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Low Risk - High Needs:

INDIGENOUS WOMEN AND THE CORRECTIVE SERVICES SYSTEM

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Executive Summary

The review of literature on the treatment and experience of Indigenous women in the Corrective Services systems of Australian jurisdictions, New Zealand and Canada reveals the title for this paper and the broad theme of 'low risk high needs'. The principle concern of the literature review was the experience of Indigenous women of the community based or community corrections systems in various jurisdictions. However, there was little or no information on this subject. As a result the review focuses on the corrective services system generally, as it is likely that experience of Indigenous women was similar in all parts of the corrections systems.

The literature in each jurisdiction stressed the need for reform within the Corrective Services system to address these issues once Indigenous women are within their system, as well as the need for concentrated reform throughout the broad welfare system to prevent Indigenous women from entering the justice system. Whilst it is recognised there is a great deal of diversity both within and between the Indigenous groups within each jurisdiction, there were a number of areas where there was a shared experience by all the Indigenous women.

The theme of 'low risk' emerged from the literature from all jurisdictions. They found that women generally and Indigenous women specifically were overrated by the current classification systems (that is; they were low risk) as they are not culturally appropriate and tended exaggerate the potential security risk.

The various reports identified that;

- *Indigenous women are poorly represented in post release programs.*
- *There are few if any Indigenous specific pre and post release services for Indigenous women.*
- *Re-integration into the community by Indigenous women is hard.*
- *Indigenous women offenders face considerable barriers to accessing community based options including restrictive eligibility criteria and the lack of appropriate support services.*

All the reports suggested similar solutions. Among these were:

- *Develop a women's centred Corrective Services approach.*
- *Design pre and post release programs for Indigenous women and they need to emphasise healing and addressing mental health problems.*
- *Establishment of Indigenous alcohol and drug abuse rehabilitation and treatment programs in the community, as a community based correctional service and within prisons.*

- *Development of reintegration programs for Indigenous women prior to and on release from prison.*
- *Involve the local Indigenous peoples in all aspects of the Corrective system as full partners.*
- *Develop Indigenous women's work camps and healing centres.*
- *Systems and facilities which would enable them to maintain their relationships with their children and their families during the time they were separated.*

There are a number of Western Australian reports including 'Towards Best Practice in Women's Corrections: The Western Australian Low Security Prison for Women' (2004), 'Report of the Visit to Canada, Minnesota and England by the Attorney General' (2001) and the various reports of the Office of the Inspector of Custodial Services that canvas issues mainly to do with women and Indigenous women in the Prisons Systems. These also do not comment on the experience of Indigenous women in the community corrections system.

The literature review reveals that Indigenous women in each jurisdiction have high levels of unmet need in the areas of:

- Family support as they are generally young, with children and family responsibilities,
- Healing services because they are traumatised from abuse as a child and as an adult,
- Education as they have left school early,
- Alcohol and substance misuse programs as they are likely to be experiencing alcohol or drug abuse problem or both,
- Mental health,
- Employment as they are likely to be unemployed at the time of offence, and
- Economic development as they come from a life dominated by poverty and disadvantage.

Recommendations

These recommendations are made with the understanding of the problems faced by the Western Australia Government in providing services to a large sparsely populated state with most people concentrated on the coast and in its south west corner. The challenge is to provide equal access to the services of the Corrective Services system to all people no matter where they live.

It is suggested that the level of over representation of Indigenous people and specifically Indigenous women requires that there be a higher level of funding allocated to enable the development of community based, pre and post release services that are appropriate to the culture and history of each region in Western Australia. The Corrective Services system can play a key role in assisting Indigenous women to address the personal traumas and lifestyle problems that have caused them to offend. The key to success in the development of these new services is the active and equal involvement of the Indigenous community in each area of the state in the development of, appropriate holistic healing approaches, local area specific services rather than state wide, location of Indigenous women in prisons close to home, and the development of a women focussed corrective services approach.

Indigenous Women's Healing Centres

1. That Indigenous Women's Healing Centres be established at each regional and the Bandyup Women's Prison with the mandate, funding and flexibility to work with Indigenous women and their communities to address their personal traumas, education, family, work skills, health, preparation for release and post release issues.

Work Camps for Indigenous Women

2. That Indigenous women's work camps should:
- Enable offenders their children and other family members where appropriate to live in.
 - Facilitate programs which address offending, cultural, family, life skills and social needs of women prisoners.
 - Provide links with relevant community justice, health and welfare services in the general community.

Indigenous Women's Security Classification System

3. That a specific Indigenous women's security classification system be developed and implemented as a priority. The Canadian Security Reclassification Scale for Women could be used as a starting point for this work.

Involvement of Indigenous Elders and Healers in the Corrective Services System

4. Indigenous elders and healers specific to each region should be actively involved in all aspects of the criminal justice system from the Aboriginal Justice Councils, to sentencing through the broadening of community courts options, design and delivery of in prison programs, involvement in pre and post release planning such as the "circle approach" to pre-release in Canada, and involvement in parole decisions.

Introduction

A review of literature relating to the treatment and experience of Indigenous women in the Corrective Services System of most Australian States and Territories, New Zealand and Canada has been prepared for the Western Australian Department of Corrective Services.

The title of this literature review 'Low Risk – High Needs' is taken from an article by Salomine (2005) "Addressing the Needs of Aboriginal Women Prisoners and their Families in Western Australia". She found that the women prisoner population was "generally low risk – high need" and "women's correctional management demanded approaches substantially different to those applied to male offender populations".

Similarly, Justice Arbour (1996) the head of a pivotal inquiry in Canada on the over representation of Aboriginal people in prisons, urged innovative reform saying;

"the relatively small number of Federally sentenced women, combined with the generally low risk women posed to the community must be seen as an opportunity to pilot innovative programs and initiatives",

The Western Australian Corrective Services system is now in a similar situation in regards to Indigenous women. Whilst Indigenous women are overrepresented at a rate of twenty times that of non-Indigenous women in the system, they are in reality only a small group within a small sub-population of women. They are low risk to the community and have unique needs that are not met by programs designed for non-Indigenous women and men and Indigenous men.

The Canadian Criminal Justice system has embraced the need to adhere to;

- Human rights.
- Social justice principles.
- Holistic Indigenous healing principles and practices.
- Indigenous knowledge, principles and beliefs.

Since 1996, the Canadian Correctional Services system has made a number of significant reforms based on innovation, adherence to these principles, and in partnership with Indigenous people and their organisations. It also has ensured that women have an advocate within the essentially male Corrective Services system with the appointment of a member of the senior executive with responsibility for women's issues.

It is now time for the Western Australian Criminal Justice system to also embrace these same principles and to innovate.

There is a surprising uniformity of experience of Indigenous women across the jurisdictions and uniformity in the suggestions to address the deficiencies in the system. This is not to say that the solutions suggested are self evident or easily achieved. Rather the position of women generally and Indigenous women specifically, in the prison and community based correctional system has been a concern for some time. However, the recent reports of the Office of the Inspector of Custodial Services indicate that there have been a number of positive changes for women in prison in Western Australia.

This review is structured to provide an understanding of the situation of Indigenous women in most jurisdictions in Australia, in New Zealand and Canada. Information on each jurisdiction will be provided covering the correctional services statistics (in the appendices) for Indigenous women, the problems identified and suggested solutions. As will be seen there are a number of similar themes that emerge from this jurisdictional analysis and these will be summarised in the conclusion.

Unfortunately, the bulk of the information in this literature review relates to the issues around Indigenous women in the prison system as there is a paucity of research and other information on Indigenous women's needs in the community based correctional system.

The literature about Indigenous Women in the Corrective Services Systems from each jurisdiction is summarised in the next section.

Summary of Jurisdictional Reports

The themes that emerge consistently from the reports from each jurisdiction are summarised here to provide a concise statement of the important issues. The overarching dual themes the reports seemed to emphasise were that Indigenous women are a small sub group within a small population of women, and that there was the need to address the issues that caused the Indigenous women to offend. Women need to be assisted whilst they are within the Corrective Service systems and in the community.

Overview of Issues for Indigenous Women in the Corrective Services Systems

The issues for Indigenous women in the Corrective Services systems seemed to fall into two areas, the problems that caused the women to offend and enter the justice system and the way Indigenous women are treated by the system.

The problems or issues for Indigenous women that were said to contribute to their offending and recidivism were said to be;

- Struggling with young families and children and other family responsibilities,
- Family violence experienced as abuse as a child and domestic violence as an adult,
- Poor school performance and early school leaving,
- Alcohol and substance misuse problems that are unaddressed in both the community and the Corrective Services system,
- Mental health problems with few services,
- Unemployment or under employment, and
- A life dominated by poverty and disadvantage.

These problems need to be comprehensively addressed both in the community and the Corrective Services system through the delivery of services that are developed in close cooperation with the local Indigenous organisations and people.

The reports found that Corrective Services system was said to disadvantage Indigenous women as;

- Current classification systems are not culturally appropriate and tend to overrate the potential security risk of Indigenous prisoners especially Indigenous women.

- Indigenous women are poorly represented in post release programs.
- Indigenous women in the Corrective Services system come from traumatised and disadvantaged backgrounds.
- Re-integration into the community by Indigenous women is hard.
- The current skills focus (education, employment skills) of re-entry overshadows the need for reintegration.
- When community based options are available disadvantaged offenders (that is Indigenous women) face considerable barriers to accessing these options including restrictive eligibility criteria and the lack of appropriate support services to assist them to complete community based sentences.

Summary of Good Practice Principles for Indigenous Women in the Corrective Services Systems

The Department of Corrective Services Canada has been undergoing reform since the early 1990s. As a result they claim to be a “world leader in corrections”. What makes them stand out is the emphasis on the right of offenders to be “*be treated with dignity and humanity*”. Much of the successful reform has focused on adherence to human rights, healing and reintegration of women into their family and community.

It seems clear from a report by the Office of the Inspector of Custodial Services (2005:26) that basic human rights are not being met in parts of the Corrective Services system in Western Australia. He finds that the four regional prisons of Broome, Roebourne, Greenough, Eastern Goldfields and the conditions in each are “are well below standards expected”, “conditions that are markedly inferior to those of non-Aboriginal prisoners”, “these conditions would not be tolerated if non-Aboriginal prisoners were the majority”, and they conclude “It is in these four prisons that structural racism is most stark.” It is therefore concerning that 43% of all Indigenous women serve their sentences in these prisons. (Office of the Inspector of Custodial Services:2005:42).

The Correctional Services Canada (CSC) report of the Expert Committee says that CSC “plays a fundamental role in potentially reducing re-incarceration rates. It does so by partnering with other jurisdictions, departments, agencies and diverse Aboriginal groups and communities to develop integrated and targeted approaches which respect different Aboriginal cultures and focus on healing and safe reintegration initiatives.”

The key element of the Canadian system is that programs for their Indigenous people have been developed by the local Aboriginal people and organisations and are operated either by or in conjunction with local Indigenous organisations. This ensures that local Aboriginal culture, knowledge, beliefs and practices are

incorporated into the operation of the facility. In the Canadian system, the Aboriginal people place a large emphasis on healing.

However, extreme caution needs to be exercised to prevent the Canadian Aboriginal concepts from simply being imported to Western Australia. Such action would be as inappropriate as the existing approach of just delivering programs designed for white male offenders to Indigenous women.

The key is to focus on the process of “partnering with other jurisdictions, departments, agencies and diverse Aboriginal groups and communities to develop integrated and targeted approaches which respect different Aboriginal cultures.”

A Western Australian Indigenous involvement strategy needs to recognise the diversity in Indigenous culture and history. The strategy should provide the local Correctional Services managers and staff two things: firstly, the time to work closely and honestly with the Indigenous people and organisations in their area to develop programs and services that are appropriate to the culture and history of that area; secondly, adequate funds to implement these new programs and services.

