced</i>	<i>Adults on whom the courts have imposed custodial sentence(s) for proven offence(s). This category includes persons returned to custody after breaching parole and forensic patients as per the Mental Health (Forensic Provisions) Act 1990 (that is, persons found unfit to be tried and persons found not guilty due to mental illness). Persons on remand and sentenced for one or more offences are deemed to have a legal status of sentenced.</i>
<i>Total women</i>	<i>All women (non-Indigenous, Indigenous and unknown).</i>
<i>Unknown</i>	<i>Indigenous status unknown</i>

## Note about language

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### **Women in prison**

This report uses the terms ‘women in prison’, ‘women in the criminal justice system’, ‘women affected by the criminal justice system’, and ‘women at risk of criminal justice system involvement’ to describe the population who are the focus of the report. The report avoids the use of stigmatising or narrow terms such as ‘offenders’ or ‘criminals’. While many women involved in the justice system have committed offences, KWOOP believes this should not define the way in which this population are talked about, nor be the starting point for conversations about how to build pathways out of the justice system. As is apparent throughout this report, the experience of incarceration is only one part of an often complex set of circumstances faced by such women. The term ‘women’ in this report is inclusive of cisgender, transgender and other non-binary or gender fluid populations who are incarcerated in women’s prisons, or are incarcerated and identify as women.

## **Reintegration and transition**

*The report uses the terms 'reintegration' and 'transition' to describe the process of women leaving prison and returning to live in the community. In reality, reintegration may not be an accurate description of the experience for many women as it assumes a level of community integration prior to incarceration. It also implies that there are communities that will welcome women when they return from prison, which is often not the case. However, in the absence of terms that describes the process more accurately, the report maintains their use.*

## **Diversion**

*The term 'diversion' is used in this report in its broadest sense, referring to diversion at any point in the justice system. As well as 'front end' judicial diversionary programs that divert women at or before the point of court, diversionary programs can exist at many other points in the justice system, including during post-release and reintegration phases. Many post-release programs are diversionary in that they work with women through complex court matters, provide advocacy and offer magistrates and judges community-based options that, wherever possible, provide alternative pathways to re-imprisonment.*

## **Recidivism**

*The way in which 'recidivism' is defined has a significant impact on the way in which diversion and post-release are understood and success is measured. Recidivism, at its most basic, refers to returning to a particular behaviour. In the context of criminal justice, recidivism can mean re-offending and/or returning to prison. The measures of recidivism used by Corrective Services NSW and the Department of Justice have varied over time. Recently, the commonly used measure of return to custody within a usually two-year post-release period, has been replaced under the 2019 Premier's Priorities by measures of re-offending in certain limited offence categories including proven personal, property or serious drug offence, in the 12 months following release. In this report, recidivism is used variously to describe both return to custody and re-offending.*

# Executive Summary

Most of the solutions to women's offending lie outside prison walls – in treatment for addictions and mental health problems, protection from domestic violence and coercive relationships, secure housing, debt and financial management, employment, education and skills development.

Corston Report 2007

## Introduction

*Imprisonment carries with it significant social and economic costs, both short and long term. These costs are borne not just by imprisoned populations, but also by their children, families and communities as well as government and society.*

*While women are a small minority of the total prison population, there has been an alarming increase in their numbers over the last decade in NSW and, in particular, of Indigenous women. The incarceration of Indigenous women has been growing at a faster rate than any other demographic.*

*The Keeping Women out of Prison (KWOOP) Coalition advocates to reduce the number of women in prison and to minimise the impacts on their families and children. KWOOP commissioned this baseline study to provide a snapshot of the current profile of women in prison in NSW.*

*This report represents the data available on women in prison in NSW as at August 2019. It gives an overview of who this population is, why they are imprisoned and what services currently exist to support them. It aims to start a conversation about what we could, and should, be doing to challenge the unacceptably high rates of imprisonment of women in NSW.*

*There was a 33% increase in the number of women in prison between March 2013 (n=710) and June 2019 (n=946). This was **driven by a significant increase (66%) in the proportion of women on remand not a growth in crime.***

