



7 April 2022

Women's Safety and Justice Taskforce
GPO Box 149
Brisbane QLD 4001

Dear Ms McMurdo, Chair – Women's Safety and Justice Taskforce,

We welcome the opportunity to make a submission to the Taskforce in relation to *Discussion Paper 3: Women and girls' experiences across the criminal justice system as victims-survivors of sexual violence and also as accused persons and offenders*. We are researchers based at the Griffith Criminology Institute with many years of collective expertise in maternal incarceration and the impact on mothers and their children, domestic violence and women's mental health, young people in the criminal justice system, offending across the life-course, multi-agency involvement of those in the criminal justice system, law and policy, and corrections research more generally (more information about us is available at: <https://www.griffith.edu.au/criminology-institute/our-researchers>).

Over the past two years we have been working on the *Transforming Corrections to Transform Lives* (TCTL) project (<https://www.transformingcorrections.com.au>). We were funded by the Paul Ramsay Foundation, working in close consultation with Queensland Corrective Services, as well as imprisoned mothers and related service providers, to co-create a new model of service provision for imprisoned mothers and their children, during custody and after release, that: (1) Creates conditions for families to thrive through a holistic system of practice that supports wellbeing and social inclusion; and (2) Demonstrates more effective, sustainable service provision that can be scaled up by governments. The outcome of the project, a proposal to implement and trial the new model, is currently under consideration for funding. Our goal is to help address and reduce currently entrenched cycles of inter-generational disadvantage and offending. We draw on our findings from this project, and other research literature, to make our submission.

We address Part 3 of the discussion paper: *Women and girls' experiences of the criminal justice system as accused persons and offenders*. We broadly focus on the following questions, though we do not address them individually:

80. How are women and girls who are involved in the criminal justice system supported and their needs met? What works? What could be done better in a cost effective way?
82. How can government funded supports and services be better co-ordinated and delivered to meet the particular needs of women and girls in the criminal justice system as accused persons and offenders? What works? What needs to be improved?
83. What are women and girls' experiences of pregnancy and birth in custody? What works well? What needs to be improved?
85. How are women and girls who are pregnant or have children with them in custody supported?
86. What are the experiences in custody or detention of women and girls who are mothers? What works? What needs to be improved?

First, we provide some context in relation to women in prison in Queensland.



Women and mothers in prison

Women are the fastest growing segment of the prison population and over a quarter of all female prisoners in Australia are in Queensland. The female prison population in Queensland has grown by 72% in the last decade (compared with a 53% increase for men), despite crime rates declining over this same period. The number of Indigenous women in prison has grown by almost 130% since 2010¹. Of the more than 900 women in prison in Queensland today, approximately 40% are Indigenous women. The average age of women in prison is 34.8 years². Compared to women who have never been imprisoned, women in prison are characterised by low educational attainment, high unemployment prior to prison, high rates of homelessness, high rates of mental health problems, a history of problematic substance use, a history of victimisation (child maltreatment, domestic violence), a history of prior imprisonment, and the experience of parental or caregiver incarceration during childhood³.

The maternal status of women in prison is not officially recorded in any Australian jurisdiction. However, survey data indicates that approximately 85% of women entering prison stated that they had been pregnant at some stage in their lives, while approximately two percent of women were pregnant when they entered prison³. A variety of programs in Australia and internationally have been developed to support imprisoned women and girls during pregnancy and birth, which includes, but is not limited to, in-prison prenatal care, such as dietary counselling, routine check-ups from midwives, antenatal exercise program, provision for a support person at the time of birth, and childbirth education. In most Australian states and territories, like many other jurisdictions, a number of parent support units have been set up, which allows mothers to have their young child (usually less than 5 years) with them in prison if they meet the eligibility criteria.

The establishment of mother and baby units is an important initiative to provide dedicated support to vulnerable mothers. The units offer an opportunity for mothers to raise their child in a secure and nurturing environment which provides protection against common risk factors, such as homelessness, illicit drug use, and domestic violence. Furthermore, these units prevent both mothers and their babies from emotional trauma associated with separation and ensures good maternal-child bonding. However, there are concerns that the needs of children co-residing with their mothers in prisons are often overlooked in an adult's prison setting. There is an absence of research examining the long-term outcomes for children who spent time in custody with their mothers, and there are concerns about the potential for negative impacts of raising a child in a prison environment. Furthermore, the number of units available is unlikely sufficient to meet the needs of the increasing female prison population. There are also strict eligibility criteria and several administrative procedures, which sometimes complicates the process for seeking an approval to have a child in prison.