Summary of Innovative Programs for Indigenous Women in the Corrective Services Systems

The overwhelming emphasis in the literature in Canada and New Zealand was on programs for Indigenous women that were developed and delivered either by the Indigenous communities or in cooperation with these communities. The programs were designed to heal and address problems relating to abuse of the women and reintegrate the women into their families and communities. Some of these approaches were,

- Women's centred Corrective Services approach.
- Pre and post release programs specifically designed for Indigenous women emphasising healing and addressing mental health problems.
- Indigenous alcohol and drug abuse rehabilitation and treatment programs in the community, as a community based correctional service and within prisons.
- Reintegration programs for Indigenous women prior to and on release from prison.
- Involvement of the local Indigenous peoples in all aspects of the Corrective system as full partners.
- Indigenous women's work camps and healing centres.

- Systems and facilities which would enable them to maintain their relationships with their children and their families during the time they were separated.

Summary of Issues and Innovations for Indigenous Women in the Community Corrections Systems

Without the benefit of engaging with Indigenous women, their families and their organisations about their experience of the Community Corrections system it is almost impossible to provide any insights. However, it is possible to make a few informed guesses based on the experience of Indigenous women in the prison system. They are;

- The majority of community corrections programs and services are located in the metropolitan area when 43% of all Indigenous women prisoners are from rural and remote areas. This means that it is highly likely that rural and remote area Indigenous women are poorly served by community corrections.
- Community corrections programs and services are located in regional centres in rural and remote areas. Access by those women not living in these towns is difficult because of poor transport services.
- In rural and remote areas Indigenous women are not offered the variety of community corrections programs and services suited to their diverse needs.
- The small number of Indigenous women accessing community corrections services means that the programs are not designed for their needs.
- There are few alcohol and substance misuse services suitable for Indigenous women and their children and an even smaller number are located in rural and remote areas.
- Indigenous women with mental health problems are largely unsupported in the community.
- Community corrections programs do not offer opportunities for Indigenous women to address the results of family violence on them as children or adults.
- Little or no Indigenous community involvement in the development of community corrections programs.
- Small numbers of female Indigenous community corrections staff which limits accessibility by some Indigenous women.
- Community corrections programs suffer from under funding in comparison to prison based services.

Community Correction services for Indigenous women will be successful if they are adequately funded, developed in conjunction with local Indigenous people

and organisations, and flexible and innovative. If the development is carried out carefully and professionally in partnership with Indigenous people there will be substantial reductions in the rates of incarceration of Indigenous women, simply because the high level of need will be addressed prior to incarceration.

Australia

Introduction

As at March 2004 the incarceration ratio of Indigenous to non-Indigenous women was 20.8, that is Indigenous women are incarcerated at a rate of twenty times that of non-Indigenous women. In 2003–04, the Indigenous community corrections rate was ten times higher than the rate for non-Indigenous offenders, at 2717 per 100,000 relevant adult population compared with 259. (AIC:2006)

Prior to the Royal Commission into Aboriginal Deaths in Custody (RCIADIC) 1988 to 1991, the issue of Indigenous women in prison received scant attention. Although 339 recommendations were made in the final RCIADIC report, none specifically related to the 11 Aboriginal women who died in custody during the investigation. (Queensland Anti-Discrimination Commission:2006)

Two themes emerge from the literature on the Criminal Justice system in Australia, Indigenous women are a small group who are poorly catered for within the Corrective Services system and there is a need for specific holistic services for Indigenous women designed to address the problems that contributed to their offending.

Identified Problems for Indigenous Women

Previous *Social Justice Reports* by the Human Rights and Equal Opportunity Commission's Social Justice Commissioner have noted the apparent invisibility of Indigenous women to policy makers and program designers in a criminal justice context, with very little attention devoted to their specific needs and circumstances. (Social Justice Report 2004)

The Social Justice Commissioner finds that there are two main reasons for this.

- Small number of Indigenous women in prison in each state or territory.
- Indigenous women receive services "which are designed for Indigenous men or through the operation of mainstream services for women." (Which are not culturally specific). (Social Justice Report 2004)

The Social Justice Report for 2004 concludes that:

"The criminal justice system is extremely poor at dealing with the underlying causes of criminal behaviour and makes a negligible contribution to addressing the consequences of crime in the community. Policies and programs provide relatively little attention to the high rate of Indigenous victimisation, particularly through violence and abuse in communities."

Recommended Improvements

The recommendations or suggestions made in the various reports are;

A **unique approach** to Indigenous women's services in prison - Indigenous women's services in prisons "must be approached in a different way" and "need to respond to the circumstances of Indigenous women holistically." (Social Justice Report 2004) There needs to be a fundamental commitment to ensuring that services are provided with and for Indigenous women whilst they are incarcerated, and tailored to specific needs of individual Indigenous women. (Kilroy:2005)

Community release needs of Indigenous women are;

- Accommodation or housing including halfway houses, satellite units, supported independent living.
- Financial support and training and employment assistance.
- Personal development and support including bridging and facilitating familial and community contact which includes grief and loss counselling, access to mental health drug and alcohol support, access to child care and support, peer and community support and job training. (Kilroy:2005)

Effective community involvement needs to be facilitated whilst incarcerated , including "work release options, programming facilitated by community escorts, programs for healing and personal development and allowances like work release and leave of absence". (Kilroy:2005)

Healing programs for Indigenous women exiting prison – "Processes for healing were seen as having the potential to increase the health and wellbeing of Indigenous women, with a possible outcome of this being reductions in rates of involvement of Indigenous women in criminal justice processes." "Indigenous concepts of healing are based on addressing the relationship between the spiritual, emotional and physical in a holistic manner." (Social Justice Report 2004)

Western Australia

Introduction

It seems that much work has been done by the Office of the Inspector of Custodial Services on this subject and they have researched and published reports that have comprehensively covered the issues associated with Indigenous women in the prison system. Much of the information for this section is taken from the Inspectorates reports, as well as the Mahoney Report 'Inquiry into the Management of Offenders in Custody and in the Community' and internal Department of Corrective services reports.

In Western Australia, 52.4 % of the female prison population were Aboriginal (June 2005). Aboriginal women are 40 times (national average 19) more likely to be in prison than non-Aboriginal women. (Office of the Inspector of Custodial Services:2005:6)

The reports on Western Australia stress the systemic discrimination against Indigenous women in the system designed for white males and there is a need for "innovative and supportive services" designed for Indigenous women.

Identified Problems for Indigenous Women

The following are the problems for Indigenous women in the prison that are identified in the various reports;

Security Classification of Indigenous Women - The Office of the Inspector of Custodial Services (2005:17 - 26) reported that;

- The security classifications are applied in a blanket manner and do not discriminate for culture or gender.
- Aboriginal women prisoners experience an additional layer of marginalisation that is often reflected in the security regimes imposed upon them.
- All women, regardless of their security rating, experienced additional barriers and procedures designed to keep women away from male prisoners.
- Minimum-security women at Eastern Goldfields were thereby triply 'secured': first, because they were held in the same section and under a similar regime as the secure women, second because the prison as a whole has been fortified beyond metropolitan standards for a minimum-

- security prison and third because they were women and segregated from men by differentially restrictive arrangements.
- There is a lack of research or literature on the security needs of the Western Australian female prisoners or Indigenous prisoners. The classification system in WA is applied to all prisoners regardless of race or gender.

Salomine (2005) in her article "Addressing the Needs of Aboriginal Women Prisoners and their Families in Western Australia" concurs and she found that the women prisoner population was "generally low risk – high need" and that "investigations revealed that women's correctional management demanded approaches substantially different to those applied to male offender populations" She concludes "Where male orientated or gender neutral approaches were imposed on women these approaches invariably failed with continuing re-offending, social and economic exclusion and erosion of family cohesion."

Programs - Mahoney (2005) comments that "If women are a forgotten minority in the prison population then Indigenous women are further marginalised." The Office of the Inspectorate agrees saying that (para: 3.76) "the recent inspection revealed that there is very little available for Aboriginal women at Bandyup." They go on to say that "This lack of culturally appropriate services is also in conflict with the Department's own strategic plan for Aboriginal services."

Other comments are in the same vein saying that "a 'one size fits all' approach to programs and service delivery is unlikely to achieve positive outcomes" (Goulding:2004), "Aboriginal women are difficult to cater for due to funding restrictions" (Office of the Inspector of Custodial Services:2006), "a male based or normed classification system will negatively impact upon women" (Office of the Inspector of Custodial Services:2005:22), "instruments developed specifically for Aboriginal offenders can be more accurate than instruments developed overseas or for non-Aboriginal populations." (Office of the Inspector of Custodial Services:2005:26)

Condition of Indigenous Prisons - The Office of the Inspector of Custodial Services (2005:26) again provides clear statements about what they call 'Indigenous Prisons'. These are the four regional prisons of Broome, Roebourne, Greenough, Eastern Goldfields and the conditions in each are "are well below standards expected", "conditions that are markedly inferior to those of non-Aboriginal prisoners", "Each of these prisons has a population that is 75 per cent or more Aboriginal, yet, urban, white Australian values dominate the management of these prisons" and "these conditions would not be tolerated if non-Aboriginal prisoners were the majority". They conclude "It is in these four prisons that structural racism is most stark."

It is therefore concerning that 43% of all Indigenous women serve their sentences in these prisons. (Office of the Inspector of Custodial Services:2005:42).

Of the Bandyup Women's Prison, the Office of the Inspector of Custodial Services' Indigenous Reference group comments that "Indigenous women sent to Bandyup were lost". They also comment that "Women have no access to work camps and this was inequitable".

The Office of the Inspector of Custodial Services (2005:44) found that the "Regional prisons have been neglected for years" and that "regional Aboriginal prisons have been neglected by the Department of Justice". They record that "internal budget continues to allocate markedly less per prisoner place in the regions than in the metropolitan area." This is especially of concern as there is a higher cost of delivering services in rural and remote areas and to Indigenous clients. (See Commonwealth Grants Commission Indigenous Funding Inquiry)

Impacts of Imprisonment - Both Mahoney and the 2004 Social Justice Report make the comment that Indigenous women are subject to high levels of family violence, poverty, ill health, unemployment, abuse of alcohol and drugs, which results in an increasing rate of imprisonment. As many Indigenous women are mothers and or carers (60% of women received into Western Australian prisons are Indigenous and 70% of that group are mothers) their incarceration "potentially expose(s) children to the risk of neglect, abuse, hunger and homelessness" and compounds community instability. (Mahoney:10.114)

Recommended Improvements

The Office of the Inspector of Custodial Services leads the way in making recommendations in regard to the better treatment of Indigenous women prisoners and measures to reduce their rate of re-offending. The recommendations are;

Women's Work Camp - There is a need for "innovative and supportive services that included a women's work camp and enabled the children of women to be accommodated with them during the later stages of the custodial period." Such a work camp should be closer to a "pre-release centre" (Office of the Inspector of Custodial Services:2005:87, 132). In suggesting a work camp for the Eastern Goldfields, the Inspector of Prisons said it should

- Enable offenders their children and other family members where appropriate to live in.

- Facilitate programs which address offending, cultural, family, life skills and social needs of women prisoners.
- Provide links with relevant community justice, health and welfare services in the general community.

The Inspectorate (2006:28) says that the advantages of such initiatives in accommodating Indigenous prisoners close to home are that they can maintain regular contact with families and communities. They conclude, "The cost of this inability to imprison Aboriginal prisoners in their own lands can be measured in the distress of prisoners at their dislocation, the potential for 'acting up' and self-harm, and the impact such events have on prison staff, as well as the disruption and hardship to their families and broader community".