**33%** increase in the number of women in prison between March 2013 and June 2019

### Women in prison

Indigenous **32%**  
Non-Indigenous **68%**

**58%** of women in prison were either on remand or serving a short sentence of 12 months or less

**Figure 1: Numbers of women in prison in NSW June 2019**



*\*There are also n=9 women whose Indigenous status is unknown*

*Source: BOCSAR, New South Wales Custody Statistics Quarterly Update June 2019*

*While 946 women were in prison as at 30 June 2019, the ‘flow-through’ population (the numbers released each year) is almost three times this number. A total of 2760 women were released from NSW prisons during the year ending June 2019.*

*There is little contention in the international literature and research about the immense disadvantage experienced by incarcerated populations that both contributes to, and is exacerbated by, imprisonment.<sup>ii iii iv v vi</sup> There is also little contention about the ineffectiveness of imprisonment as a strategy to control crime or address social disadvantage.<sup>vii viii ix</sup> Much of the enormous cost and socially detrimental impact of imprisonment could be avoided by enhancing community-based services and interventions that divert people from prison and reduce re-offending.*

*While, clearly, judicial and legal frameworks and policing practices require exploration with regard to their impact on the significant increase in female incarceration (including an examination of bail legislation), there is also a pressing need to examine community-based options that can offer alternative pathways for women at risk of incarceration.*



## Increasing incarceration of women since 2013

Since 2013, the rapid increase in numbers of women in prison has seen a:

- 66% increase in women on remand
- 17% increase in the sentenced female population.

Indigenous women are **over-represented in the sentenced population**, with a 49% increase since 2013 compared to a 6% increase among non-Indigenous women.

**49%** increase in sentencing of Indigenous women compared with **6%** increase for non-Indigenous women

Conversely, the **growth in the remand population was significantly higher among non-Indigenous women**. There was a 99% increase in non-Indigenous women since 2013, compared to 35% among Indigenous women.

The length of sentence is on average 131 days (less than 5 months) for total women and almost 42 days shorter for Indigenous women at 89 days (less than 3 months). The picture is reversed for women on remand, where

Indigenous women are likely to be held longer on remand (58 days) compared to total women (47 days).

The most common serious offences for women are:

- Offences against justice procedures (18%)
- Drug offences (16%)
- Acts intended to cause injury (16%).

## Profile of women in NSW prisons

A snapshot of the women's prison population reveals that although Indigenous people make up only 2.9% of the NSW population, 32% of women in prison are Indigenous.

72% percent of women currently in prison have been imprisoned before. This is even higher for Indigenous women, 87% of whom have experienced prior incarceration.

The average age of women in prison at August 2019 was 35 years, 34 years for those on remand and 37 years for those with sentences.

Women with disabilities and mental health conditions are over-represented in NSW prisons together with those with experience of significant trauma and abusive relationships

**Figure 2: Profile of women in prison**



In addition, it is critical to note that 61% of women in NSW prisons are parents of one or more children below the age of 18. Among women in prison with children, many did not have their children living with them prior to imprisonment (40%). This is even higher for Indigenous women (50%).

**61%** of women in NSW prisons are parents of one or more children **below the age of 18**

The long-term detrimental impacts of separation of children from their families due to parental imprisonment is well established with demonstrable negative effects on their life trajectories and greater likelihood of entry into juvenile and adult correctional systems.<sup>x</sup>

### **Post-release homelessness and recidivism**

Over 40% of women who have been sentenced to a period of imprisonment re-offend in the 12 months following their release. A key factor behind this is the significant proportion of women who do not have anywhere stable to live on release.

More than **one third of women** leave prison into either homelessness or housing instability

During 2019, of the 2760 women released from NSW prison, at least 900 were released into homelessness or



unstable accommodation. There are, at most, only 9 dedicated beds available in NSW for women immediately after leaving prison. Five of these are short term beds and 4 are negotiated transitional placements (beds in transitional community housing properties that providers agree to use for women leaving custody if they also have community support).