More broadly with respect to pregnant women in custody, the research literature largely supports the notion that imprisonment increases the vulnerability of pregnant women to adverse perinatal outcomes, as they lack control and autonomy in a prison setting, which can interfere with their sleeping times, daytime naps, use of prenatal vitamins and other supplements, and preparation for childbirth. They are also disconnected from potential social supports, including family, friends and services in their communities. The perinatal period is a period when women have increased vulnerability to several mental health problems. Access to psychological care and treatment in prison is important and such care should be continued post-release. Mothers need regular

¹ Australian Bureau of Statistics (2021). Corrective Services, Australia, March Quarter 2021.

² Australian Bureau of Statistics (2020). Prisoners in Australia, 2020.

³ Australian Institute of Health and Welfare (2019). The health of Australia's prisoners, 2018.



screening against postpartum depression and other mental health issues, for prompt identification and referral to appropriate mental health services.

For most pregnant women in prison, childbirth can be a stressful and anxiety-provoking experience. Women who are pregnant in prison do not have control over their birthing experience, including choice of birthing facilities, healthcare provider, or engagement in cultural practices⁴. These women often do not know what to expect during and immediately after childbirth. They are concerned about the placement of their children after birth, and for women who are not allowed to return to custody with their newborn infant, separation adds to their distress and can interfere with breastfeeding. In addition, other barriers to breastfeeding include a lack of child-friendly spaces for breastfeeding in prison, limited options for breast pumping and storage equipment, and limited knowledge on the importance of breastfeeding and proper breastfeeding techniques.

To ensure maximal benefit for both mother and her child, it is necessary to provide continuity of care to pregnant women before, during, and after their time in custody, addressing their multiple intersecting needs, such as domestic violence, substance abuse, physical and mental health issues, connection to culture, housing, employment, and education and training. Prison-based prenatal care services, including mental health services, should be sufficiently available, accessible, ensure good quality care to all without discrimination, culturally appropriate, and offer relevant information for making informed choices. As every pregnancy and childbirth experience is different, and there is no one-size-fits-all approach, programs need to be tailored to meet individual needs.

Challenges for women leaving prison

After release from prison, establishing a non-offending life is extremely difficult as women typically face multiple intersecting challenges, including finding safe and secure housing, sourcing an income, gaining employment, fulfilling post-release administrative requirements, and obtaining necessary healthcare.⁵ While in prison, many women have lost everything. If they had a house, they often lose it, as they can't pay the rent, and no one can pay it for them. They can't afford to store their belongings, and they often have no-one to do it for them. At times, their children are left to pack up their mother's things. But many women tell us that their belongings are simply stolen or thrown out. Mothers leave prison with nothing more than the clothes they arrived in.

For many mothers, a key priority is reuniting with children or engaging with child protection services to regain the primary care of their children. This can be especially challenging for mothers who are not able to simultaneously secure safe housing and adequately furnish their home. In the absence of adequate housing or income, women return to violent partners or are forced to settle for share housing where drug dealing, substance use, and antisocial behaviour are common, and where mothers are unable to safely reunite with their children. These circumstances can worsen women's existing health and social problems and can increase the likelihood of re-offending.⁶

What do we know about what works for women leaving prison?

⁴ An example of culturally appropriate care: <https://clinicalexcellence.qld.gov.au/showcase/documentaries/stories/waijungbah-jarjums.html>

⁵ Gill & Wilson (2017). Improving the success of reentry programs: Identifying the impact of service-need fit on recidivism. *Criminal Justice and Behavior*, 44 (3), 336-359; HU, Jurgutis, Edwards, O'Shea, Regenstreif, Bodkin, et al. (2020). "When you first walk out the gates...where to [you] go?": Barriers and opportunities to achieving continuity of health care at the time of release from a provincial jail in Ontario. *PLoS ONE*, 15(4), e0231211.

⁶ Myers, Segal, Lopez, Li & Preen (2017). Impact of family-friendly prison policies on health, justice and child protection outcomes for incarcerated mothers and their dependent children: a cohort study protocol. *BMJ Open*, 7, e016302.



