

# WOMEN IN THE VICTORIAN PRISON SYSTEM



Justice  
and Community  
Safety

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This paper provides insights into both current and emerging issues for the female prison population in Victoria. Findings presented can be used to shape policy and program development to better meet the complex needs of this cohort.

## OVERVIEW

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The number of women in Victoria's prisons has increased dramatically over the past five years to 2017. This is largely due to the rising number of women being remanded (also known as unsentenced prisoners) for short periods of time, many of whom are subsequently released on bail or to a non-custodial sentence.

Corrections Victoria undertakes regular surveys to guide its service response for people in prison. Two recent surveys have been drawn on to inform this paper: one of both male and female prisoners around family violence, and the other a regular collection of information relating to the circumstances of women prior to entering prison on remand. This survey includes information on housing instability and drug use among female prisoners, and the personal circumstances of these women that may act as barriers to accessing bail.

These surveys show that female prisoners frequently report histories of family violence, high rates of housing instability and substance abuse that are often inter-related. Responding to this level of complexity in women's lives requires an approach that addresses these issues in an integrated fashion.

### IMPLICATIONS FOR SERVICE DELIVERY

Female prisoners present with a unique profile and set of needs.

A clear understanding of the extent of trauma and instability in their lives is critical for the corrections system to provide appropriate and effective services.

To address these multiple and complex needs, Corrections Victoria has developed *Strengthening Connections*, its new women's policy.

The policy acknowledges that there are issues that are distinctive to women, including:

- the role that personal relationships, victimisation and trauma have in contributing to women's offending;
- women's complex and varied health needs (including chronic conditions and mental health concerns); and
- the extent to which substance abuse links with women's offending and reflects past victimisation and trauma.

## KEY STATISTICS – WOMEN PRISONERS

### WOMEN IN PRISON AS AT 30 JUNE 2017



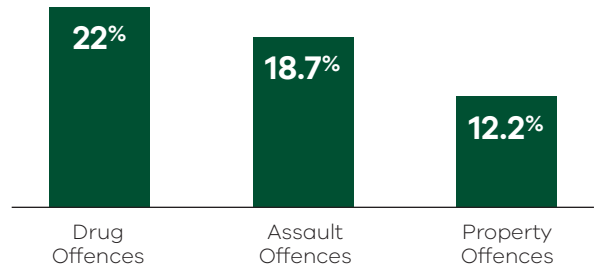
There were 507 female prisoners in Victorian prisons at the end of June 2017, and female prisoners made up 7% of the total Victorian prison population

**11%** were Aboriginal and Torres Strait Islander

**39%** of female prisoners were on remand

Their average age was **37**

**48%** received a sentence of between one and five years



**37%** were known to have been in an adult prison (under sentence) before

22% had drug offences as their most serious charge/ offence, followed by assault (18.7%) and property offences other than burglary (12.2%)\*

\* includes arson, criminal/property damage, handling stolen goods, other theft, possess firearms, receiving, shoplifting, theft of motor vehicle, and unlawful possession of stolen goods

### WOMEN ENTERING PRISON ON REMAND – 2017

**88%** of all women entering prison were received into prison on remand

#### OF THESE WOMEN:

**17%** were Aboriginal and Torres Strait Islander

**18%** were aged under 25

**63%** were charged with burglary (15%), other property offences (28%) and drug offences (20%)

**69%** had children (21% of these women were primary carers before entering prison)

### KEY ISSUES

(women received on remand between 2015 and 2016)