Indigenous overrepresentation – This can be reduced by;

1. Improving social supports and economic opportunities in rural and remote areas where many Aboriginal people reside.
2. Addressing residual structural bias in the criminal justice system. (Inspectorate: 2006)
3. Prison regimes need to be gender equitable and sensitive to the needs of women prisoners and be culturally appropriate to Aboriginal prisoners. Insp (2006:35).

Improve the Orientation Process – The Inspector (2006) comments that the "orientation process is key in helping prisoners adjust to a prison's regime. It is here that prisoners will learn behaviours expected of them, as well how to access prisoners services such as the canteen and the grievance system. For Aboriginal prisoners, an effective orientation process is one that is culturally and linguistically appropriate. Unfortunately many prisons have fallen short in this regard."

Prison Program's for Indigenous Women – These need to be specific to the needs of Indigenous women (Mahoney:10.123). This includes the development of a security assessment system "that takes into account the different risks inherent in female offending generally and in offending by Indigenous women in particular." (Mahoney:10.124) The programs should cover areas "that look at the underlying causes of violent offending such as substance abuse and domestic violence," and things like education and practical skills. "A suite of programs should also be made available at all prisons so that women do not have to be transferred to a facility away from their children and community to participate in a program." (Mahoney:10.134)

Development of women-centred prisons. The Inspectorate (2006) praises the developments at Bandyup saying that the prison has endorsed a number of principles which “embrace women’s needs as the primary driver of any activity that is to be included as part of the structured day regime:

- Women must be engaged in meaningful daily activities that contribute to their holistic wellbeing and rehabilitation.
- Women must be presented with opportunities in exercising personal responsibility in decision-making that address their individual needs.
- Within the structured day timetable, provision must be made for women to address their physical, psychological and mental health needs via health appointments and interventions.
- Within the structured day timetable, provision must be made to facilitate visits for women so that their links with the community, family and children can be nurtured and enhanced.

Victoria

Introduction

Two reports are utilised to provide information on the experience of Indigenous women in the Victorian Criminal Justice system. The first by Blagg et al, 'Systemic Racism as a Factor in the Over-representation of Aboriginal People in the Victorian Criminal Justice System' (Racism Report). This is a draft of the final report that was not released by the Corrections Victoria. The second is the report by the Aboriginal Justice Forum 'Victorian Implementation Review of the Recommendations from the Royal Commission into Aboriginal Deaths in Custody Review'. (Review Report)

As at March 2004 the ratio of Indigenous to non-Indigenous women incarcerated in Victoria was 16.4, that is Indigenous women are incarcerated at a rate of sixteen times that of non-Indigenous women. (2004 Social Justice Report)

In the two reports about the Victorian Criminal Justice system it was said that Indigenous women prisoners have a high level of unmet mental health need in a corrective services environment that lacks culturally appropriate counselling services and that there was a need for a much greater involvement for Kooris in the Criminal Justice system.

Identified Problems for Indigenous Women

The Racism Report largely provides the information for Koori women in the Victorian Prison system. They say that during their consultations that they saw around eleven prisoners which was the majority of Koori women prisoners. Issues of concern were;

- Such a small group gets left out.
- High unmet mental health needs with a lack of culturally appropriate counselling services. Mental health is linked to violence sexual abuse and addiction.
- There is a need for holistic drug treatment services rather than medication.
- It was alleged that medication was used to keep prisoners docile.
- Child care issues because of the disruptive elements of imprisonment.
- Problems of victimisation.
- Poorly served by agencies.
- Problems with attending funerals.

- The Phyllis Frost Women's Prison is a long way out of the city with no accessible transport so access to visitors is difficult.
- Programs offered are not culturally appropriate and do not incorporate healing.
- Relatively few Koori prisoners reach minimum security ratings.
- The Phyllis Frost Women's Prison is a maximum security prison and there are only 50 places at the women's open prison so most Koori women have to stay in maximum security.
- Limited reintegration services for Koori prisoners prior to and on release and few support structures.
- The community and elders need to be more actively involved in the prisons but because of their past offending they are often excluded.
- Insufficient numbers of Koori staff.
- Parole, Home Detention, Community based sentences are not designed for Koori people.

The Racism report pointed out that the underlying causes of over representation of Kooris' in the criminal justice system such as health; housing and employment simply had to be addressed before there would be far reaching and sustainable reductions in rates of over representation.

Recommended Improvements

The Review Report (Vol 1) provides some evidence of efforts made by the Corrective Service in Victoria in regard to Koori prisoners. It says that "CCS has invested resources in its endeavour to appropriately cater for the needs of Indigenous offenders. This has been achieved by the:

- development of a discussion paper for the supervision and management of Indigenous offenders by CCS;
- development of six Indigenous Community Corrections Officer (ICCO) positions;
- delivery of Aboriginal Cultural Immersion Programs in Prisons and CCS; and
- development and implementation of the Mentor Program for Aboriginal Women co-facilitated by Rumbalara in partnership with Shepparton CCS. (Review Report Vol 1)

Corrections Victoria (DOJ) also reported that Koori men's groups have been operating at Ararat (fortnightly) and Barwon (weekly) Prisons for some time. The meetings provide an opportunity for discussion of issues and for cultural, art and craft activities. The Ararat groups includes meeting around a fire pit on

occasions. Commencing in April 2004, Barwon Prison has also introduced a monthly meeting between Koori prisoner representatives, the AWO and Prison Management to discuss any issues relevant to Koori prisoners. A fortnightly meeting is held at DPFC between Koori women prisoners and visiting Elders.

The Racism Report also acknowledges the work done by Corrections Victoria to “innovate to meet demands made by Indigenous prisoners in a culturally appropriate fashion and already has some high quality deeply committed Indigenous workers in correctional facilities.”

Kooris on the other hand have;

- Expressed considerable support for initiatives designed to enhance links with Indigenous culture.
- Supported holistic healing type programs to address trauma and additions.
- Asked for greater links with the elders in prison programs.
- Requested easier access for funeral leave.
- A need for culturally appropriate mental health programs.
- Said more Koori workers in prisons are needed.
- Asked for improved access to pre and post release community based programs designed to reintegrate prisoners into their families.

New South Wales

Introduction

Most of the information on the experience of Indigenous women in Corrective Services system in NSW is taken from the report *Speak Out, Speak Strong* by the NSW Aboriginal Justice Advisory Council (2002) and the report of the NSW Legislative Council Standing Committee on Law and Justice. The *Speak Out, Speak Strong* report is based on a comprehensive survey of Indigenous people either in prison or who have been in prison in NSW. There did not seem to be other reports dealing with Indigenous people and the Criminal Justice system.

As at March 2004 the ratio of Indigenous to non-Indigenous women was 31.9, that is Indigenous women are incarcerated in New South Wales at a rate of close to thirty two times that of non-Indigenous women. (2004 Social Justice Report) The proportion of Aboriginal women in prison has increased 14% since 1995. (NSW Aboriginal Justice Advisory Council:2002)

These reports found that Corrective Services programs were hard to access by Indigenous people and women, especially those living in non-metropolitan areas. They strongly recommend the provision of services to Indigenous women that will assist in preventing them from re-offending.

Identified Problems for Indigenous Women

Whilst the NSW Legislative Council Standing Committee on Law and Justice (2006: xii - xvii) does not comment specifically on the plight of Indigenous women in the justice system they do make a number of findings which indicate that Indigenous women are more likely to be disadvantaged as they are more likely to live in rural and remote areas of NSW. They found that;

- Considerable gaps in the availability of community based sentences in rural and remote parts of NSW.
- Aboriginal offenders and women are the most disadvantaged in the criminal justice system.
- The lack of availability of a full range of sentencing options in all parts of NSW impacts disproportionately on disadvantaged groups.
- When community based options are available disadvantaged offenders face considerable barriers to accessing these options including restrictive eligibility criteria and the lack of appropriate support services to assist them to complete community based sentences.

- Concern was expressed about the impact of the lack of home detention in rural and remote areas on female offenders.

Recommended Improvements

The NSW Aboriginal Justice Advisory Council (2002) report makes the following suggestions and recommendations in regard to Indigenous women in prisons.

Education - The survey results show clear potential for Aboriginal women to engage in formal education within the prison system and that it is an avenue to attempt to remove people from the cycle of offending and prison that they appear to be in.

Employment – If the number of Aboriginal women in prison is to be reduced then options must be developed which provide for a regular paid income for Aboriginal women that can substitute for income earned through crime.

Drug Abuse - It is clear that if there is to be intervention to reduce Aboriginal women in prison, that intervention must tackle drug, and in particular heroin addiction and that it must address the sexual and physical abuse experienced by those women. It is clear from this study that unless the abuse experienced by Aboriginal women is effectively addressed they will continue with their drug use and continue to offend.

Physical and Sexual Assault - There is strong potential for services to be offered to Aboriginal female juvenile offenders to assist them to deal with the effects of physical and sexual assault. As this study has clearly identified sexual and physical violence as being a key factor underlying the drug use and thereby the offending of many Aboriginal women it must be addressed early to halt the potential cycle of drug use and offending that has characterised the lives of many of the Aboriginal who participated in this study.

Community Involvement - The women who participated in this study clearly stated that they would be responsive to community based justice mechanisms. Many said that their own elders should be involved in their sentencing, and that having their own people involved would make sentences have a greater impact on them and be more relevant to their circumstances

Queensland

Introduction

The information on the situation for Indigenous women in the Queensland Criminal Justice system is taken from two main sources, the Queensland Anti-Discrimination Commission's (ADCQ) report 'Women in Prison' (2006) and the report for Sisters Inside 'A Black Woman and a Prison Cell - Working with Murri Women in Queensland Prisons' by Lucashenko and Kilroy (2005)

As at March 2004 the ratio of Indigenous to non-Indigenous women was 12.0, that is Indigenous women are incarcerated in Queensland at a rate of close to twelve times that of non-Indigenous women. (2004 Social Justice Report) As at 30 June 2005, 26.5% of all female prisoners in Queensland were Indigenous, yet Indigenous people represent only 3% of the population. In 2004-05, women constituted just 6.7% of the total prison population in Queensland. (Queensland Anti-Discrimination Commission:2006)

It is concluded by ADQC that "there is a strong possibility of systemic discrimination occurring in the classification of female prisoners, particularly, those who are Indigenous." Both reports say that that Indigenous women in prison are likely to be mothers or carers and that "fears of what is happening to their kids while they are inside is a prime stress factor". They stress the importance of supporting family links and reintegrating Indigenous women within their communities.

Identified Problems for Indigenous Women

ADCQ identify the following issues for Indigenous women in Queensland prisons;

- There are legitimate concerns that classification instruments and procedures may result in over-classification of women prisoners.
- Children's needs are inadequately addressed. The Queensland Government explicitly acknowledges that the best interests of children are paramount, but this is not reflected in sentencing decisions affecting women, or in the treatment of women and their children in prison.
- Mental health issues are often ignored. Many women with mental illness are inappropriately detained in prison while their mental health needs are left unattended.
- Indigenous women are especially at risk of discrimination in prison. The prison system does not adequately attend to the unique needs of

- Indigenous women, despite providing a wide range of programs that cater for specific needs of female Indigenous prisoners.
- Indigenous women, who have a higher recidivism rate than non-Indigenous women, may more frequently fall under classification criteria that result in higher level classifications than other female inmates.
 - Discriminatory decisions can result from unjustified and unfair assumptions being made about the risk levels of individuals from certain minority groups, which are based on criteria that are unreliable.
 - Over-representation of Indigenous women at the high security classification level.
 - Lower levels of access of Indigenous women to conditional and post-prison community-based release than non-Indigenous women.
 - Potential indirect discrimination that may be occurring by imprisoning Indigenous women so far from their families.
 - Inadequacy of existing programs for Indigenous women that attempt to address and reduce the chances of re-offending, given the significantly higher recidivism rates of Indigenous women.
 - Indigenous women have far less access to community custody facilities. There are no community custody facilities for women in the north of the state and access to community custody in South East Queensland is low for Indigenous female offenders. There are a number of community custody facilities for Indigenous males in the northern region.
 - There is a strong possibility of systemic discrimination occurring in the classification of female prisoners, particularly, those who are Indigenous. This view is based on a greater proportion of Indigenous women compared with non-Indigenous women who receive high level classifications; likely inadequacies and inconsistencies of the on-the-job training of officers performing the risk measuring role; and the lack of research justifying the integrity of the risk measuring tool, especially for women and prisoners from minority groups.
 - The integrity of the classification system for Indigenous women must be able to be justified against credible research to show that accurate and reliable measures are being used. To date, the integrity of the current classification system as a measuring tool has not been demonstrated to the ADCQ.

