

VICTORIAN LEGAL SERVICES BOARD GRANT PROGRAM 2017 FUNDING THEME

Keeping Women Out of the Justice System: Year One Program Review

Overview

In 2017, we identified **Keeping Women Out of the Justice System (KWOJS)** as a priority funding theme. We allocated almost \$2 million to three innovative projects with the following aims:

- + Reduce women's encounters with the justice system
- + Reduce the factors driving growth in the women's prison population
- + Reduce women's incarceration and recidivism rates
- + Provide models for reform.

Background

Between 2006 and 2016 Victoria's women's prison population increased by 75%.



The **2015 Victorian Ombudsman's Report** into the rehabilitation and reintegration of prisoners in Victoria states that between 2008 and 2013, the number of women imprisoned in Victoria increased by more than double the rate of the male prison population. Few women in custody are serious violent offenders.

The jump in the number of Aboriginal women prisoners is stark with a 240 per cent increase in Victorian prisons over the past five years.¹

Remand numbers are particularly high among women. Corrections Victoria data indicates that in 2017, 39% of all women prisoners were un-sentenced compared with 31% of men. These numbers have increased further and are now reportedly at 50% for women. Changes to bail and parole laws are exacerbating this growth in prison numbers.



Participants

Forming a Community of Practice are 2017 grantees:

- + **Women Transforming Justice:** Darebin Community Legal Centre (in partnership with Flat Out and Law & Advocacy Centre for Women);
- + **The Women's Voices – a collaborative model of specialised help for criminalised women:** Women and Mentoring; and
- + **Living Free: Fostering multi-sectoral partnerships and system advocacy to enhance young women's pathways out of justice:** Stepping Up Consortium.

Joined by 2018 grantees:

- + **Women's Arts Officer in Prisons & Community:** The Torch
- + **Stories of Strength:** Federation of Community Legal Centres (Victoria)

¹ [Corrections Victoria, Annual Statistics](#), Annual Prisoner Statistical Profile, Prisoner Receptions

THE PROGRAM

In 2018 these projects commenced delivering their much needed services while also putting effort into building important partnerships and networks, formulating theories of change and developing monitoring & evaluation frameworks.

Project staff have demonstrated their passion, integrity and agility to ensure the best outcomes for the women they work with.

Together they have made a commitment to pursuing changes that are informed by women's lived experience, and improving justice outcomes for women individually and systemically.

THE PROJECTS

Women Transforming Justice (WTJ)

This project is a collaboration between Darebin CLC, Flat Out and the Law & Advocacy Centre for Women.

Together they provide a women-specific and community-based support program for criminalised women, with a **view to reducing the number of women on remand.**

Connecting with women when they are first taken into custody, the project provides the support they need to be released from custody, live safely and stably in the community and address the drivers of their incarceration.

Early results suggest that the project is improving women's legal outcomes. **A significant proportion of women referred to the project have been granted bail**, which suggests that WTJ is having a favourable impact on bail decisions.

Women's Leadership

From the outset, WTJ has been committed to being led by women with lived experience of incarceration and criminalisation. Since March 2018, the project team has conducted nearly 30 one-on-one and group consultations with women in prison on remand and women with lived prison experience.

They also **established a Women's Leadership Group (WLG)** in October 2018, who meet weekly to provide *advice* to the project team, conduct *advocacy* about

particular specified issues relevant to criminalised women and ensure the project's *accountability* by playing an active role in the project's evaluation.

The WLG have been diligently working on a broad array of project activities, ranging from presenting to law and social work students to contributing to Family Safety Victoria's work designing the 'Orange Door' family violence support and safety hubs. Given the intensive nature of their engagement and the expertise they contribute, members of the WLG are employed as project staff.

Keeping criminalised women at the heart of their work, WTJ have successfully established their integrated model of wrap around support **to enhance women's prospects of bail and supporting them to live safely in the community.**



Megan Pearce (Manager, Women Transforming Justice project), Jill Prior (Principal Legal Officer, Law and Advocacy Centre for Women) and Billi Clarke (then A/Executive Officer of Flat Out) presenting at the Sisters Inside conference in Brisbane on 15 November 2018

Systemic Advocacy

Women offend in different ways and have particular pathways into the criminal justice system. Their needs and experiences warrant a different, gender-specific response. Consequently, an important aim of this project is to **improve the capacity of decision-makers** (magistrates, prosecutors, community corrections officers and policy makers) to understand these gendered pathways to offending and utilise appropriate, effective responses.

To inform this advocacy WTJ have gathered data and conducted research about the needs of criminalised women. They have shared their learnings through presentations to professionals who work with criminalised women about this cohort's needs, experiences and appropriate responses.

Through active engagement with media and policy reform processes WTJ are working to change the narrative about criminalised women and improve available services.