## Support services available for women

In NSW, there are 8 specialist women's services working with approximately 379 women at risk of re-imprisonment each year (Table 3 below). These organisations

At least **78%** of women leaving prison (**2,145**) are released from custody each year with no support services in place

vary in their focus, structures and services. The range of services they may offer include case-management and support, accommodation support and provision, mentoring, employment support and parenting support.

A further estimated 236 women are able, on release from prison, to access non-gender specialist services. Most of these provide short term support and referral only.

At best, only 22% of women (615 individuals) receive any kind of service on release from prison.

**Table 2. Services available for women on release**

	Number/% of women
Flow-through (women released over 12 months to June 2019)	2760
Specialised services (8)	379
Non-gender specialised services	236
Total women receiving any services	615 (22%)
Women released with no support services	2,145 (78%)

The existing services report achieving positive outcomes, with many that provide long term support observing notably low recidivism rates. However, all services also report being under-resourced and unable to provide the level of service they observe is needed.

Just under \$4 million in funding from government and philanthropic sources is spent each year on these community-based services. **The cost per woman (for the 615 women able to access services), is approximately \$6,495 per annum. The cost of incarceration per annum is approximately \$110,000.<sup>xi</sup>**

**Table 3. Total women’s services funding for women leaving prison**

Including funds from Family and Community Services, Corrective Services, Health and philanthropic sources).

	Funding	Numbers p/a	Per woman pa	Beds
Specialist women’s services	\$3,003,963	379	\$7918	8
Non-specialist services (women’s use of)	\$990,485	236	\$4,196	1
<b>Total</b>	<b>\$3,994,448</b>	<b>615</b>	<b>\$6,495</b>	<b>9</b>

There are no specific front-end, court diversionary programs for women in NSW. While court diversionary programs do exist, none of these are specifically for women and some are not open to women at all. Access to diversionary programs for women who are parents is also a significant gap in the service landscape in NSW.

There are no specific front-end, court diversionary programs for women in NSW.

## Conclusion and key areas for action

This baseline study paints a disturbing picture of the situation of women in prison in New South Wales. Of particular concern is the increasing rate of imprisonment of women and the high numbers of these women who are either on remand or in prison for short sentences and/or for non-violent crimes. The detrimental impacts of incarceration on women, and on children whose parents have been imprisoned, have enormous costs for these families and the broader community.

The over-representation of Indigenous women further reflects the unacceptably high levels of disadvantage and discrimination experienced by Indigenous people within criminal justice systems across Australian jurisdictions.

The direct economic costs of imprisonment are significant and increasing annually. It is highly probable that redirection of funding towards investment in the expansion of community-based services in order to prevent incarceration and provide diversionary options to reduce recidivism, would yield considerable savings to stretched government resources. Detailed exploration of the potential return on investment of such a strategy is needed.

*This report identifies extraordinary levels of disadvantage and unmet need in the population of women incarcerated in NSW. The demographic data reveals extremely high levels of trauma, social and economic disadvantage, disability, homelessness and disconnection from communities and families. Yet the community sector response to this is fragmented and critically under-resourced, seriously constraining its ability to reduce the initial risk of incarceration or to adequately support women on release to avoid re-imprisonment. While there are some services achieving remarkable outcomes, there is no consistent state-wide pathway out of the justice system for most affected women.*

*The scope of this baseline study precluded investigation into the direct experiences and perspectives of women who are, or have been, incarcerated. Further qualitative research into affected women's life circumstances and experiences of imprisonment would provide invaluable additional insights into the situation for women and realistic options to reduce the impact of incarceration.*

*The multiple layers of disadvantage experienced by the majority of women in contact with the criminal justice system points to the need for a comprehensive whole of government approach with an emphasis on better resourcing of community-based services that enable diversion from imprisonment and prevention of recidivism.*

*The alarmingly high rate of imprisonment of Indigenous women warrants closer and **urgent** consideration of the contributing factors. Greater scrutiny and review of sentencing practices, bail conditions, the role of police, and community services that enable women to be diverted from the prison system is clearly called for.*