ADCQ state that a “key factor in the disadvantage faced by prisoners in Queensland’s rural and regional prisons is the lack of professional services provided, particularly in the areas of psychological services, counselling services (whether prison or community based) and educational facilities.”

Lucashenko and Kilroy (2005) identify the use of strip searches of Murri women “as a tool of dominance and abuse”. Whilst they say it is justified by the authorities as necessary, strip searches are a “terrifying and humiliating

experience" for Murri women who have been sexually abused or raped. For evidence of this they refer to the *Queensland Women Prisoners' Health Survey* which indicates that a "high number of female prisoners report sexual abuse prior to the age of 16 years (37%). An even higher number reported some form of non-consensual sexual activity (42.5%). In a number of cases, the abuse occurred before the age of 10 years (35%)."

Both Lucashenko and Kilroy and ADCQ identify that Indigenous women in prison are likely to be mothers or carers and that "fears of what is happening to their kids while they are inside is a prime stress factor. Lucashenko and Kilroy say that "For these women, the knowledge that they are in prison, powerless to stop their kids being raped or bashed is almost unbearable."

According to Pereira (2001) other areas of disadvantage include lack of access to the following;

- Legal advice and information,
- Halfway houses (release to work facilities),
- Parole, home detention,
- Phones,
- Families in particular in times of crisis,
- Mental health and crisis support facilities, and
- Lack of accommodation of cultural differences in the case of prisoners from remote communities.

Recommended Improvements

The recommendations made by Lucashenko and Kilroy (2005) are;

Activities - Prisons should ensure that Murri women have access to activities that will interest, challenge, and reward them. They suggest that Art has traditionally been a very popular activity with Murri prisoners and it is a healing activity.

Culturally sensitive counselling services to assist Murri women to address drug abuse and to recover from domestic violence; removal as children; the removal of their own children from their care; sexual assault and other "normal" traumas of Aboriginal life.

Employment is another key issue; jobs contribute heavily to self-worth, and provide non-drug activity to help the rehabilitation process. They also

provide income, and help break the cycle of poverty, drug use, and imprisonment.

Aboriginal housing - Overcrowding contributes to domestic violence; general stress levels; child abuse including sexual abuse due to inappropriate sharing of space; and puts further strain on women as care-givers and nurturers.

Community Interaction - Rather than aligning prison classification with infrastructure, an emphasis should be placed on all women's correctional facilities being situated and designed to enhance community interaction, with an aim of successfully returning the prisoner to the community. Female prisoners should be located as close as possible to their homes and families.

Placement of Mothers Near Children - The highest priority should be given to the interests of children in determining the placement of mothers serving full-time sentences.

Work Camps - The Warwick Women's Work Camp appears to have achieved commendable results in rehabilitating women prisoners with the assistance of dedicated and talented staff who manage programs and activities that promote self-esteem, personal skills including living and inter-personal skills, teamwork, and a variety of job skills. ADCQ supports the extension of the work camps to south east and north Queensland.

The ADCQ makes the following recommendations and suggestions;

Proactive approach to address Indigenous women's needs - Indigenous women need equal opportunities to benefit from safe and secure custody, rehabilitation and reintegration back to their community. This requires the provision of correctional services that address their unique needs.

Spiritual, emotional and physical healing and wellness - Emerging evidence from overseas, primarily from Canada and New Zealand, indicates that addressing the healing needs of individuals and communities has a positive impact on reducing the over-representation of Indigenous peoples in criminal justice processes. Healing has emerged as a significant process for empowering Indigenous communities and creating improved partnerships to address the legacy of family violence and abuse.

Attendance at funerals - RCIADIC recommended DCS give recognition to the social kinship and family obligations of Aboriginal prisoners which extend beyond the immediate family, and give favourable consideration to requests for permission to attend funeral services and burials and other occasions of very special family significance.

Racism - Indigenous women complained of some prison officers holding racist attitudes towards them:

"I feel racism in prison as guards take the word of the white girls against us, and officers speak down to Aboriginal women from Aurukun and Kowanyama. Speak down to them like little kids or because they think they're stupid. They're not stupid."

Family contact - Women in Townsville were concerned that video link ups that used to be free now have to be paid by the prisoner or her family, or that their community has to raise funds for link-ups to occur.

Prison placement - The issue of placement of Indigenous prisoners within the prison was raised: All Aboriginal women are put into one block when there could be personal and family issues. Some Indigenous women don't want to be in an all Murri block.

Northern Territory

No reports dealing with the experience of Indigenous women in prisons in the Northern Territory could be located.

As at March 2004 the ratio of Indigenous to non-Indigenous women was 4.7, that is Indigenous women are incarcerated in the Northern Territory at a rate of close to five times that of non-Indigenous women. (2004 Social Justice Report) This much lower rate of overrepresentation is due to the significantly higher number of Indigenous people in the Northern Territory.

The Social Justice Report (2004) comments that the Northern Territory does not provide any specific post-release programs to Indigenous women exiting prison. The Department has recently developed the Reintegration after Prison Program (RAPP). "The service aims to provide practical assistance to ex-prisoners by helping them plan for their release as well as assisting with immediate post-release needs, such as organising Centrelink payments, banking, getting identification and so on."

South Australia

Unfortunately no reports could be found on Indigenous women in the South Australian Corrective Services system. The Social Justice Report (2004) however comments that the " Department of Correctional Services (DCS) SA, Aboriginal Services Unit and the Community Corrections Division in partnership with Aboriginal Hostels Unit have developed a Prison Release and Diversion Hostel specifically for Indigenous women. This is the only Indigenous female specific program available in SA. According to the DCS 2002/03 Annual Report, the Department was planning to implement a Throughcare program, similar to the Throughcare programs implemented in Western Australia and New South Wales."

As at March 2004 the ratio of Indigenous to non-Indigenous women was 16.0, that is Indigenous women are incarcerated in South Australia at a rate of close to sixteen times that of non-Indigenous women. (2004 Social Justice Report)

The South Australian Department for Corrective Services Annual Report for 2005 – 6 paints a similar to that of the Northern Territory where 9 out of 38 female sentenced prisoners are Indigenous and that all women represent about 10% of all the sentenced prisoners. Again Indigenous women are a very small group within the system.

New Zealand

Introduction

New Zealand is often referred to as being one of those progressive countries who have developed innovative social and correctional programs especially in partnership with the Maori and Islander peoples. The family group conferencing approach developed in the early 1990s is an example of this innovation.

However, there seems to be little difference between New Zealand and Australia in its treatment of Indigenous women in the criminal justice system in that Maori women are over represented in the prison system, they are a small group that is not well served by the system that caters for the predominantly male population. It is interesting that there seems to be little written about Maori women in the criminal justice system.

Maori make up 14 percent of New Zealand's total population and yet they make up over half of the prison population. Pacific Peoples make up about 6.5 percent of New Zealand's total population, but they are over 11 percent of the prison population. (Smith and Robinson:2006)

Identified Problems for Indigenous Women

Like other jurisdictions there seems to be little written on the experience of female Indigenous New Zealanders in the prison system. The situation in Australia would suggest that the experience of non-Maori women is generally indicative of that of Maori women without reference to the cultural differences.

Smith and Robinson (2006) report that "Once in prison very little is offered by way of work, training, addiction or other rehabilitative programmes." They say that "In 2004/05 only 141 inmates underwent a residential drug and alcohol program, only 31 percent of inmates were in employment and the majority of these were employed for only a few hours per day."

They go on to comment that "Little is done to assist the approximately 8,000 inmates who are released from prison every year. A limited number of reintegration officers and community organisations are available to assist some inmates, but these resources are stretched." They conclude that the "lack of rehabilitative and reintegrative assistance results in high levels of recidivism." Many prisoners have alcohol and drug problems and there is little early

intervention and programs are only "available to inmates with a minimum or low-medium security classification."

Whilst there are five male Maori specific units and these seem successful, the places are limited and there is no Pacific People's unit. Smith and Robinson say that "outside of these five units there is very little focus on turning around the disproportionate number of Maori men in prison." There are no Maori women specific units.

In regards to women in the New Zealand prison system Collie and Polaschek (2003) comment that it is similar to other jurisdictions where "security classification systems were first developed with male prisoners and then applied to women" and they say that these systems "over classify women." Kingi (2000) says the difficulties identified for men "are exacerbated for those women in prison who have children. Separation of a mother and her children can have negative effects on both parties and pose problems for the successful reunion of the family on the mother's release from prison."

She says that "the primary focus of the women's concerns were the needs of their children and families. Women voiced concerns about:

- re-establishing relationships with their children;
- regaining custody of their children;
- their children becoming distant with them;
- problems with their children's health;
- their children's behaviour and emotional state;
- problems with children's schooling;
- their lack of knowledge of caregivers;
- how families were coping financially;
- their children getting negative messages about them from others (caregivers/others in community);
- not being able to support adult children/grandchildren; and
- things being kept from them by caregivers. (Kingi:2000)

Recommended Improvements

New Zealand Government agencies have pioneered the development of models in partnership with Maori to address a number of issues. One featured in the 2004 Social Justice Report is *Kia Piki Te Ora O Te Taitamariki*, 'Strengthening Youth Wellbeing'. Whilst this program does not deal with Maori women in prisons it does give an idea of the Maori healing model. The Social Justice report outlines a number of key parts of the strategy;

- A cornerstone to this strategy is the strengthening of Maori culture through the use of traditional healing practices, acknowledging the impacts of colonisation on Maori culture, the use of Elders and the Maori community in supporting its young people.
- Holistic response, incorporating the spiritual, social, mental and emotional and physical to the suicide prevention needs of Maori young people.
- Incorporates the whole of community in its response is very closely linked to the framework of restorative justice.
- Improving support for 'by Maori for Maori' service providers and programs'. This component recognises the importance of building on and harnessing the capacity of Indigenous people to address issues of suicide prevention.

Kingi suggests a number of things to assist women in prisons in her paper and says that whilst the interviews took place over an extended period that the issues needing change remained constant. The ideas for improvements from mothers were;

Maintenance of Relationships - Women in prison (and those released from prison) articulated a need for systems and facilities which would enable them to maintain their relationships with their children and their families during the time they were separated. Suggestions included:

- family oriented visiting programs;
- mother and baby units;
- subsidised (or even free) phone calls;
- assistance to families to visit; and
- support for caregivers: financial, practical and emotional.

The women thought that the imprisonment of mothers should be used as a last resort and that, if utilised, women should be placed in prisons close to their children and families. The concept of mixed prisons did not concern the women unduly provided they were closer to their children and provided that the sexes were segregated within such facilities.

The Provision of Information and Prison Programming - The women saw a need for prisons to provide them with comprehensive information on their rights and privileges as prisoners and to provide programs which would prepare them for release into the community for living with their children again.