Program Support

A key objective of this project is to provide women on remand with skilled, integrated and women-specific legal representation and outreach-based case management. This support **addresses the legal and social determinants of their incarceration, improves their prospects of being released from custody and supports them in the community** to obtain a non-custodial sentence.

Referrals to the service commenced on 13 December 2018 and rapidly reached capacity with 20 active clients. Early results suggest that the project is improving women's legal outcomes. **A significant proportion of women referred to the project have been granted bail**, indicating that the support provided by the WTJ project is having a favourable impact on bail decisions.

To ensure the program is robustly evaluated, RMIT's Centre for Innovative Justice has been engaged as WTJ's evaluation partner.

The Women's Voices (WAM)

Women and Mentoring (WAM) offers a unique, early intervention mentoring service within Melbourne.

Women referred to the program through the justice system **are matched with a volunteer mentor**. The mentor provides emotional, social and practical support for the participants as they move through the court process and engage in sentencing outcomes. Once out of the court system, the mentor helps the client connect with community organisations to address the causes underpinning their interactions with the justice system.



Justice for All – Just Not Women? WAM Event | Law Week 13-19 May

Women with lived experience to influence services

WAM have established their women's peer advisory group so that services and advocacy can be shaped by women's voices to better address their needs. Consultations have also been undertaken which found that WAM's mentoring model provides participants with:

- + Support that reduces social isolation
- + A judgement-free space for emotional growth
- + Encouragement and advocacy

When skilled mentors are able to develop a strong rapport with a participant, role-modelling opportunities arise which offer women alternate ways to approach, and think about addressing, situations.

These learnings have been incorporated into **information sessions and training materials** to strengthen understanding for potential mentors of their role and impact.

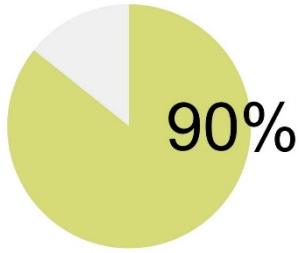


Expansion of mentoring service

At the project's beginning, WAM operated services in the Heidelberg and Sunshine Magistrates' Courts and the Neighbourhood Justice Centre.

WAM have successfully **expanded their operations** to include the Melbourne Magistrates' Court. In 2019, through the support of fellow grant recipients, Taskforce, WAM will add Frankston to their scope of service. They will also forge relationships in preparation for their move, in year three, to provide services in the Broadmeadows Magistrates Court.

WAM have now received 69 referrals for potential participants across four courts from 13 different agencies. 32 potential mentors expressed their interest and to date 15 have been fully screened and trained.



Participants have been able to articulate their ideal goals in 10 key life areas that promote pro-social connections and develop protective factors. **Ninety percent** of WAM participants report reducing criminogenic risk factors, fulfilling Corrections Orders and reducing their contact with the criminal justice system.

Improved data for evidence-based policy and service delivery

WAM’s comprehensive work on developing their monitoring and evaluation frameworks provides the foundation for the construction of their new database. The data and evidence captured will inform their strategic advocacy.

WAM have briefed the Attorney-General’s office and the Minister for Corrections on the program outcomes for participants.

Living Free (Stepping Up Consortium)

This program leverages pre-existing partnerships across the Frankston Mornington Peninsula to undertake a targeted, integrated response to young girls reported missing aged 10-17 and women over 18 at risk of, or in contact with, the justice system. Using literature on what works with females in contact with the justice system, the program provides individualised care co-ordination, assertive outreach and intensive case management in an effort to support participants to address the underlying factors placing them at risk of offending. Direct service delivery is supported by priority referral pathways, established across health, community and legal services to support an integrated, holistic response to those in the program.

As well as providing direct service delivery, the project also has a project co-ordination component that focuses on systemic advocacy and partnership development, seeking to enhance the understanding of those working across health, justice and legal sectors of the pathways of women into offending and re-orientate how local services currently engage and support our most vulnerable young girls and women.

“Women offenders respond best to integrated responses that address multiple areas of need at the same time.” Living Free Program Co-Ordinator

Service Delivery Stream One: Girls and young women 10-17 Years

Local Victoria Police data demonstrates that being reported missing as a young person is a precursor to gateway offending. However, when Police locate the missing person few, if any, supports are put in place to change that trajectory. In response to this gap, Living Free provides supported care coordination to both the girl/young woman reported missing and their family.

Referrals are received directly from Victoria Police Youth Resource Officers and other identified agencies to ensure the most appropriate support is put in place at the earliest possible time.

Since the program commenced taking referrals in April 2018, 34 girls and young women aged 10-17 have been referred to the program and 23 received support. Of those receiving support, **two had criminal matters in Court and have successfully completed diversion with program support**, resulting in no further justice involvement.

Improvements have been observed in participant health and wellbeing, engagement in education and community connectedness.