There is a stark absence of evidence in Australia and internationally regarding how to reduce recidivism in women leaving prison and how to reduce intergenerational transmission of disadvantage, risk and offending. Where programs are evaluated, the common practice is to evaluate outcomes at the conclusion of the program. Unfortunately, without adequate baseline measures and relevant data being collected throughout the program, it is impossible to determine whether the program is effective, whether the program was delivered as intended, and which elements of the program contributed to change. Instead, evaluators tend to resort to asking participants and staff whether they felt the program worked. This does not provide any rigorous, objective evidence about the program and whether it was effective. Worse still, evaluators may miss evidence that the program worsened conditions and outcomes for some participants.

Historically, approaches to supporting women experiencing incarceration and returning to the community have been small scale and only available for a short period (up to six months) post-release, which is insufficient given the complexity and pervasiveness of the risks and challenges faced by these women and their children. None have been formally evaluated or published in a peer-review journal (and therefore subjected to methodological scrutiny nor scientific rigor), and there is limited evidence on best practice to guide program delivery⁷. This leaves government agencies bereft of evidence on which to base investment decisions. It also makes it difficult for service delivery agencies to improve practice in an evidence-based manner.

Internationally, programs developed and delivered to parents in prison are typically designed to improve parenting skills and improve relationships between parents and their children. They generally focus on increasing parents' knowledge about child development and skill building around parenting. Although there is some evidence that these programs are effective in a prison setting, there is little evidence that they translate to improved practices after a parent is released from prison⁸. There is therefore growing recognition that for programs to be effective and lead to real change after a parent is released from prison, they need to be:

1. Holistic in their approach (address not just parenting skills but also mental health needs, substance use problems, housing needs, etc);
2. Multisystemic, working across the multiple developmental systems that parents and children have contact with (e.g., prisons, family, schools, community, employment, multiple agencies, and service providers); and
3. Work with parents and their children during the custody period and for a substantial period (i.e., years not months) after release.

What could be done better?

Recidivism rates are high in part because short-term solutions don't work to address and overcome the entrenched disadvantage and harm experienced by women prior to their incarceration. Analysis of Queensland Corrective Services administrative data found that 36% of women re-offended within six months and 50% in their first-year post-release.⁹ It is clear that the factors that predict returning to prison cannot be readily

⁷ Programs for incarcerated mothers and their children: List of active programs across Australia, July 2021:

<https://www.transformingcorrections.com.au/active-programs-for-incarcerated-mothers-and-their-children/>

⁸ Surratt, H. L. (2003). Parenting attitudes of drug-involved women inmates. *The Prison Journal*, 83(2), 206-220.

<https://doi.org/10.1177/0032885503083002006>

⁹ De Rooy, K., Bennett, S., & Sydes, M. (2019). Women Released From Custody: Investigating Risk Factors and Reoffending. *International Journal of Offender Therapy and Comparative Criminology*, 63(13), 2239–2263.



addressed with short-term or crisis-driven interventions.^{10,11} Rather, long-term, holistic, supportive interventions are required that facilitate the development of warm, positive, and trusting therapeutic relationships and are tailored according to the needs of each woman.^{4,12}

Further, successful integration in the community is not a goal that can be achieved with some fragmented interventions focusing on a few outcomes.¹³ Opportunities for intervention are missed by siloed service delivery systems, and they can perpetuate disadvantage due to being complex and hard to navigate. Currently there is a lack of cross-agency collaboration and consistency.

Programs also need to embed culturally responsive ways of engaging with mothers who are incarcerated, particularly with Indigenous mothers. Indigenous mothers have unique cultural experiences of mothering. Incarceration disrupts mothering roles and practices, kinship connections, and removes Indigenous women from contributing within their community¹⁴. Programs and policies need to account for and support these differences by prioritising practices that empower Indigenous women and supporting Indigenous women and mothers in responding to their needs and aspirations¹⁵.

The TCTL Project: Our key findings

As part of the TCTL project we conducted a series of workshops with mothers in prison and various stakeholders across the correctional system, state government, and the not-for-profit sector. Our aim was to better understand the current problems being experienced by imprisoned women within the correctional system, and across government and non-government organisations, that contribute to high recidivism rates and perpetuate disadvantage and offending across generations within families. In addition to these workshops, extensive consultation was carried out with personnel from all levels of Queensland Corrective Services as well as with community service providers.