Post-Release Support Systems - The women said that there was a need for post-release support systems for women who had been in prison where they could access practical and financial assistance or advice, and emotional support. This

was seen to be especially important for those women whose only friends were involved in the drug or criminal lifestyle. It was suggested by the women that possibly this support role could be filled by ex-prisoners.

Canada

Introduction

The strength of the Canadian literature on the experience of Indigenous women in the Criminal Justice system is in the focus on prisoner's human rights, on re-integration and on healing of Indigenous offenders within their own communities. There is limited information on the levels of over representation of Indigenous women.

Canadian Aboriginal persons are over-represented throughout the whole criminal justice system, from the point of arrest through to incarceration. While Aboriginal people account for approximately 3% of Canada's population (Statistics Canada, 2001), Aboriginal offenders account for approximately 18% of the population incarcerated in Federal correctional facilities. Most (73%) Aboriginal offenders are classified as medium security and for Aboriginal women this is even higher. (Webster and Doob:2004). Aboriginal over-representation in the correctional system is getting worse with an 85% increase of Aboriginal women in custody since 1996. (Canadian Correctional Services)

Identified Problems for Indigenous Women

The problems for Indigenous Canadian women in the prison system can be summarised under the following headings.

Prison System is Designed for Men - Parkes and Pate (2006) report that the Canadian prison system is designed and managed for males saying that "reports dating back to 1938 have highlighted ways that women have been disadvantaged, treated unfairly and essentially penalised for being under represented in the prison system."

Higher Security Ratings for Women - Parkes and Pate (2006) also note "that women are a relatively low risk to the community but have been subject to more restrictive confinement than men. The welfare of women prisoners was secondary to that of the larger male population." Webster and Doob (2004) concur with this statement. The Correctional Services Canada (CSC) report of the Expert Committee says that "CSC's Security Reclassification Scale for Women was implemented in September 2005 and is valid and reliable for Aboriginal women offenders." They go on to say that "Despite this evidence, concerns have been raised that the CRS does not include variables specifically relevant to women such as relationships, abuse, mental health and parenting issues."

Declining Conditions for Aboriginal Women - The conditions for Federally sentenced Aboriginal women is particularly dire and is getting worse rather than better." They are;

- Overrepresented in the maximum security population.
- Less likely to be designated as minimum security.
- More likely to be segregated for longer periods. (Parkes and Pate:2006)

Low Numbers - Parkes and Pate (2006) cite a report by Justice Arbour (1996) who states that "the relatively small number of Federally sentenced women, combined with the generally low risk women posed to the community must be seen as an opportunity to pilot innovative programs and initiatives."

Over Representation of Aboriginal Women – The Correctional Services Canada (CSC) report of the Expert Committee found that the "Aboriginal women's disproportionate representation in the justice system is a reflection of longstanding systemic issues that go well beyond the capacity of CSC alone to remedy." .

The ground breaking report with regard to women in Canada in Federal Prisons was the 1996 Arbour Report. That report was clear in its findings that "CSC did not follow the spirit, nor the letter, of the law at various times over the course of the incidents at Prison for Women in 1994." (CSC:Status Report) The Arbour report has driven the many reforms to the CSC system since then which are embodied by the statement that;

"Prison life, by its very nature, compromises privacy, mobility, assembly and association rights. It removes and separates offenders from society, considerably restricting their contact with family, friends and the outside world. However, apart from the loss of liberty, offenders do not forfeit their right to be treated with dignity and humanity". (Status Report)

Recommended Improvements

The Canadian Correctional Services system is now viewed, according to the Deputy Commissioner for Women, "as a world leader in women's corrections". She says that this "has been affirmed in the correctional literature and by our international counterparts from various correctional jurisdictions, particularly those who visit CSC's women's institutions with a view to learning from our operational model and experiences". (Status Report) Much of the successful reform has focused on adherence to human rights and healing and reintegration of women into their family and community.

The Correctional Services Canada (CSC) report of the Expert Committee says that CSC “plays a fundamental role in potentially reducing re-incarceration rates. It does so by partnering with other jurisdictions, departments, agencies and diverse Aboriginal groups and communities to develop integrated and targeted approaches which respect different Aboriginal cultures and focus on healing and safe reintegration initiatives.”

Healing Lodges - The Australian 2004 Social Justice Report says that “Healing has formed an important part of alternative approaches for Indigenous involvement in the Criminal Justice systems of Canada since approximately 1995. Healing has been acknowledged as an important process for addressing offending behaviour with the establishment of ‘healing lodges’ by the Correctional Service of Canada and various provincial governments. Healing lodges are a form of correctional facility, as opposed to forming a response following the release of an Aboriginal offender. They recognise, however, that a continuum of support is necessary from the point of incarceration through to the point of reintegration into the community.”

The Okimaw Ohci Healing Lodge (opened in 1995) is the first centre for Indigenous Canadian women and has meant that they are;

- Less likely to re-offend after their release.
- More prone to lead law abiding lives upon completing their residency requirements at the Lodge than was the case years earlier, when the Federally sentenced women were far removed from their home territories and their communities. (2004 Social Justice Report)

The characteristics of the Okimaw Ohci Healing Lodge (OOHL) are;

- Traditional healing practices in a culturally relevant environment marked a complete shift in correctional approaches for Aboriginal women offenders. The offender population of OOHL includes women classified at the minimum and medium-security level.
- OOHL was developed by CSC in close partnership with Aboriginal people. The Operational Plan and facility design that evolved focused on the importance of nature in Aboriginal culture, the need for privacy in healing, community interaction and Aboriginal specific intervention strategies.
- In the years leading up to the opening of OOHL, a vast amount of work had been accomplished under the leadership of a Planning Circle which was comprised of representatives from CSC, Elders and other members of the Aboriginal community. The Planning Circle initiated the development of a comprehensive plan for staff selection, training and program development for the Healing Lodge. The staff selection process

emphasized the recruitment of Aboriginal employees and working with Aboriginal communities.

Trevethan, Moore, Allegri (2005) and others stress the importance of "Aboriginal language, culture, teachings or ceremonies", and "these core aspects of Aboriginal identity appear critical to the healing process." They go on to say that it is "important to provide Aboriginal offenders with the opportunity to participate in programs that introduce Aboriginal culture and spirituality or allow them to continue to develop their understanding." They cite studies by Johnston (1997), Mals, Howell, Day and Hall (1999) that emphasise that "Aboriginal offenders said they are more trusting and comfortable with Aboriginal facilitators, especially spiritual leaders and Elders."

Trevethan and Crutcher (2002) in their examination of Healing Lodges found that;

- There are currently (as at 2002) six healing lodges in operation in Canada for Federal offenders. Two healing lodges (Okimaw Ohci and Pê Sâkâstêw) are managed by CSC. The remaining four healing lodges (Stan Daniels, Ochichakkosipi, Wahpeton and Waseskun) are managed by Aboriginal agencies and/or communities.
- Although healing lodges share a number of characteristics, there is also a great deal of diversity. CSC managed lodges focus on traditional Aboriginal ideologies but are considered minimum-security CSC facilities. Aboriginal-managed lodges operate within certain guidelines as outlined in their contracts with CSC. However, they do not necessarily maintain the structured approach of a CSC facility.
- Some offer structured programs while others do not offer programs per se, but instead offer in-depth individual counselling.
- The majority (80%) of healing lodge residents interviewed said they were very satisfied with their experience at the healing lodge. Important aspects included Elders, access to sweat lodges, cultural activities, as well as access to outside activities.
- It is clear that there are many positive aspects of healing lodges. Many of the lodges are located in beautiful physical settings that may aid offenders along their healing path. The environments appear to be conducive to relaxation, which may allow offenders to open up emotionally and begin dealing with the factors that have contributed to their criminal behaviour.
- One of the more striking findings comes from offenders who were fairly ambivalent about Aboriginal culture or traditions prior to coming to the lodge. Once they had an opportunity to learn about their culture, it greatly enhanced how they viewed themselves and others, as well as their behaviour.

- In addition to feeling at ease at the lodge, many offenders reported feeling more comfortable with the healing lodge staff because the staff were predominantly Aboriginal, which ultimately may aid them in their healing process.

The Aboriginal Corrections Continuum of Care (Canadian Correctional Services) - The Canadian Correctional Services web site identifies Aboriginal Corrections Continuum of Care model. It was introduced in 2003 and was developed in consultation with Aboriginal stakeholders working with CSC to develop new approaches to addressing Aboriginal offender needs. Aboriginal community research indicates that the major factors contributing to Aboriginal offenders' success upon release are participation in spiritual and cultural activities, as well as programs (preferably delivered by Aboriginal people) and the support from family and community.

The steps in the Continuum are;

1. Starts at intake by identifying Aboriginal offenders and encouraging them to bridge the disconnect between them, their culture and communities.
2. Healing processes start in institutions to better prepare Aboriginal offenders for transfer to lower security and for conditional release;
3. Engages Aboriginal communities and involves them in accepting offenders back into their community and supporting their reintegration;
4. Ends with the establishment of community supports to sustain progress beyond the end of the sentence and to prevent re-offending.

Regional Women's Institutions – These are different to the Healing lodges but offer some of the healing and reintegrative services. The CSC Status Report says that "women offenders are accountable for their behaviour, interventions must take into account the social, political, economic and cultural context unique to women in society. CSC's reintegration efforts are designed to offer an increased number of pro-social choices to help women become law-abiding citizens."

Most of the regional women's institutions are designated as multi-level sites and, therefore, accommodate women classified at the minimum, medium and maximum security level. The design of the regional women's institutions is reflective of a community-living environment as recommended in *Creating Choices*:

- Stand-alone houses clustered behind a main building with staff offices, program space, a health care unit and a visiting area; an Enhanced Unit was also included as part of the original design with traditional cells and rooms for reception;

- Each house has communal living space, a kitchen, dining area, bathrooms, a utility/laundry room and access to the grounds; and
- There are up to 10 women per house, responsible for daily living needs: cooking, cleaning and laundry. (CSC:Status Report)

Conclusion and Recommendations

The position of Indigenous women in the Corrective Services systems of most Australian States and the Northern Territory, New Zealand and Canada seems to be the same in that they are;

- Over represented in the Corrective Services system in comparison to their numbers in the jurisdiction's total population.
- A majority within a minority small population of women within the corrective services system.
- Over classified by a security classification system designed for men.
- Poorly served by pre and post release programs either designed originally for non-Indigenous men or non-Indigenous women.
- Disadvantaged by limited access to community based sentencing options.
- Likely to be young, poor, have dependent children and others, abused, poorly educated and have an alcohol or drug problem prior to sentencing to prison.
- Likely to be worried about the care of their children and dependents whilst they are in prison.
- Likely to be incarcerated away from their family which limits in prison contact.
- Poorly orientated on arrival at prison.
- On release likely to re-offend because the factors that caused them to offend originally such as alcohol and drug abuse remain unaddressed.
- Largely forgotten in a prisons system struggling to meet the needs of male prisoners.

In Western Australia Indigenous women in prison share these characteristics and in addition over 40% of Indigenous women are likely to be incarcerated in substandard regional prisons with few programs to meet their needs or be lost within Bandyup Women's Prison system.

The jurisdictions of New Zealand and Canada have actively embraced the need to reduce the numbers of Indigenous women in the Corrective Services system by adherence to human rights, the development of healing centres and healing programs, the reintegration of women into their family and community, and the involvement of the Indigenous elders and organisations in the designing and operating programs in the prison system. The emphasis in healing centres and programs is on Aboriginal language, culture, spirituality, teachings or ceremonies. The Canadians have also created a senior position in their Corrective Services system responsible for women to advocate for women generally and Indigenous women in their system. In Australia, Queensland and WA are just beginning to embrace these practices with the Warrick Work Camp

for Women and women's access to remote area work camps, respectively in each state. However, in comparison to New Zealand and Canada the Australian jurisdictions have failed to fully embrace these approaches even though many reports over recent years including those listed above recommend such action. In support of the approach used in Canada and New Zealand White (2004) says " it is argued that community corrections has to be seen as an integral part of community building – a strategic means by which to translate social justice concerns and offender rehabilitation into workable practices and real life situations."