**26%** reported experiencing homelessness or housing instability prior to entering prison custody

**61%** reported using drugs daily prior to entering prison

**51%** had not applied for bail

**65%** reported being a victim of family violence

## A SNAPSHOT OF WOMEN IN VICTORIAN PRISONS

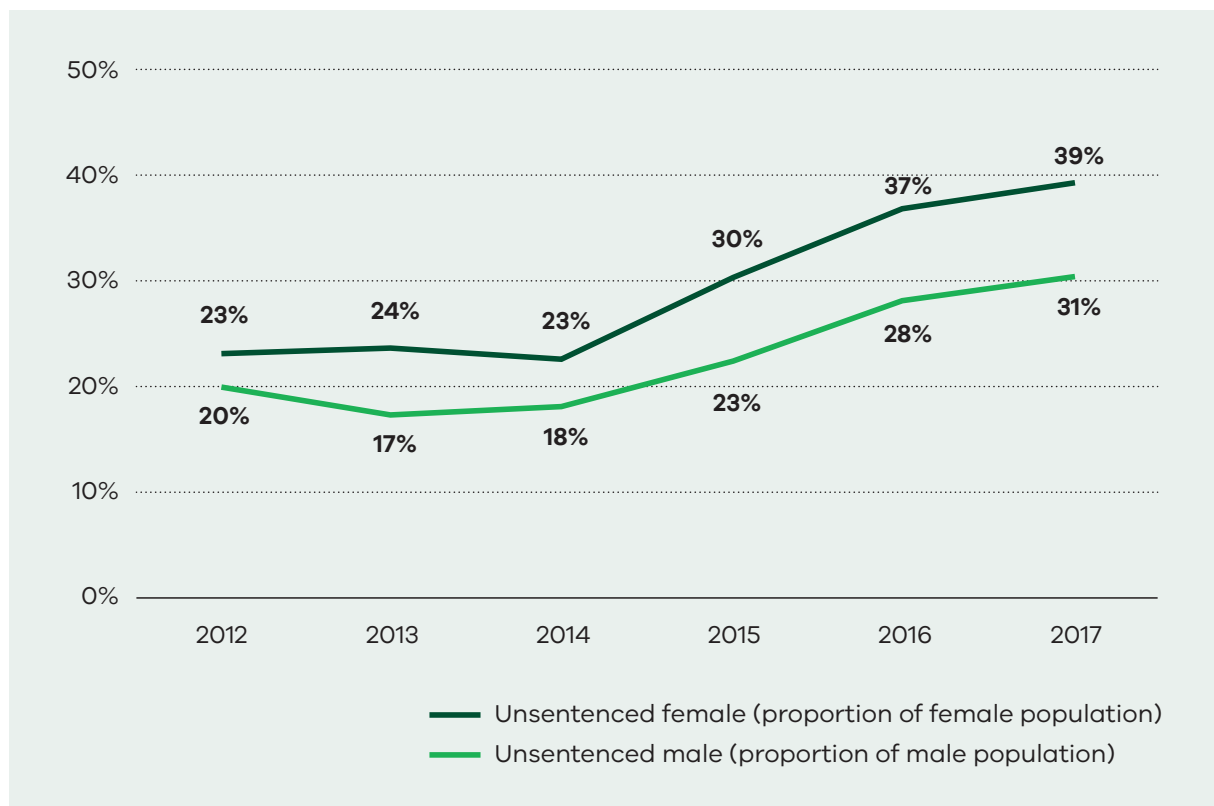
As at 30 June 2017, women prisoners represented seven per cent (507 prisoners) of the total Victorian prison population. Aboriginal and Torres Strait Islander prisoners made up 11 per cent of the female prison population, compared with eight per cent of the male population.

### More women are in prison on remand

The number of women in Victoria's prison system has grown rapidly over the past five years, rising from 340 women on 30 June 2012 to 507 on 30 June 2017 (an increase of 49 per cent). During this period, the number of men in prison increased by 46 per cent, from 4,544 to 6,644.

The increase in the number of female prisoners has been largely driven by more women being held on remand, which has increased both in absolute numbers and as a proportion of the female prisoner population. The proportion of female prisoners who were unsentenced increased from 23 per cent to 39 per cent between 2012 and 2017, and the proportion of male prisoners who were unsentenced increased from 20 per cent to 31 per cent over the same period (Figure 1).

**Figure 1: proportion of total male and female prison populations who are unsentenced at 30 June, 2012 to 2017**



## There are differences between female and male prisoners in offence types and sentence length

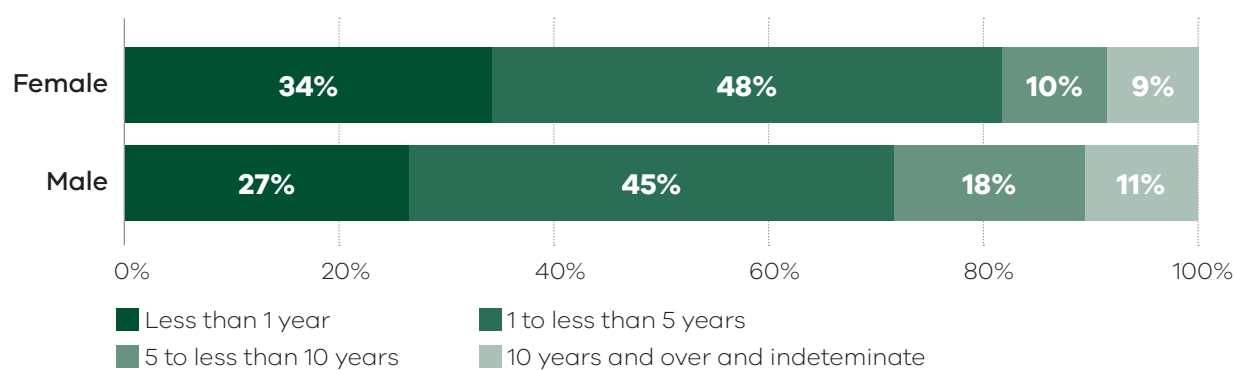
Drug offences, assaults and property offences (other than burglary) made up the majority of most serious charges/offences (MSC/O) among female prisoners. This is slightly different to male prisoners where assaults, sex offences and drug offences made up the majority of MSC/O (Table 1).

**Table 1: MSC/O for prisoners at 30 June 2017**

MSC/O	Female (%)	Male (%)
Drug offences	22.1	13.8
Assault	18.7	23.7
Other property offences	12.2	8.8
Homicide	11.2	8.2
Sex offences	1.6	14.0

Women also spend less time in prison than men. As at 30 June 2017, 18 per cent of female sentenced prisoners had an effective sentence length\* of five years or more, compared with 28 per cent of male prisoners. Conversely, 34 per cent of female prisoners had an effective sentence length of less than one year, compared with 27 per cent of male prisoners (Figure 2).