Our first workshop series focused on understanding mothers' needs while in prison, during release and over the longer term, as well as understanding what barriers were preventing them from obtaining the support they needed. We talked with both mothers in prison and community stakeholders. While their contributions were extensive, the key areas where mothers most needed support could be summarised as:

1. Help in maintaining, repairing and rebuilding relationships with children and having the opportunity and ability to positively contribute to their development;
2. Help in healing and changing while in prison; and
3. Support to stay out of prison after release.¹⁶

¹⁰ Scott, C. K., Grella, C. E., Dennis, M. L., & Funk, R. R. (2016). A Time-Varying Model of Risk for Predicting Recidivism among Women Offenders over 3 Years Following Their Release from Jail. *Criminal Justice and Behavior*, 43(9), 1137–1158.

¹¹ Thomas, E. G., Spittal, M. J., Heffernan, E. B., Taxman, F. S., Alati, R., & Kinner, S. A. (2016). Trajectories of psychological distress after prison release: Implications for mental health service need in ex-prisoners. *Psychological Medicine*, 46(3), 611–621.

¹² Frye, S., & Dawe, S. (2008). Interventions for women prisoners and their children in the post-release period. *Clinical Psychologist*, 12(3), 99-108.

¹³ Burch, M. (Re)entry from the Bottom Up: Case Study of a Critical Approach to Assisting Women Coming Home from Prison. *Crit Crim* 25, 357–374 (2017). <https://doi-org.libraryproxy.griffith.edu.au/10.1007/s10612-016-9346-3>

¹⁴ Jones, J., Wilson, M., Sullivan, E., Atkinson, L., Gilles, M., Simpson, P. L., Baldry, E., & Butler, T. (2018). Australian Aboriginal women prisoners' experiences of being a mother: A review. *International Journal of Prisoner Health*, 14(4), 221–231. <https://doi.org/10.1108/IJPH-12-2017-0059>

¹⁵ Anthony, T., Sentance, G., & Behrendt, L. (2021). "We're not being treated like mothers": Listening to the stories of First Nations mothers in prison. *Laws*, 10(3), 74. <https://doi.org/10.3390/laws10030074>

¹⁶ The needs of mothers before, during and after imprisonment: Summary findings from Workshop Series 1:

<https://www.transformingcorrections.com.au/wp-content/uploads/2021/05/TCTL-Fact-Sheet-updated-final.pdf>



Drawing our findings together from these workshops, and using our knowledge of the current research literature, we developed a preliminary model of support for mothers in prison and their children. We conducted another workshop series with mothers in prisons across Queensland and asked them for feedback on the model¹⁷. They identified the essential elements as including:

- individual case planning
- continuity of care with one support worker engaging with them during prison and after release
- a focus on reconnecting with children where possible
- the importance of support also being available for their children
- support to work with Child Safety
- skill building (communication, life skills, relationship skills, parenting skills)
- access to individual psychological support to address trauma and mental health issues.

Our second workshop series was conducted with a wide variety of stakeholders and focused on identifying and understanding what happens to children and young people when a mother goes to prison¹⁸. Using scenarios as stimuli, we asked our participants to identify missed opportunities for support and interventions and to identify who would be responsible for providing those services, if they already existed. The workshops revealed multiple missed opportunities to support children and young people, a siloing of services and government practice, a lack of knowledge of available services, reluctance to share information across agencies to assist case planning for fear of breaching privacy legislation, a need for someone to help navigate children and young people (and their families) through the complex myriad of services and government systems that exist, as well as a desire to break down system barriers to enable a more holistic approach to supporting children and young people.

Through our project we identified both *system barriers* to making progress towards change, as well as the *need for targeted support* to meet the individual needs of incarcerated mothers and their children. Based on our findings, we argue that:

1. **System change must be one component of any work going forward and needs to be directed and supported by senior executives in government and NGO's.** Many of the problems that mothers experience in prison, in terms of connecting with their children (especially those under orders with Child Safety) and preparing for release, are the result of system barriers and the siloed approach within which government departments operate. Co-ordinating strategies and accessing support across the various departments is an almost impossible task, made more complex by imprisonment. Service providers, even those within government, also struggled to work effectively across departments and other agencies. Creating pathways for improved information exchange, removing unnecessary barriers, modifying policies and procedures for effective cross-agency collaboration, strengthening partnerships with Indigenous organisations, and developing opportunities for relationship building across services are all necessary steps in developing the integrated service provision that incarcerated mothers and their children need.