The review of literature found that there was a paucity of research on the needs Indigenous women in the corrective services system and in particular, on Indigenous women within the community based corrections system. This should not be taken to be a mandate to undertake research in lieu of action, rather there is sufficient evidence for there to be immediate action to address those deficiencies already identified. The much needed research should be part of this immediate action.

Recommendations

These recommendations are not new. They are repeated often in many reports examined by this review.

However, little was written about the issue of funding in other jurisdictions, it was raised by the Western Australian Office of the Inspector for Custodial Services in its report on the Regional Prisons. As such it requires some further explanation. In borrowing from the Canadian Correctional Services, the situation for the four regional prisons in WA could be said to breach fundamental human rights for all Indigenous prisoners and in particular Indigenous women.

These recommendations are made with the understanding that Western Australia is a large state with small regional population centres which increases the expense of providing equal services to all people within the Corrective Services system. It is suggested that the level of over representation of Indigenous people and specifically Indigenous women requires that there be a higher level of funding allocated to enable the development of community based, pre and post release services that are appropriate to the culture and history of each region in Western Australia. The Corrective Services system can play a key role in assisting Indigenous women to address the personal traumas and lifestyle problems that have led them into a life of offending. The key to success in the development of these new services is the active and equal involvement of the Indigenous community in each area, adoption of a holistic healing approach, local area specific services rather than state wide, location of Indigenous women

in prison close to home, and the development of a women focussed corrective services approach.

Indigenous Women's Healing Centres

1. That Indigenous Women's Healing Centres be established at each regional and the Bandyup Women's Prison with the mandate, funding and flexibility to work with Indigenous women and their communities to address their personal traumas, education, family, work skills, health, preparation for release and post release issues.

Work Camps for Indigenous Women

2. That Indigenous women's work camps should;
- Enable offenders their children and other family members where appropriate to live in.
 - Facilitate programs which address offending, cultural, family, life skills and social needs of women prisoners.
 - Provide links with relevant community justice, health and welfare services in the general community.

Indigenous Women's Security Classification System

3. That a specific Indigenous women's security classification system be developed and implemented as a priority. The Canadian Security Reclassification Scale for Women could be used as a starting point for this work.

Involvement of Indigenous Elders and Healers in the Corrective Services System

4. Indigenous elders and healers specific to each region should be actively involved in all aspects of the criminal justice system from the Aboriginal Justice Councils, to sentencing through the broadening of community courts options, design and delivery of in prison programs, involvement in pre and post release planning such as the "circle approach" to pre-release in Canada, and involvement in parole decisions.

Appendix – Statistics

Australian Statistics

The 2004 Social Justice Report by the Aboriginal and Torres Strait Islander Social Justice Commissioner documents the rate of incarceration of Indigenous women as follows.

Table 1: Indigenous women – rates of incarceration, March Quarter 2004²⁰

State/Territory	Number of Indigenous females in corrections	Rate per 100,000 for Indigenous females	Rate per 100,000 for females	Ratio: Indigenous to non-Indigenous females in corrections
NSW	178	489.4	2 22.1	31.9
Victoria	14	186.1	1 12.0	16.4
Queensland	76	202.7	22.0	12.0
South Australia	16	297.0	14.1	16.0
Western Australia	98	518.5	31.0	28.7
Tasmania	7	np	16.7	np
Northern Territory	12	68.1	1 29.5	4.7
ACT	–	np ²¹	10.5	np
Total	401	303.7	19.5	20.8

Other statistics are:

- 2000 Census says that in total women are only 6% of the Australian prison population. (Hogg:13:2002).
- Indigenous women are between 23 and 42% of the population of women in prison (Kilroy:2005).
- National statistical data reports that 77% Indigenous prisoners had been previously imprisoned. (Social Justice Report 2004)
- Indigenous women are invariably serving short sentences, many of which relate to fine default and to convictions for public order offences. (Social Justice Report 2002)

- Indigenous women in gaol are slightly younger than non-Indigenous women. The majority are aged between 20 and 30 years old. A majority of incarcerated women are mothers. (Social Justice Report 2002)
- Between 1993 and 2003 the Indigenous female prison population increased from 111 women in 1993 to 381 women in 2003. This represents an increase of 343% over the decade. (Social Justice Report 2004)
- 78% of Aboriginal women in prison have been victims of violence as adults. (Social Justice Report 2002), 89 percent of Indigenous women in prison have been sexually assaulted or abused, 98 per cent have experienced physical violence, 50 per cent were seized from their families as children by statutory authorities, 77 percent will return to prison after release." (Kilroy:2005)
- Four out of five Aboriginal women in custody believed that alcohol or drugs was an underlying issue in their offending with approximately 80% of participants responding in the affirmative. (New South Wales Aboriginal Justice Advisory Council) (Social Justice Report 2004)
- Community Corrections - The rate of community corrections in Australia is more than twice as high as the rate of imprisonment, and has been declining in recent years. In the five years to 30 June 2004, the Australia-wide rate of community custody has undergone a steady decrease, from 402.2 per 100,000 adults in 1999-2000, to 331.6 per 100,000 in 2003-04. Conversely, the rate of imprisonment has increased slightly, from 143.4 to 150.2 prisoners per 100,000 adults, in the same period. (AIC:2004)
- In 2003-04, the Indigenous community corrections rate was ten times higher than the rate for non-Indigenous offenders, at 2717 per 100,000 relevant adult population compared with 259. (AIC:2006)
- The community corrections rate for Indigenous people decreased between 2000-01 and 2002-03, from 2908 per 100,000 to 2534. However, in 2003-04 there was an increase over the previous year, rising to 2717 per 100,000 relevant adult population. (AIC:2006)
- The community corrections rate for non-Indigenous people declined by 17% in the period 2000-01 to 2003-04, from 313 to 259 per 100,000 non-Indigenous adults. (AIC:2006)

Western Australian Statistics

The following statistics on Indigenous women in prisons has been taken from a variety of reports including those of the Office of the Inspector of Custodial Services, Department of Corrective Services and the Mahoney Report. Together they build a picture of the overrepresentation, disadvantage and other factors contributing to offending of Indigenous women in the system.

Imprisonment

- 52.4 % of the female prison population were Aboriginal (June 2005). Aboriginal women are 40 times (national average 19) more likely to be in prison than non-Aboriginal women. (Office of the Inspector of Custodial Services:2005:6)
- Aboriginal women represent 58.4% of all adult females charged and 64.4% of all women received into prison during the 2005 year up from 43.6% and 56% respectively in 2003. (Department of Corrective Services:2006)
- Aboriginal offenders have a higher rate of recidivism than non-Aboriginal. (Office of the Inspector of Custodial Services:2005:2)
- In June 2005, there were 71 Aboriginal women (45 per cent of the total population) at Bandyup up from 30 in September 2002. (Inspectorate of Prisons:2006)
- 43% of female Indigenous women serve their sentences in the four regional prisons. (Office of the Inspector of Custodial Services:2005:42).
- Over one-third of the sentenced women were in prison for breaching release orders, with Aboriginal women displaying higher rates of non-compliance than non-Aboriginal women. (Department of Corrective Services:2006)
- Seven percent of non-Aboriginal women had no previous convictions or only one previous conviction whereas all of the Aboriginal women surveyed had at least one previous conviction. (Department of Corrective Services:2006)
- Rates of non compliance and re-offending continue to be lower for non-Aboriginal women (24%) than for Aboriginal women (45%). (Department of Corrective Services:2006)
- Two groups of Indigenous women are in prison, urban with strong kinship connections but questionable connections to mainstream society and repeat offenders. Aboriginal women from remote communities and regional towns with strong kinship and connections to community who are equally likely to be first time or repeat offenders. (Goulding:2004)

Health

- Diabetes continues to afflict Aboriginal women almost exclusively and this has been consistent across all three studies. Kidney and renal problems are also issues primarily for Aboriginal women. (Department of Corrective Services:2006)

Alcohol and Drugs

- A high percentage of women reported a link between their offending behaviour and their use of alcohol or drugs. The use of amphetamines prior to imprisonment has shown an increase in both Aboriginal and non-Aboriginal women. (Department of Corrective Services:2006)
- Sixty nine percent of women reported a connection between their offending behaviour and their use of alcohol or drugs, an increase from 2003 but comparable to 2001. Significantly less non-Aboriginal women (56%) reported a connection than did Aboriginal women (85%). (Department of Corrective Services:2006)

Age

- Just under two thirds of women surveyed (65%) were aged from 18 to 35 years of age. Overall the cohort of Aboriginal women was younger than that of non-Aboriginal women. (Department of Corrective Services:2006)

Language

- Thirteen percent of women identified an Aboriginal language as a main language, and of these almost half (44%) spoke only an Aboriginal language. (Department of Corrective Services:2006)

Child Welfare

- There was a larger difference in this study from the 2003 study in the proportion of non-Aboriginal women compared to Aboriginal women who had been a ward of the state at some stage during their childhood, 11% compared to 22% respectively. (Department of Corrective Services:2006)

Education

- 22% of non-Aboriginal women having not completed Year 10 compared to 48% of the Aboriginal women. Aboriginal women are less likely to have

undertaken post-school education than non-Aboriginal women. (Department of Corrective Services:2006)

Abuse

- Some form of abuse was reported by a higher proportion of non-Aboriginal women than Aboriginal women. Abuse as an adult was more common (81%) than abuse during childhood (60%) for both non-Aboriginal and Aboriginal women. Of the women who had been abused, 59% experienced abuse both as an adult and as a child. (Department of Corrective Services:2006)
- Aboriginal women reported physical abuse more frequently than other types. (Department of Corrective Services:2006)

Employment

- In the six months prior to imprisonment, 60% of non-Indigenous women and 88% of Indigenous women were unemployed. 51% one per cent of Indigenous and 7% of non-Indigenous women had never had a paid job. (Mahoney:2005: para 10.69)

Victorian Statistics

These statistics are taken from the Review Report (Vol 1 and 2);

- In ten year period from 1995 to 2004, Indigenous people held in Victorian prisons rose from 128 to 186 (up 45 per cent). (Review Report Vol 2)
- Indigenous prisoners made up 5.1 per cent of all prisoners in 2004, slightly less than the figure of 5.4 per cent ten years earlier. (Review Report Vol 2)
- The over-representation of Indigenous people in Victorian prisons makes them twelve times more likely to be held in prisons than non-Indigenous people. (Review Report Vol 2)
- Indigenous prisoners represent 6 per cent of the total population and are more likely to be on remand (that is unsentenced) than non-Indigenous prisoners. (Review Report Vol 2)
- In 1995 Indigenous female prisoners represented 6 per cent of total Indigenous prisoners and 5 per cent in 2004. (Review Report Vol 2)
- Daily average data (which is a more stable figure than the prisoner count on 30 June), clearly shows an increase in Indigenous female prisoners (up 150 per cent), compared to an increase for male Indigenous prisoners of 10 per cent. (Review Report Vol 2)
- Female Indigenous prisoners on a daily average basis in 2002-03 made up 9 per cent of all Indigenous prisoners, while in 1997-98 the proportion was only 4 per cent. (Review Report Vol 2)
- The Indigenous imprisonment rate in 1997-98 is 945.3 and has increased to 1,108.2 in 2002-03. (Review Report Vol 2)
- The proportion of unsentenced prisoners has increased from 50 per cent (141) of all Indigenous receptions into prisons in 1999-00 to 61 per cent (185) in 2002-03. (Review Report Vol 2)
- In terms of previous imprisonment, 70 per cent of Indigenous prisoners in 2003 and 2004 are reported to have already served a term of imprisonment (73 per cent for males and 30 per cent for females). (Review Report Vol 2)
- In terms of the age of prisoners, while there has been a general ageing of the prisoner population in Victoria, Indigenous prisoners tend to be younger. While the average age of all prisoners has increased from 33.5 in 1995 to 35.2 years in 2003, Indigenous prisoners are on average about 5 years younger. (Review Report Vol 2)
- While the proportion of sentenced Indigenous prisoners who are in maximum security prisons has remained relatively stable over the last five years, Indigenous prisoners are progressively more likely to be held in medium security rather than minimum security. Similar proportions of Indigenous and non-Indigenous sentenced prisoners are in maximum security (around 10 per cent). (Review Report Vol 1)