**Figure 2: effective sentence length (sentenced) at 30 June 2017**



Note: percentages may not add to 100 per cent due to rounding

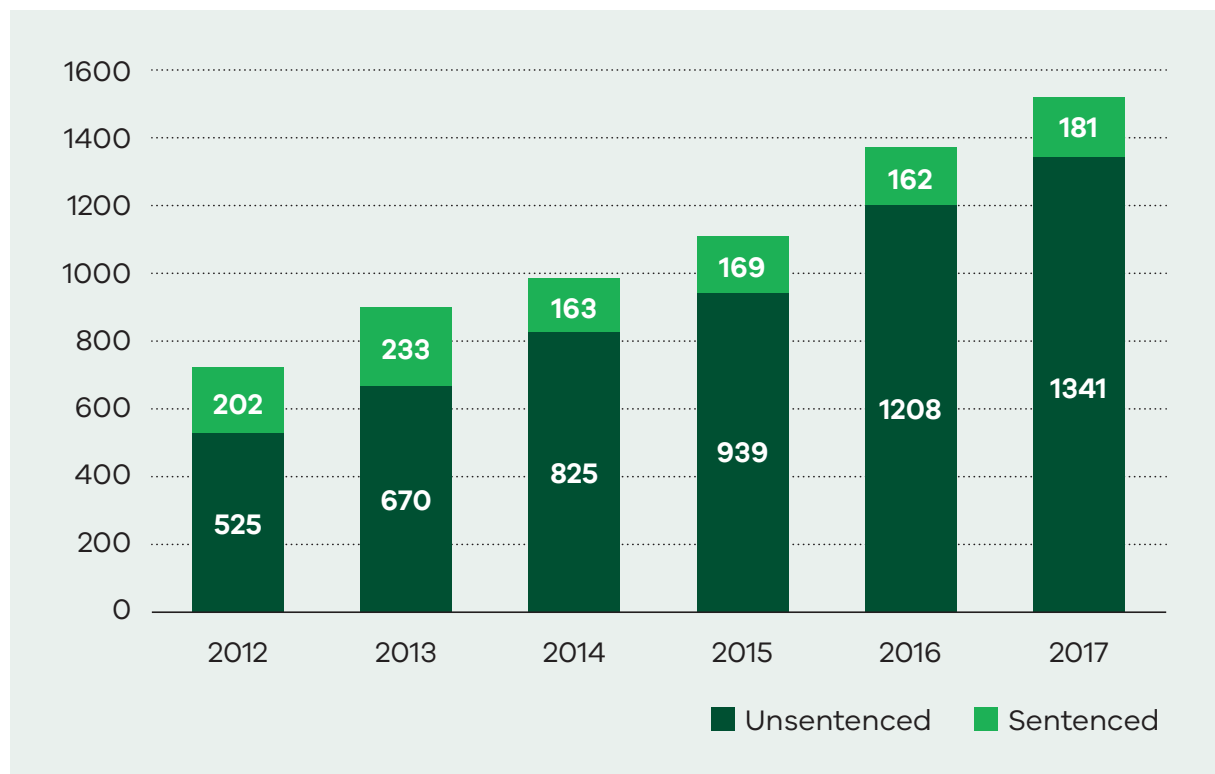
\* Period of imprisonment to be served by a sentenced prisoner in the current episode, calculated as the period between the date of reception into prison custody and the earliest date of release.

## WOMEN ENTERING PRISON

### There has been a substantial increase in the number of women entering prison on remand

Between 2012 and 2017, the number of women entering prison on remand increased by 155 per cent, from 525 to 1,341. Over the same period, the number of women entering prison under sentence decreased by 10 per cent, from 202 to 181 (Figure 3). In 2017, female prisoners on remand accounted for 88 per cent of all female prison receptions, and almost half had a most serious charge (MSC) relating to property offences or drug offences (Table 3).

**Figure 3: number of women received into prison by warrant status, 2012 to 2017**



Over the same period, the number of men entering prison on remand almost doubled, from 3,803 to 7,474, while the number entering under sentence decreased by 29 per cent, from 2,189 to 1,564.

### POPULATION VS RECEPTION DATA – WHAT DOES IT TELL US?

A snapshot of the prison population at a point in time (i.e. 30 June) does not capture the large number of women entering prison for short periods throughout the year. The total number of women entering each year (the 'flow' of prisoner receptions) is much larger than the point-in-time (or 'snapshot') prison population and the characteristics of women prisoners appear different using this measure. The growth in the women's remand population is especially pronounced in the flow data (Figure 3).

## The profile of women received into prison on remand has changed over the last five years

Between 2012 and 2017:

- Aboriginal and Torres Strait Islander women entering prison on remand increased from 13 per cent to 17 per cent of all female remand receptions. The 2017 figure is higher than the figure for Aboriginal males (11 per cent).
- The proportion of women entering prison on remand who had previously been in a Victorian prison under sentence decreased from 56 per cent to 51 per cent. This is a far smaller proportion than for males received on remand (72 per cent in 2017).
- The proportion of young women aged under 25 entering prison on remand decreased from 27 per cent to 18 per cent. This is similar to the proportion of male prisoners remanded (19 per cent in 2017). Almost one in two women remanded in 2017 were aged 25 to 34 years and a further one in four were aged 35 to 44 years. Only one per cent were 55 years old and over. Women who entered prison on remand in 2017 were more likely to be aged 25 to 34 than men who entered prison on remand over this period.