A broader research proposal, led by Monash University has been developed and funding sought to have a dedicated research team on the project, as there is a paucity of research in relation to the trajectory of girls reported missing to engagement with the justice system.



Sue Ball, Fiona McLeay, Peter Vandermeer (Youth Resource Officer- Victoria Police), Lisa Abbott, Shelley Cross, Misty Summers (Operations Manager- Frankston Magistrates’ Court), Meagan Mathieson (Manager- YSAS Frankston), Magistrate Tim Gattuso, Jackie Galloway (CEO- Peninsula Community Legal Centre), Eileen Foley (Senior Lawyer- Victoria Legal Aid) at the Taskforce Community Agency launch 27 June 2018

Service Delivery Stream Two: Women Aged 18-30 Years

Living Free has established referral pathways with a range of stakeholders including Magistrates, legal representatives and Victoria Police to connect adult women to the service.

From April 2018- April 2019, 56 referrals for women 18+ have been received. With the recent changes in the Bail laws, there has been a notable increase in women remanded for low level offending. With Living Free program involvement, these women are supported on Bail to address their often multiple and complex needs that underpin their contact with the justice system.

Of the women supported in the program, 97.5% have remained in the community. The one woman who was re-remanded was re-bailed with the support and advocacy of Living Free to enter a community based rehabilitation unit. Initial indicators suggest that the support of the Living Free program **not only diverts women from entrenchment in the justice system, it improves their overall health and wellbeing.**

Twenty women who have had support of Living Free have fifty-one children between them. Living Free Women's Outreach Workers support women to increase their parenting capacity whilst also connecting their children with required supports in an effort to improve familial functioning and potentially break cycles of intergenerational contact with the justice system.

New Members

The community of practice established with these projects has expanded to include two projects funded through our 2018 grant round:

+ Women's Arts Officer in Prisons & Community:
The Torch

The Torch has employed a designated officer to work directly with Indigenous female prisoners situated in both the Dame Phyllis Frost Centre and Tarrengower women's prisons in Victoria. Upon release from prison, the women will continue to receive art, cultural and vocational support through the project.

+ Stories of Strength: A storytelling and media project for women with lived experience of imprisonment:
Federation of Community Legal Centres (FCLC)

The Stories of Strength project works to ensure more women with lived experience are able to contribute to community conversations about female incarceration.

The FCLC are collaborating with our other funded projects to encourage the community conversation about the incarceration of women.

Contributing to the Conversation

The issue of women in prison has been gaining media traction over the last year.

The KWOJS projects have a **special role to play in contributing to the community conversation** about effective justice responses for women.

An episode of ABC's Four Corners program shared the experiences of three women upon being released from prison. The program transcript can be viewed [here](#).



Below is a brief selection of articles on the issue that also highlight the intersecting causal factors of poverty, family violence, Alcohol and Other Drug dependence, homelessness and changed bail laws attributed to rising female incarceration rates. Our KWOJS projects have contributed to many of these.

- + ABC, 21 November 2018 [“‘Alarming’ number of women forced to move out of the Gatwick for The Block are now in jail”](#)
- + ABC, 20 December 2018, [“Why are our prisons full of domestic violence victims?”](#)
- + The Age, 10 February 2019, [“The government is criminalising the very women it should support”](#)
- + The Age, 13 February 2019, [“Vulnerable women trapped by changes to bail laws”](#)
- + ABC, 25 February 2019, [“Women prisoners pose ‘little risk’ to employers and bring benefits from jailtime”](#)
- + Herald Sun, 8 March 2019, [“Missing young girls are being exploited by older men amid calls for state-wide support program”](#)

What Next?

The KWOJS community of practice will continue to meet regularly and the Board will host and facilitate the workshops. The group have identified the following shared objectives:

- + Bail law reform and abolition of short sentences
- + Policy reform to promote enhanced diversionary options
- + Improved education of legal professionals so they better understand gendered pathways to offending
- + Building of jurisprudence through strategic litigation
- + Flexible, long-term service delivery models.

As the number of women in Victorian prisons continues to rise the urgency to reform bail and sentencing laws will only increase as the human and financial cost of inaction becomes too great.

About the Victorian Legal Services Board Grants Program

The Grants Program was established in 2007 to distribute funding to projects that aim to improve the administration of laws, increase access to justice, improve legal services and inform and educate the wider community about legal services.

The grants are available from the Board administered Public Purpose Fund, which includes funds from a number of sources including the interest on solicitors' trust accounts and income from investments.

With the approval of the Attorney General, the grants can be used for:

- + Law reform
- + Legal and judicial education
- + Legal research
- + Innovative improvements to access to justice
- + Any other purpose relating to the legal profession or the law that the Board considers appropriate.

Contact Us

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For further information about the Victorian Legal Services Board Grants Program, please visit the Grants Program page on the Board's website: www.lsbc.vic.gov.au