- Indigenous prisoners account for about 5 per cent of the total prisoner population and this proportion has remained relatively constant over the ten-year period from 1995 to 2004. (Review Report Vol 1)
- On the basis of population rates (per 100,000 people) Indigenous persons in 2002-03 were 12.2 times more likely to be in prison than non-Indigenous persons, a slight increase from 11.3 times in 1999-00. (Review Report Vol 1)
- The proportion of Indigenous persons entering prison who are unsentenced (that is, who have not received bail) has increased from 50 per cent of all Indigenous receptions into prisons in 1999-00 to 61 per cent in 2002-03. (Review Report Vol 1)
- Indigenous prisoners tend to serve more sentences for 'assault, break and enter (burglary)' and for Justice 'procedures' offences (which include breaches of court orders). In contrast, non-Indigenous prisoners are more likely to be serving sentences for 'murder, sex offences, robbery and drug offences'. (Review Report Vol 1)
- Indigenous prisoners served shorter sentences (in terms of median expected time to serve) than sentenced prisoners in general. This largely reflects the differences in the nature of the offences for which sentences are being served by Indigenous and non-Indigenous prisoners. (Review Report Vol 1)

In 2004 the average daily number of female Indigenous prisoners in Victorian prisons was 15. This represents a very small number in a very large population of over 3,500 prisoners. They are a very small minority that are clearly easily forgotten

Community Corrections - At 30 June 2001 there were 253 Indigenous offenders on Community Corrections Orders, rising to 373 at 31 March 2004 (up 47 per cent). The comparable figures for non-Indigenous offenders are 5,882 and 6,680 respectively, up 14 per cent. The proportion of offenders on Community Corrections Orders who are Indigenous has risen over the three year period from 3.8 per cent to 4.8 per cent. (Review Report Vol 1)

**Table 3.27: Offenders on Community Corrections Orders by Indigenous status, Victoria, 30 June 2001
30 June 2003**

Indigenous Status	30-Jun-01	30-Jun-02	30-Jun-03
Offender- Numbers			
Non- Indigenous - Total	5,882	5,977	6,716
Male	4,874	4,943	5,537
Female	1,008	1,034	1,179
Indigenous - Total	253	276	339
Male	191	208	251
Female	62	68	88
Total (Include unknown)	6,609	6,604	7,572
Male	5,337	5,352	6,067
Female	1,134	1,157	1,327
Offender - Percentages			
Non-Indigenous - Total	89.0	90.5	88.7
Male	91.3	92.4	91.3
Female	88.9	89.4	88.8
Indigenous - Total	3.8	4.2	4.5
Male	3.6	3.9	4.1
Female	5.5	5.9	6.6
Total (Include unknown)	100.0	100.0	100.0
Male	100.0	100.0	100.0
Female	100.0	100.0	100.0

Source: Corrections Victoria (2004).

NSW Statistics

Offending - Most of the Indigenous women surveyed for the report had long histories of involvement with the criminal justice system.

- 60% of the women surveyed had been convicted of a criminal offence while still juveniles,
- 36% of them received their first conviction between 11 and 12 years of age.
- 98% of the women surveyed had prior convictions as adults.
- 26% had between 15 and 30 previous convictions, and
- 75% had been sentenced to full time prison before. (NSW Aboriginal Justice Advisory Council:2002)

Aboriginal women are approximately 31% of all female prisoners. The proportion of Aboriginal women in prison has increased 14% since 1995. (NSW Aboriginal Justice Advisory Council:2002)

Abuse - The study also found that Aboriginal women in prison had long and serious histories of abuse.

- 70% of the women surveyed said that they had been sexually assaulted as children and most had also suffered other types of childhood abuse.
- 78% of the women stated that they had been victims of violence as adults and 44% of the said they had been sexually assaulted as adults.
- 98% of the women who were sexually assaulted as children stated that they have a drug problem, most equated their drug problem to their experiences of past violence and their inability to get help with it.

One of the most significant and important findings of this study is the clear link between child sexual assault, drug addiction and the patterns of offending behaviour that led the women who participated in this study to be imprisoned. (NSW Aboriginal Justice Advisory Council:2002)

Re-offending - "There is hardly a single Koori woman in prison who does not fit the recidivist pattern." (NSW Aboriginal Justice Advisory Council:2002)

Age - The study found that Aboriginal women in prison are predominantly young, with an average age of 25. They are predominantly young; with 68% between 18 and 30 years and 36% between 18 and 24. The majority are single, 54% and have children 86%. (NSW Aboriginal Justice Advisory Council:2002)

Education - Aboriginal women in prison are characterised by low levels of school education with at least one in ten going no further than primary school

and 70% leaving school before completing year 10. (NSW Aboriginal Justice Advisory Council:2002)

Unemployment - The overwhelming majority of the Aboriginal women surveyed stated that they were unemployed at the time of their last offence. Of further concern is the number who appears not to have been in receipt of a formal income of any kind. Almost half, 42%, stated that they did not receive a formal income including any social or welfare payments. (NSW Aboriginal Justice Advisory Council:2002)

Families - The study found that most of the women in prison are single mothers with between 2 and 4 children and that they are also responsible for the care of children other than their own biological children. (NSW Aboriginal Justice Advisory Council:2002)

Alcohol and Drug Abuse - 68% of the Aboriginal women surveyed stated that they were on drugs at the time of their last offence. 14% stated they were under the influence of alcohol and 4% said they were under the influence of both drugs and alcohol at the time of their last offence. Only 18% said that they were neither drug nor alcohol affected at the time of their offending. However one third of them said they were heroin users. (NSW Aboriginal Justice Advisory Council:2002)

Queensland Statistics

Queensland Anti-Discrimination Commission (ADCQ) say that the statistics on Indigenous women prisoners are clear and paint a disturbing picture:

Offending

- 30 June 2005, 26.5% of all female prisoners in Queensland were Indigenous, yet Indigenous people represent only 3% of the population. In 2004-05, women constituted just 6.7% of the total prison population in Queensland.
- The growth of Indigenous female offenders in custody over the five year period from 1994-1999 was 204% compared to 173% for all female offenders.
- Indigenous women have a higher rate of recidivism (62.93%) than non-Indigenous women (53.3%).
- Indigenous female prisoners are over-represented as secure custody prisoners. At 30 June 2004, 36% of high security, 30% of medium security, 12% of low security and 21% of the open security female prisoners were Indigenous. At the time, they represented 27.85% of the total female prisoner population.
- Indigenous women are significantly less likely to be granted conditional release or post prison community-based release (release-to-work, home detention or parole) than non- Indigenous women prisoners.
- Indigenous women are more likely than non-Indigenous women, to be the victim of a violent crime.
- In 2002, Indigenous women represented 52.3% of women in prison in North Queensland (Townsville) and 15.3% in prison in South East Queensland.
- Three-hundred and sixty-one female prisoners were being held in secure and open custody in Queensland on 30 June 2005.
- In 2005 the percentage of Indigenous women in prison in Queensland was higher than the number of Indigenous men.
- Indigenous women are often in prison for relatively shorter sentences than non-Indigenous women. (Queensland Anti-Discrimination Commission :2006)

Re-offending - Recidivism statistics suggest that Indigenous women are at greater risk of returning to prison. In 1999, 53.3% of non-Indigenous women in prison in Queensland had been in prison before compared to 62.9% of Indigenous women. (Queensland Anti-Discrimination Commission :2006)

Community Based Options - It has been suggested that Indigenous women are granted PPCBR (community based) orders at a slower rate than non-Indigenous women. Department for Corrective Services figures for June 2005 confirm this is the case. The ADCQ requested that the DCS provide figures for a three year period. Of the 105 non-Indigenous women seeking PPCBR during this time, 54 women (51.43%) were unsuccessful. Of the 13 Indigenous women seeking PPCBR in the same period, eight women (61.54%) were refused PPCBR.

Health - Indigenous women are vulnerable to similar health and well-being issues as other female prisoners in addition to having different cultural needs. As a disadvantaged minority group, Indigenous women almost universally have been subjected to social and economic hardship. (Queensland Anti-Discrimination Commission :2006)

Northern Territory Statistics

The following information is taken from the Northern Territory Department of Justice Correctional Services Annual Statistics for 2005 – 6. Whilst there was no specific information on Indigenous women the report says that as at 30 June 2006 there were 35 female prisoners, and during 2005-6 there were 84 sentenced female prisoners. The following table shows that as at 30 June 2006 there were 22 sentenced female prisoners and 13 of these were Indigenous. This reinforces the picture from other states that Indigenous women are a very small group within the prison system.

CENSUS OF ADULT PRISONERS AS AT 30 JUNE 2006

Table 5 Census of prisoners by prison, sentence status, Indigenous status and sex.

Prison/Sentence Status	Indigenous		Non-Indigenous		All		Total 2006		Total 2005	
	Male	Female	Male	Female	Male	Female	Number	% of Total	Number	% of Total
Alice Springs Correctional Centre										
Sentenced	266	4	31	1	297	5	302		323	
Unsentenced	76	5	6	1	82	6	88		41	
Total	342	9	37	2	379	11	390	49.4%	364	44.4%
Darwin Correctional Centre										
Sentenced	224	9	72	8	296	17	313		362	
Unsentenced	64	4	15	3	79	7	86		93	
Total	288	13	87	11	375	24	399	50.6%	455	55.6%
Total 30 June 2006										
Sentenced	490	13	103	9	593	22	615			
Unsentenced	140	9	21	4	161	13	174			
Total	630	22	124	13	754	35	789	100.0%		
Total 30 June 2005										
Sentenced	545	16	121	3	666	19			685	
Unsentenced	95	6	32	1	127	7			134	
Total	640	22	153	4	793	26			819	100%

Sentenced – Includes prisoners detained in custody at the Administrator's pleasure and persons in custody for fine default.

South Australian Statistics

Table 1

Intakes by Racial Identity and Gender 2005-06															
	Non-Aboriginal			Total	Aboriginal			Total	Unknown			Total	Total		
	M	F	Unknown		M	F	Total		M	F	Total		M	F	Unknown
Unsentenced	1925	176	1	2102	646	81	727	152	46	198	2723	303	1	3027	
Fine Default	8	0	0	8	3	1	4	2	0	2	13	1	0	14	
Sentenced	228	24	0	252	67	9	76	40	5	45	335	38	0	373	
Unknown	24	5	0	29	6	2	8	5	4	9	35	11	0	46	
Total	2185	205	1	2391	722	93	815	199	55	254	3106	353	1	3460	

New Zealand Statistics

The statistics on the New Zealand prison system, Maori generally and Maori women in the prison system are taken from the Salvation Army report 'Beyond the Holding Tank – Pathways to Rehabilitation and Restorative Prison Policy' by Smith and Robinson (2006) and the paper by Kingi (2000) 'The Children of Women in Prison: A New Zealand Study'.