**Table 2: age profile for prisoners received on remand, 2017**

Age	Female (%)	Male (%)
Under 25 years	18.3	19.4
25 – 34 years	46.2	39.3
35 – 44 years	26.0	28.2
45 – 54 years	8.3	10.6
55 years and over	1.3	2.5

The MSC category for which women were most frequently remanded in 2017 was other property offences, such as shoplifting, handling stolen goods and motor vehicle theft. There were disproportionate increases in the number of women entering prison on remand for other property offences and breach of order offences (most frequently breach of bail and breach of intervention order) (Table 3).

**Table 3: top five MSC categories for women received on remand, 2017**

MSC	2012		2017		Change 2012-17 (%)
	(no.)	(%)	(no.)	(%)	
Other property offences	107	20.4	376	28.0	251.4
Drug offences	115	21.9	273	20.4	137.4
Burglary	79	15.0	201	15.0	154.4
Assault	79	15.0	184	13.7	133.0
Breach of order	20	3.8	146	10.9	630.0

In 2017, 69 per cent of female prisoners on remand had children. Between 2012 and 2017, the proportion of mothers who reported being primary carers for dependent children decreased from 37 per cent to 21 per cent. This compares with 14 per cent of fathers received on remand who reported being a primary carer in 2017.



## KEY ISSUES FACING WOMEN ON REMAND

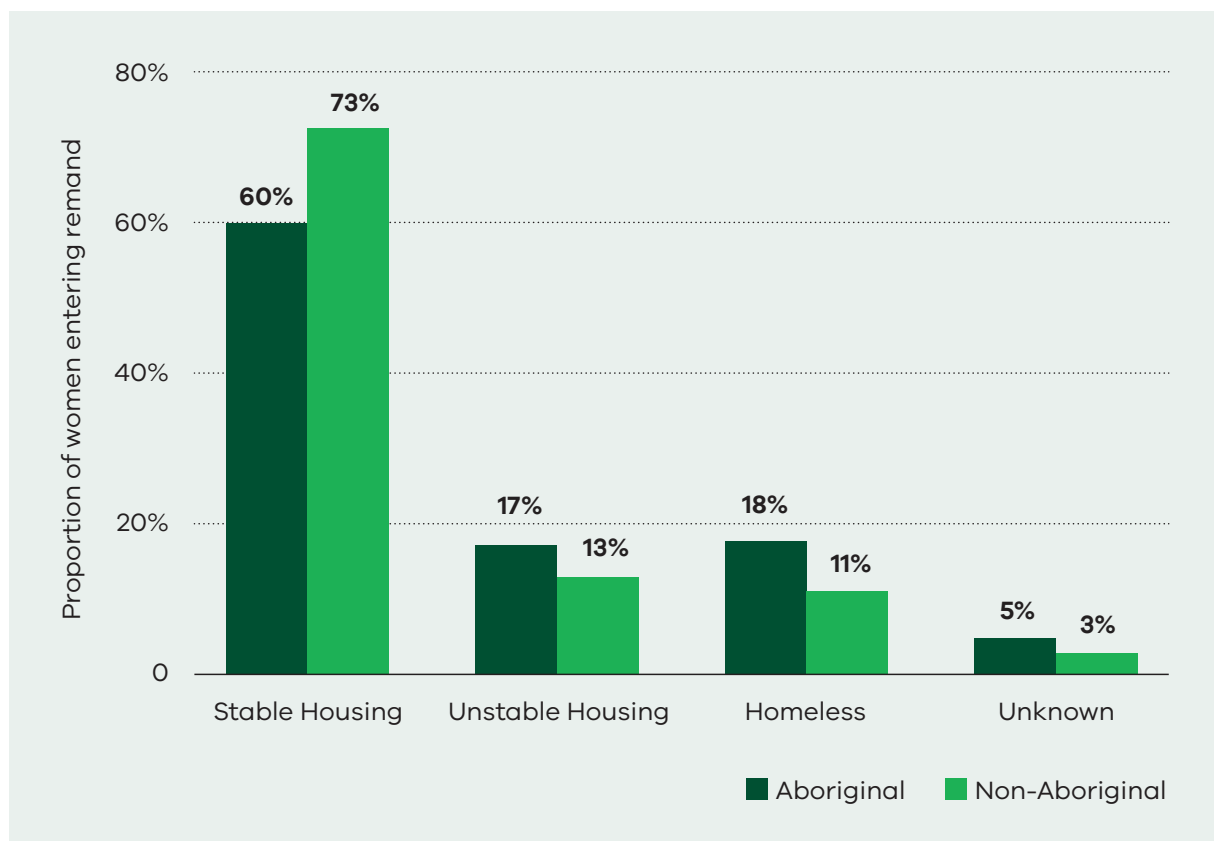
Women in prison often present with complex histories. Many female prisoners have been victims of abuse and trauma, which affects the types of interventions, supports and services that need to be provided during their time in custody.