*The Premier of New South Wales's recent announcement that reducing recidivism in the prison population will be one of three 'Breaking the Cycle' priorities, is encouraging.<sup>xii</sup> Although it is not yet clear what strategies will be developed to achieve this, it flags a clear recognition of the seriousness of this problem and may provide an opportunity for concerted action to reduce the imprisonment of women.*

*Breaking cycles of entrenched criminal justice system involvement requires asking questions about the approximately 2760 women released from prison annually. What happens each year when they walk out of the prison gates? What should be done to prevent women returning to custody? How might it be possible to divert women from the justice system? And what alternatives exist for women who are in prison primarily as a consequence of a lack of services in the community? This is particularly pressing for women who are imprisoned on remand, or who are imprisoned for crimes not considered serious enough to warrant prison sentences of more than 12 months.*

## **Key areas for action**

*The KWOOP Coalition proposes the following as a matter of urgency.*

### **A multi-stakeholder and whole of government taskforce**

*A targeted strategic taskforce should be established to consider and drive the development and implementation of a long-term multifaceted strategy to dramatically – and permanently – reduce women’s incarceration in NSW. This taskforce should include high level NSW Government leadership, appropriate representation from relevant community-based organisations and women with lived experience of incarceration. The taskforce should be time-limited and have clear reporting requirements on strategy implementation.*

*The Strategy should incorporate the following key elements:*

- Significant investment in community-based services, supports and housing for vulnerable women at risk of criminal justice system involvement. Such services should include enhanced support with mental health, disability, drug and alcohol use, domestic violence and legal matters, as well as addressing homelessness and unstable accommodation.*
- Increased access to effective diversionary programs for women at risk of criminal justice system involvement, especially for women who are parents.*
- Programs that enable women who are parents to retain contact with their children while incarcerated.*
- A coordinated, state-wide, funded, community-based response for incarcerated women leaving custody to reduce rates of recidivism and to support successful integration into the community.*
- Specific initiatives for Indigenous women to reduce rates of imprisonment.*
- A coordinated approach to the removal of the restrictions and discrimination facing women with criminal records or histories of incarceration in accessing relevant mainstream services such as drug and alcohol services, domestic violence support, housing and employment services.*

### **Further research in key areas:**

- Research into the perspectives and experience of women who have been incarcerated to provide further insights into the factors leading to imprisonment and the types of supports and interventions that could reduce re-offending.*
- Investigation of the specific factors contributing to the high levels of incarceration of Indigenous women and the most appropriate strategies to address these.*
- Investigation of the factors contributing to the high levels of women on remand and exploration of strategies to reduce these.*
- Financial modelling of the relative costs of imprisonment versus community-based diversion programs. Detailed investigation into potential savings to be made by re-directing government funds from prisons into expanded community-based services aiming to reduce women’s involvement in the correctional system.*

## Postscript

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At the time of finalising the writing of the KWOOP report in February 2020, the Inspector of Custodial Services in NSW also released a report highlighting the unique challenges faced by women on remand in NSW.<sup>xiii</sup> The findings in the Inspector of Custodial Service report are closely aligned to the key issues identified by KWOOP, and together these reports provide a compelling argument to reduce the unnecessarily high numbers of women in prison in NSW.

*‘Short’ sentences can still be long enough for women to lose their housing, family ties (including care of children), treatment and employment and have prolonged negative effects on a woman’s capacity to re-establish their lives on release. The potentially damaging effect of short sentences was described in the recent ALRC report as ‘a cycle of ongoing disruption – caused partly by repeated low-level offending and short terms of incarceration that can exacerbate existing disadvantage and make it extremely difficult for a female offender to reintegrate into her community.’ P132*

*“Many women cycle in and out of remand over time. Whilst length of stay on remand can be short, ‘the social as well as the financial costs of these short-term remands can be very high.’ As such, there is a need to ensure that diversionary programs are available for women that can help them avoid short and disruptive periods of incarceration. Women who are Aboriginal, or who have cognitive impairments or intellectual disability, should be provided with specialised diversion programs to prevent their incarceration.” P17*

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