Ethnicity, gender and age of inmates - The November 2003 Census of Prison Inmates came up with very detailed information about those serving time in prison.

- 335 women and 5,905 men in prison.
- Majority of those in prison were of Maori or European ethnicity, and aged between 20 and 35 years.
- Small number of inmates were aged under 20 years, and imprisonment declined from the age of 40 years.
- Maori making up 14 percent of New Zealand's total population they make up over half of the prison population.
- Pacific Peoples make up about 6.5 percent of New Zealand's total population, but are over 11 percent of the prison population. (Smith and Robinson:2006)

Mental Health - More than half of those in prison have a mental illness, personality disorder, or have drug and alcohol addictions. A 1999 National Study of Psychiatric Morbidity in New Zealand Prisons revealed that the prison population had significantly higher rates of mental disorder than in the community, particularly schizophrenia, bipolar disorder, major depression, obsessive-compulsive disorders, and post-traumatic stress disorder. Almost 60 percent of inmates had a major personality disorder and of those with a major mental disorder 90 percent also had a substance abuse problem. (Smith and Robinson:2006)

Women in prison in New Zealand - are similar to women in overseas prisons. They are;

- Relatively young.
- Predominantly criminally unsophisticated.
- Serving comparatively short sentences of imprisonment.
- More likely to have been the victims of abuse.
- Experience higher levels of addictions than their male counterparts.
- Few in number.

- Likely to be imprisoned far from their homes and families which makes it difficult for them to maintain relationships with family and friends.
- Likely to have limited educational skills and little or no work experience.
- Predominantly welfare dependent (86%) before coming to prison.
- Likely to have lived in rental accommodation or with family (80%).
- Often single parents (40%).

Maori Women - Maori women made up almost (46%) of the sample which parallels the statistics that indicate that Maori women are;

- Over represented in the number of women who are sent to prison.
- Slightly younger group than those identifying as New Zealand European who made up 41% of the sample.
- Likely to report problems related to the abuse or misuse of drugs and/or alcohol (64%) Likely to tell of histories of victimisation (30%). (Kingi:2000)

Whilst this table is confusing because of the typing error it seems that Maori women are over 50% of either sentenced or remand prisoners.

Table 2: Ethnicity of those sentenced and on remand in New Zealand prisons November 2003

	Maori (%)	European (%)	Pacific Peoples (%)	Asian (%)	Other (%)	Unknown (%)
Women (remanded)	58.9	30.1	4.1	1.4	5.5	0.0
Men (remanded)	53.9	29.5	9.4	4.3	2.4	0.5
Women (sentenced)	56.5	35.1	6.1	1.9	0.4	0.0
Men (sentenced)	48.3	37.7	11.1	1.9	0.6	0.3

Source: Department of Corrections (2003). Census of Prison Inmates and Home Detainees. Wellington, New Zealand.

Canadian Statistics

The figures on Indigenous Canadians are taken from the article by Trevethan, Moore, Allegri (2005), Correctional Service Canada (2006) Expert Review, Correctional Service Canada (2006) Status Report and Webster and Doob (2004). They say that;

- Aboriginal persons are over-represented throughout the whole criminal justice system, from the point of arrest through to incarceration.
- While Aboriginal people account for approximately 3% of Canada's population (Statistics Canada, 2001), Aboriginal offenders account for approximately 18% of the population incarcerated in Federal correctional facilities.
- Most (73%) Aboriginal offenders are classified as medium security and for Aboriginal women this is even higher. (Webster and Doob:2004).
- Aboriginal over-representation in the correctional system is getting worse.
- 85% increase of Aboriginal women in custody since 1996, there has been an expansion of their representation within the overall women's population, a rise of those with a gang related profile, greater numbers classified as maximum security, and a higher proportion of those convicted of violent crimes. (Canadian Correctional Services)
- These (Aboriginal) women have multi-faceted needs, including pervasive substance abuse, and have physical and/or sexual abuse histories. (CSC Ten Years Status Report).
- The number of offenders with mental health problems is increasing. For example, one out of four women offenders identified at admission presents mental health problems and this proportion has doubled since 1997, from 13% to 26% (CSC Ten Years Status Report).

Bibliography

Author	Title
Aboriginal and Torres Strait Islander Social Justice Commissioner (2002)	<i>Social Justice Report 2002</i> - Report of the Aboriginal and Torres Strait Islander Social Justice Commissioner to the Attorney-General as required by section 46C(1)(a) Human Rights & Equal Opportunity Commission Act 1986.
Aboriginal and Torres Strait Islander Social Justice Commissioner (2004)	<i>Social Justice Report 2004</i> - Report of the Aboriginal and Torres Strait Islander Social Justice Commissioner to the Attorney-General as required by section 46C(1)(a) Human Rights & Equal Opportunity Commission Act 1986.
Australian Institute of Criminology (2005)	<i>Community Corrections in Australia</i> Crime Facts Info No. 100; June 2005 by Australian Institute of Criminology
Australian Institute of Criminology (2006)	<i>Australian Crime Facts and Figures for 2005</i> by Australian Institute of Criminology
Blagg H, Morgan N, Cunneen C, Ferrante A (2004)	<i>Systemic Racism as a Factor in the Over-representation of Aboriginal People in the Victorian Criminal Justice System</i> . Draft Final Report Crime Research Centre University of Western Australia
Brown D and Wilkie M (eds) (2002)	<i>Prisoners as Citizens: Human Rights in Australian Prisons</i> Federation Press Sydney
Collie R and Polaschek D (2003)	<i>Women Prisoners' Misconducts and Internal Prison Security Risks</i> New Zealand Journal of Psychology Vol 32 No. 2 December 2003
Correctional Services Canada (2006)	<i>Moving Forward with Women's Corrections - The Expert Committee Review of Correctional Services Canada's Ten Year Status Report on Women's Corrections</i>
Correctional Services Canada (2006)	<i>Ten Year Status Report on Women's Corrections, 1996 – 2006</i> Correctional Service of Canada

- Correctional Services Canada (2007) *The Aboriginal Corrections Continuum of Care* from Canadian Correctional Services Web site www.csc-scc.gc.ca
- Department of Corrective Services (2006) *Profile of Women in Prison 2005 Main findings of the Prisoner Characteristics and Needs Survey of female prisoners in Western Australia 2005* Department of Corrective Services WA
- Goulding D (2004) *Severed Connections: An exploration of the impact of imprisonment on women's familial and social connectedness* Centre for Social and Community Research Murdoch University
- Green N (2002) *Aboriginal pathways in Federal corrections* In Focusing on Aboriginal issues Forum on Corrections Research September 2002, Volume 14, Number
- Hogg R (2002) *Prisoners and the Penal Estate in Australia* Prisoners as Citizens: Human Rights in Australian Prisons edited by Brown D and Wilkie M (2002) Federation Press Sydney
- Howells K (2000) *Treatment, Management and Rehabilitation of Women in Prison: Relevance of Rehabilitation Principles* Paper presented at the Women in Corrections: Staff and Clients Conference convened by the Australian Institute of Criminology in conjunction with the Department for Correctional Services SA and held in Adelaide, 31 October – 1 November 2000
- Kilroy D (2005) *The Prison Merry Go Round – No way off* in Indigenous Law Bulletin September 2005 Vol 6 Issue 13
- Kilroy D and Finn J (2001) *Are Indigenous Women in Queensland Prisons any Better Off?* Indigenous Law Bulletin May 2001
- Kilroy D and Warner (2002) *A Deprivation of Liberty – Deprivation of Rights* in Prisoners as Citizens: Human Rights in Australian Prisons edited by Brown D and Wilkie M (2002) Federation Press Sydney pp 40 - 48

- Kingi V (2000) *The Children of Women in Prison: A New Zealand Study* Institute of Criminology, Victoria University of Wellington, NZ
Paper presented at the Women in Corrections: Staff and Clients Conference Australian Institute of Criminology Adelaide, 31 October – 1 November 2000
- Lucashenko M & Kilroy D (2005) *A Black Woman and a Prison Cell Working with Murri Women in Queensland Prisons* for Sisters Inside Inc.
- Mahoney D (2005) *Inquiry into the Management of Offenders in Custody and in the Community* Western Australian Government November 2005
- NSW Aboriginal Justice Advisory Council (2002) *Speak out, Speak Strong* NSW Aboriginal Justice Advisory Council (2002)
- NSW legislative Council Standing Committee on Law and Justice (2006) *Community Based sentencing options for rural and remote areas and disadvantaged populations* March 2006 Report no. 30 by NSW Parliament
- Office of the Inspector of Custodial Services (2005) *Directed Review of the Management of Offenders in Custody* Report No. 30 November 2005 by the Office of the Inspector Custodial Services Perth WA
- Office of the Inspector of Custodial Services (2006) *Digest of Aboriginality in Western Australian Prisons As Reported in Published Inspectorate Reports 2000-2005* by the Office of the Inspector Custodial Services Perth WA
- Office of the Inspector of Custodial Services (2006) *Report of an Announced Inspection of Bandyup Women's Prison* Report number 36 June 2006
- Ombudsman of New Zealand (2005) *Ombudsmen's Investigation of the Department of Corrections In Relation to the Detention and Treatment of Prisoners* New Zealand Government
- Parkes D and Pate K *Time for Accountability: Effective Oversight of Women's Prisons* Canadian Journal of Criminology and Criminal Justice; Apr 2006; 48, 2; Academic Research Library pg. 251

- Pereira C (2001) *Tyranny of Distance: Disadvantage in Queensland's Regional Prisons* Alternative Law Journal Vol 26 No. 2 April 2001
- Queensland Anti-Discrimination Commission (2006) *Women in Prison* Anti-Discrimination Commission Queensland 2006
- Salomone J (2004) *Towards Best Practice in Women's Corrections: The Western Australian Low Security Prison for Women* Department of Justice Western Australia
- Salomone J (2005) *Addressing the Needs of Aboriginal Women Prisoners and their Families in Western Australia* in the Indigenous law Bulletin October 2005 V 6 Issue 14
- Smith L and Robinson B (2006) *Beyond the Holding Tank – Pathways to Rehabilitation and Restorative Prison Policy* produced by The Salvation Army Social Policy and Parliamentary Unit New Zealand
- Snowball L and Weatherburn D (2006) *Indigenous Overrepresentation in Prison: Role of Offender Characteristics* in the Crime and Justice Bulletin No 99 September 2006 NSW Bureau of Crime Statistics and Research.
- Trevethan S and Crutcher N (2002) *An examination of healing lodges for Federal offenders in Canada* In Focusing on Aboriginal issues Forum on Corrections Research September 2002, Volume 14, Number
- Trevethan S, Moore J-P, Allegri N (2005) *The "In Search of Your Warrior" Program for Aboriginal Offenders: A Preliminary Evaluation* by the Research Branch Correctional Service of Canada November 2005
- Victorian Indigenous Family Violence Taskforce (2003) *Victorian Indigenous Family Violence Taskforce: Final Report* December 2003 by Aboriginal Affairs Victoria Department for Victorian Communities.
- Victorian Aboriginal Justice Forum Department of Justice (2005) *Victorian Implementation Review of the Recommendations from the Royal Commission into Aboriginal Deaths in Custody Review Report Volume 1* October 2005 Victorian Government Printer

- Webster CM and Doob A N *"Taking Down the Straw Man" or Building a House of Straw?" Canadian Journal of Criminology and Criminal Justice; Oct 2004; 46, 5; Academic Research Library pg. 631*
- White R (2004) *Community Corrections and Restorative Justice in Current Issues in Criminal Justice 16 (1) 2004*
- Woods S (1999) *Sistas: Koori Women in Custody in the Indigenous Law Bulletin November 1999 Vol 4 Issue 25*