In 2015 and 2016, Corrections Victoria surveyed 1,932 women entering prison on remand at the Dame Phyllis Frost Centre. The findings highlight some of the challenges faced by these women before they entered prison.<sup>1</sup>

### Housing instability is common among women entering prison on remand

Housing instability is far more common among women entering prison on remand than the general population. Only 0.4 per cent of Victorians are estimated to be homeless.<sup>2</sup> In contrast, approximately one in four women (26 per cent) entering prison on remand who were surveyed in 2015 and 2016 reported experiencing homelessness or housing instability before coming to prison. Aboriginal women were less likely to be in stable housing than non-Aboriginal women (Figure 4).

**Figure 4: housing situation prior to imprisonment, by Aboriginal status, 2015 and 2016**



<sup>1</sup> Self-report surveys are commonly used in criminal justice research and are generally considered to be an acceptable method for gathering information about people's lives and behaviours. However, given that the women completed their surveys as they were entering prison, they may well have been in a vulnerable state – both mentally and physically – which may have influenced their responses.

<sup>2</sup> Homelessness Australia (2014). Homelessness in Victoria. Data are based on Australian Bureau of Statistics (2012). Census of Population and Housing: Estimating Homelessness, 2011. Cat. No. 2049.0

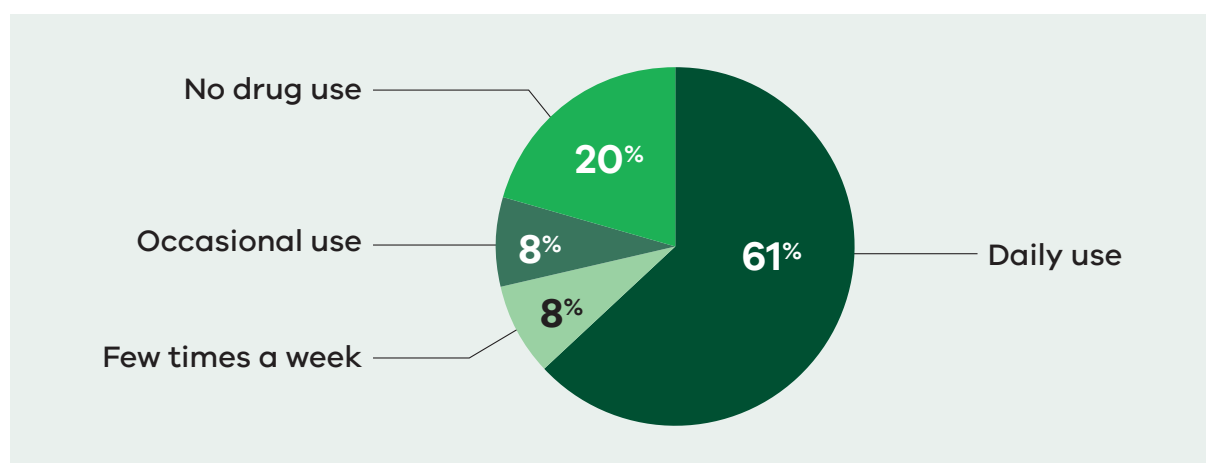
## Drug abuse prior to entering prison on remand is common

Research has shown that many women in prison have been victims of physical, sexual and/or family violence, and that self-medication with legal and illicit drugs in response to their trauma is common.<sup>3</sup>

Consistent with this, drug abuse prior to entering prison on remand was common among women surveyed:

- Almost two-thirds (61 per cent) of women reported using drugs daily prior to entering prison. One in ten (eight per cent) reported using drugs a few times a week, eight per cent reported being occasional users and one in five (20 per cent) reported that they had not used drugs before entering prison (Figure 5).

**Figure 5: reported drug use of women entering prison on remand, 2015 and 2016**



- Among daily drug users, ice was by far the most commonly used drug (72 per cent), followed by heroin (36 per cent) and cannabis (32 per cent).<sup>4</sup>
- Almost three-quarters of Aboriginal women (72 per cent) reported having used drugs daily before entering prison (compared to 59 per cent of non-Aboriginal women).
- Women who had previously served a prison sentence were more likely to report having used drugs daily before entering prison than women who had not been sentenced to prison before (65 and 58 per cent respectively).

## Heavy drug use is associated with certain offences

Between 2012 and 2017 there were substantial increases in the number of women remanded for burglary, drug offences and other property offences, and by 2016, these offence types accounted for 63 per cent of women entering prison.