¹⁷ Did we get this right? Feedback from mothers in prison on a new model of support: Summary findings from Workshop Series 4:

<https://www.transformingcorrections.com.au/wp-content/uploads/2021/10/TCTL-Summary-of-Findings-from-Workshop-4-web-version.pdf>

¹⁸ Understanding the needs of children and young people who experience maternal imprisonment: Summary findings from Workshop Series 2.

<https://www.transformingcorrections.com.au/wp-content/uploads/2021/07/TCTL-Summary-of-Findings-from-Workshop-Electronic-version.pdf>



2. **It is important to create opportunities for practitioners to come together from multiple levels in the system to exchange information and collaborate.** During our community stakeholder workshops we observed that these workshops served as opportunities for our participants to connect with other service providers across the sector. We witnessed a sharing of information about services, exchanges of contact details or referrals to key people, and recommendations of useful resources. Some participants developed a greater awareness about the multi-faceted impacts of maternal incarceration on the women themselves as well as their children, others shared suggestions for best practice, and all participants were encouraged to forge stronger connections across agencies. These additional benefits that arose through the workshops highlighted to us the importance of creating opportunities for practitioners to come together in a relatively structured way to discuss best practice, to foster collaborative case planning and appropriate referrals, to engage in information exchange, to form stronger cross-agency partnerships, and to engage in professional development.
3. **System navigation, continuity of care, and a strong therapeutic relationship are critical mechanisms for changing and improving the lives of incarcerated mothers and their children.** Our workshops with both mothers in prison and community stakeholders laid bare the almost impossible task that mothers and children face when trying to navigate agencies and departments to access much needed supports or to advocate in their best interests. Community stakeholders agreed that families could not do it on their own, but neither did they see their own organisation as taking the lead as system navigators. Mothers in prison face the challenge of reaching out for help from prison but are also reluctant to keep trying to reach out when they must constantly retell their personal and often traumatic life histories, when they can't find the right person to talk to, and when they don't get the support they need. They also wanted someone to talk to that they could trust, who would know their life story and their needs, that would be there for a significant period of time, who would help them develop goals and work towards them, and who would help them navigate their way through complex systems and policies in order to succeed upon release from prison.
4. **Investment in research, data collection, and data linkage are required to develop an evidence-base for what works for whom and in what contexts in relation to reducing recidivism for women in the correctional system and breaking the intergenerational cycle of offending and disadvantage.** As previously noted, there are no formal peer-reviewed evaluations available on existing programs for women in prison in Australia (and limited international evaluations), nor is there evidence of best practice to guide investment in these programs. There are also key gaps in knowledge in Australia and internationally regarding maternal imprisonment and the development and wellbeing of children with a mother in prison, along with understanding how to achieve sustainable change in social service delivery systems.

The potential cost-effectiveness of a holistic, multisystemic, long-term program of support

Imprisonment, youth justice, and child protection cost Australian governments billions of dollars annually. Research has demonstrated that having a mother imprisoned makes matters worse for most children, in addition to the disadvantage and adversity that many of these children have already experienced. Australian research shows that for children with a history of maternal imprisonment, more than half had contact with the child protection system by their second birthday.¹⁹ Rates of children being formally placed outside of the home were 27 times higher for Indigenous children and 110 times higher for non-Indigenous children, compared to

¹⁹ Dowell, Meija, Preen & Segal (2018). Maternal incarceration, child protection, and infant mortality: a descriptive study of infant children of women prisoners in Western Australia. *Health and Justice*, 6. <https://doi.org/10.1186/s40352-018-0060-y>



children whose mothers had no prison history.²⁰ We know from numerous studies, including our own data here in Queensland, that child maltreatment and out of home care are risk factors for later offending.²¹