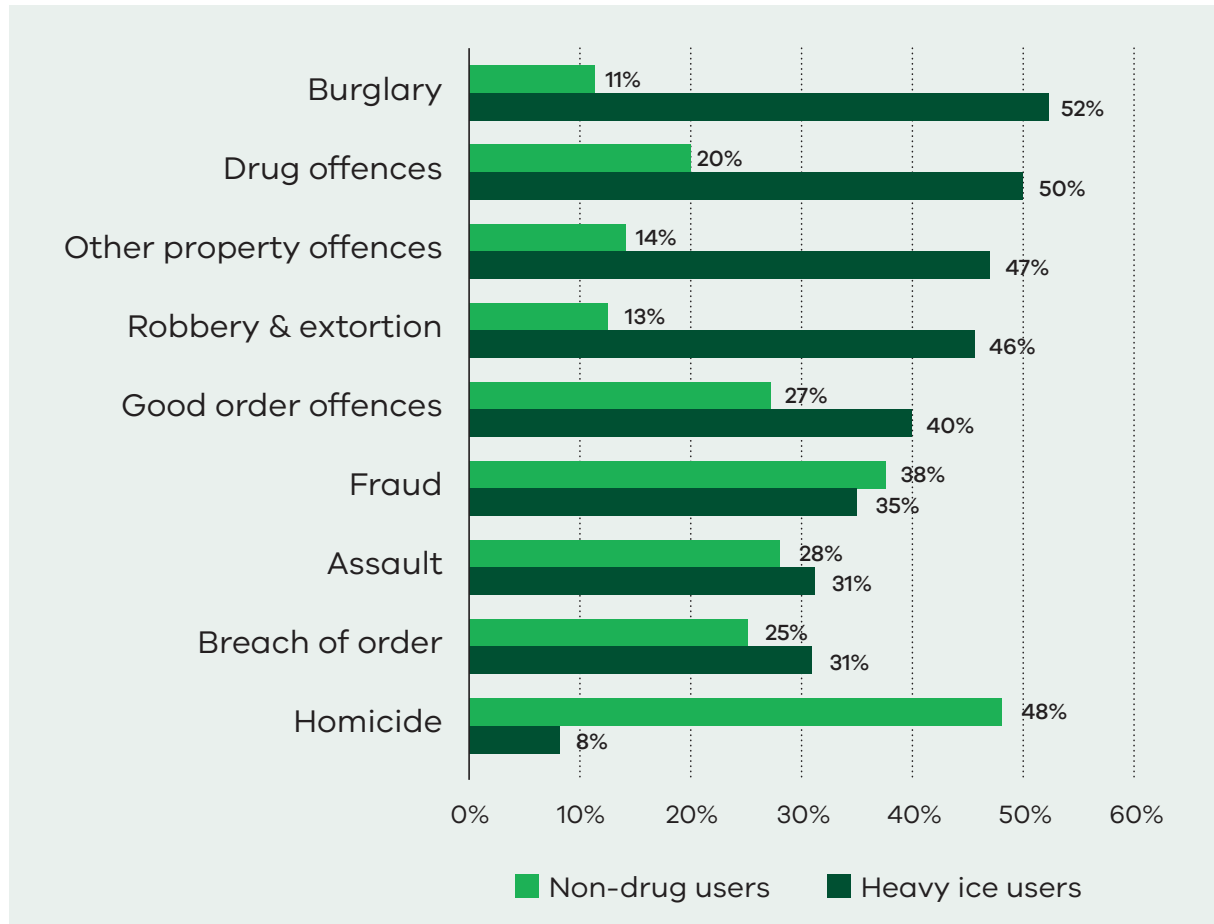
Differences in the MSC category for women remanded to custody emerged between heavy drug users and those who did not use drugs, with a greater proportion of women remanded for burglary, drug offences, other property offences and robbery and extortion reporting heavy drug use.

<sup>3</sup> See, for example, Ruth McCausland (2016). 'Australia is locking up too many women but the UK offers a blueprint for a radical new approach', *The Conversation*, 14 September 2016; Karen Gelb (2010). *Gender differences in sentencing outcomes*. Melbourne: Sentencing Advisory Council.

<sup>4</sup> Survey respondents may indicate drug use across multiple drug types, and as such, percentages will not add up to 100 percent

Of the women surveyed in 2015 and 2016, those who were remanded for drug offences, acquisitive offences and for robbery/extortion offences, were far more likely to report heavy use of ice prior to entering prison than were women remand with other types of MSC (Figure 6).

**Figure 6: MSC category of women entering prison on remand by level of drug use, 2015 and 2016**



Drug abuse may also place women at risk of housing instability and homelessness, or it may be a result of housing difficulties. Women who had experienced homelessness or housing instability before prison were more likely to report using drugs daily (70 per cent) than those with stable accommodation (59 per cent).

### **Around half of the women received into prison on remand had not applied for bail**

Of the women who were surveyed in 2015 and 2016, 51 per cent (981 women) reported that they had not applied for bail.

A further 40 per cent (773 women) reported having applied for bail but failing to secure release.<sup>5</sup> Of those women whose bail applications were unsuccessful, 98 per cent reported that they had been refused bail and two per cent that they could not afford to pay the full amount.

<sup>5</sup> Data were not available for 9 per cent of women entering remand.

## Aboriginal women are less likely to apply for bail

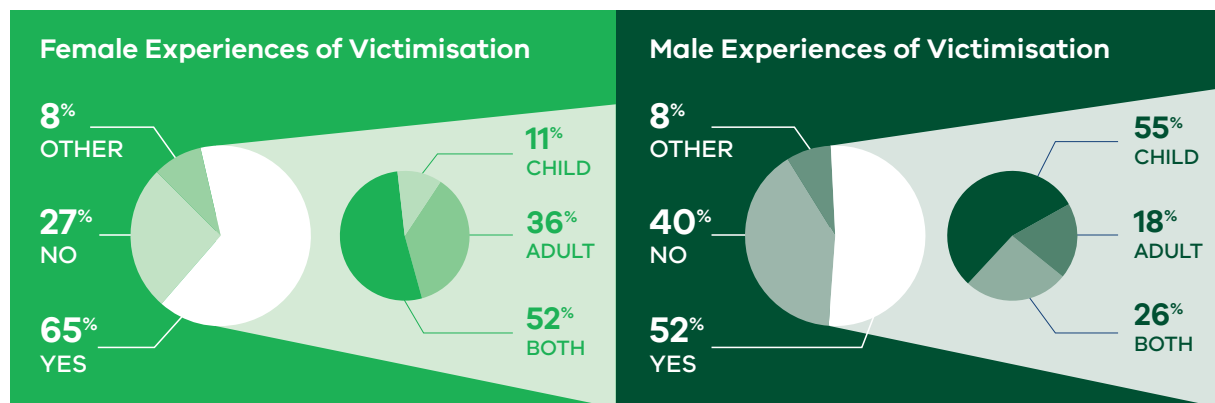
Fewer Aboriginal women reported having lodged an application for bail than non-Aboriginal women (34 per cent compared with 41 per cent).

Considering the survey results overall, it is clear that there is substantial complexity inherent in many women's experiences before prison and their challenges in seeking bail.

## Experiences of family violence are more prevalent amongst female prisoners

In a 2015 family violence prisoner survey, female prisoners were significantly more likely to have been a victim of family violence: almost two-thirds of the women (65 per cent) and half of the men (52 per cent) reported having experienced family violence at some point.

**Figure 7: experiences of family violence by sex, 2015**



Total percentages may not equal 100 per cent due to rounding.

Women were more likely to report experiencing family violence in both childhood and as an adult, while men were more likely to report having been a victim of family violence as a child only (Figure 7).

Women offenders' experience of family violence has a range of implications for service and program delivery.

Given the known effects of family violence, there is a clear need for targeted interventions that address the physical, economic, psychological and emotional impact for women. There are also significant implications for post-release transition for women leaving prison.

On release, these women may face the risk of returning to the violence; due to the threat of homelessness, some women may return to violent relationships.

Women can also face disruptions to their transition back into the community due to family violence-related debt or homelessness, with unstable housing and homelessness found to be a significant indicator of failed reintegration and also of whether an offender will return to prison.

*Strengthening Connections: Women's Policy for the Victorian Corrections System*

## OUTCOMES OF WOMEN'S REMAND EPISODES

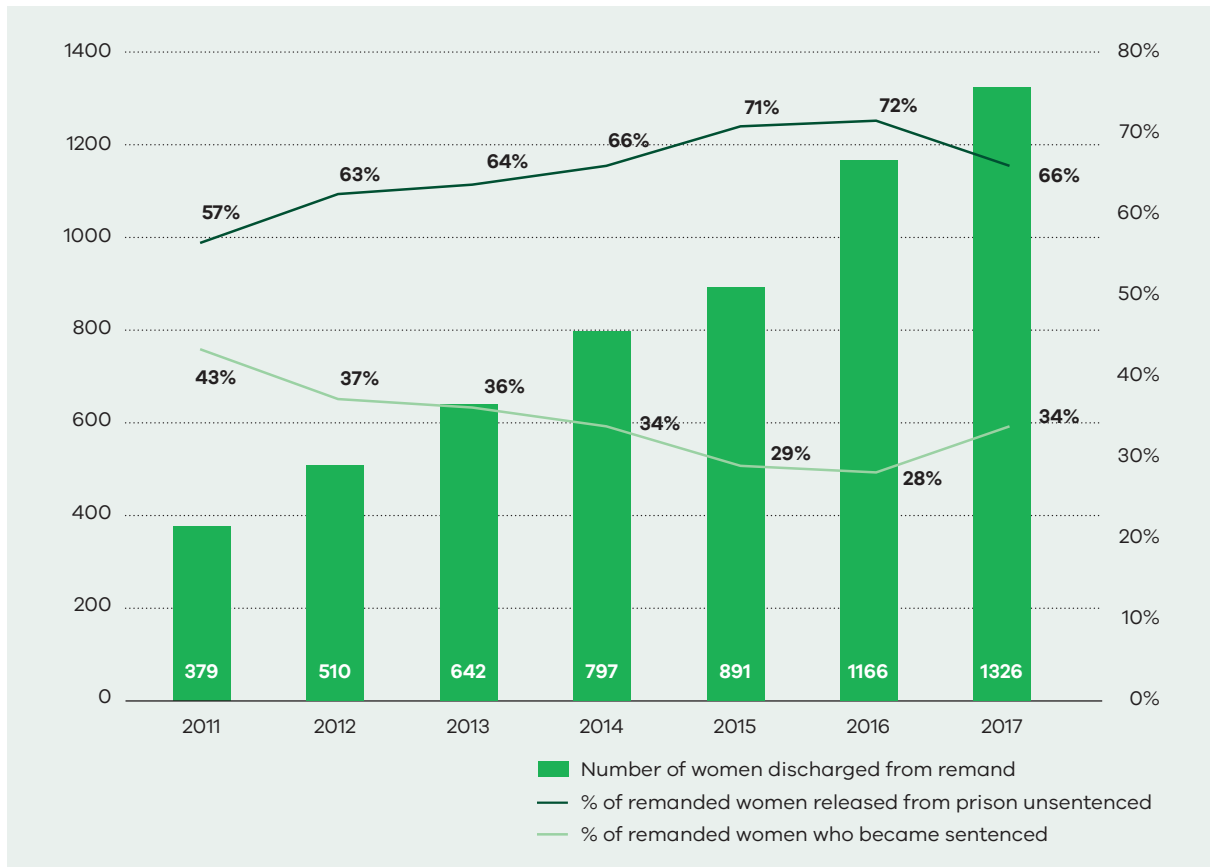
Despite difficulties in both applying for and securing bail, many women who enter prison on remand are ultimately released on bail. 'Flow' data on women entering and leaving prison show changes over time in the outcomes of women's remand episodes.