Maternal incarceration also tends to be a compounding factor of adverse life experiences for the mother and her children, family and community. Detrimental impacts of parental incarceration on children include stigmatisation, behavioural and mental health issues, and poor school performance, early school leaving and early pregnancy.²² It is not surprising then that longitudinal research, such as the Cambridge Study in Delinquent Development, has shown that children with a mother who has offended are at increased risk of conviction themselves; and the risk seems to be higher for their daughters compared to their sons.²³

Reducing the number of mothers returning to custody, extending the time between their periods of imprisonment, and reducing the number of children with an incarcerated mother would significantly improve the quality of life for mothers, their families, and communities. Monetarily, savings would far exceed the cost of delivering a multimodal, multisystemic, long-term program of support for mothers in custody, and leaving custody, and their children. For example, increasing the number of days before returning to prison from 230 days (the status quo) to 260 days for just 66 women, saves approximately \$600,000. Increasing days out of prison by a year saves \$7 million²⁴.

There would also be benefits from the reduced burden experienced by other parts of the criminal justice system, such as police and courts, and by victims who would otherwise have been harmed. Further downstream economic benefits will come from better employment and education outcomes for both mothers and children, leading to greater participation in employment across generations. Proposed system changes would also produce efficiencies by breaking down the silos that currently hamper multi-agency coordination and result in delays, duplication, and unnecessary complexity across the entire service system.

Conclusion

We have identified four main areas where there is significant need and scope for improvements with respect to women in the criminal justice system. Such transformation would reduce harm to mothers experiencing incarceration, and their children, and support women to exit the criminal justice system and prevent their return. The following actions from government are urgently needed:

1. **Reduce female incarceration rates** at the front and back end of the system by reforming restrictive sentencing, bail and parole provisions. Provide more community-based options and direct resources to support women to remain in the community, recognising women's life histories of disadvantage, trauma and adversity, their maternal responsibilities, and cultural roles in communities.

²⁰ Dowell et al. (2018). As above.

²¹ Stewart, Livingston & Dennison (2008). Transitions and turning points: Examining the links between child maltreatment and juvenile offending. *Child Abuse and Neglect*, 32(1), 51-66. Hurren, Stewart, & Dennison (2017). Transitions and turning points revisited: A replication to explore child maltreatment and youth offending links within and across Australian cohorts. *Child Abuse and Neglect*, 65, 24-36.

²² Newman et al., 2011; Poehlmann-Tynan & Turney (2021). A developmental perspective on children with incarcerated parents. *Child Development Perspectives*, 15, 3-11.

²³ Auty, Farrington & Coid (2015). The intergenerational transmission of criminal offending: Exploring gender-specific mechanisms. *British Journal of Criminology*, 57(1), 215-237. Doi:10.1093/bjc/azv115

²⁴ Costed at \$302 per day for 66 women.



2. **Undertake system transformation and reform of policies and practices** to address a siloing of services and complex system navigation for women and their families. Facilitate cross-agency collaboration and case planning, engage in training of the service sector to better understand the needs of women and children affected by incarceration, and provide integrated service provision for women and their children.
3. **Invest in individually tailored, culturally appropriate, holistic support, in a continuity of care model** for women before, during and after imprisonment, as well as for their children and families. Support should be sufficiently long-term (i.e., at least 2-3 years post-release) to address the entrenched disadvantage and adversity that many women and their families face, to enable sustained improvements in their lives and the establishment of a positive trajectory, and to break intergenerational cycles of disadvantage, offending and incarceration.
4. **Enable and contribute to rigorous research evidence regarding what works** to reduce recidivism amongst women, to prevent the intergenerational transmission of offending, and to create sustained system transformation. This requires investing in trials and evaluations (collecting baseline, short-term and long-term follow-up data) of new models of service delivery, better evaluating current programs and services, better data collection by governments and NGOs more generally, and using linked administrative data to examine long-term outcomes of trials and undertake economic modelling for redirecting investment. We also need better data on the maternal status of women in the criminal justice system to understand their needs and those of their children.

Thank you for the opportunity to make this submission.

Yours sincerely

Professor Susan Dennison
Professor Tara McGee
Professor Janet Ransley
Dr Carleen Thompson
Dr Brian Jenkins

Ms Krystal Lockwood
Dr Corrie Williams
Dr Diksha Sapkota
Ms Nomxolisi Malope-Rwodzi

Transforming Corrections to Transform Lives
Griffith Criminology Institute