*A period of remand ends either when a person in prison receives a sentence of imprisonment and transitions from being an unsentenced to a sentenced prisoner, or they are released from prison. This includes release onto bail, after receiving a non-custodial sentence, being acquitted or being sentenced to the time they had already served on remand.*

### More women are being released from prison without having served any time under sentence

In 2017, two-thirds of women whose period of remand ended were released from prison without having served any time under sentence, with only one-third receiving a sentence of imprisonment with additional time to serve. In 2017, more than 870 women (66 per cent) were released from prison without having served any time under sentence, and this number has increased more than four fold since 2011, when 215 women were released from a remand episode (Figure 8).

**Figure 8: number and proportion of women ending a period of remand by outcome, 2011 to 2017**



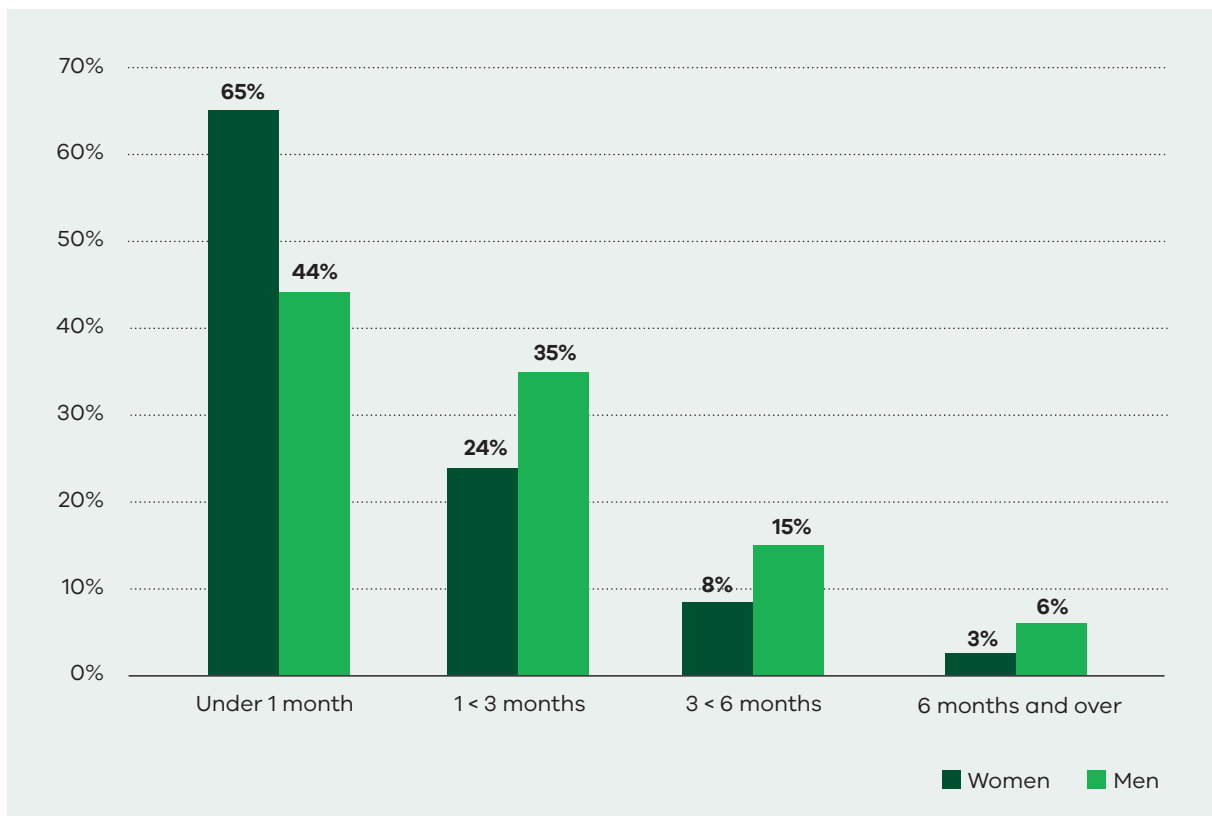
Over this period, there was a substantial increase in the number of women released on bail, from 152 in 2011 to 539 in 2017. There was also an increase in the number of women who were sentenced to a term of imprisonment equal to the time they had already served on remand (and who were thus released immediately from court), from 21 women in 2011 to 161 women in 2017. The number released after being sentenced to a non-custodial order increased from 38 women in 2011 to 119 women in 2017.

The strong impact of criminal history on bail decisions is evident in the outcomes of women remand episodes. Of women remand prisoners surveyed in 2015 and 2016, those who had previously served a prison sentence were far less likely to be released to bail (31 per cent) than those who had not previously been sentenced to imprisonment (60 per cent).

### Compared to women, men spend more time on remand and are more likely to become a sentenced prisoner

Women who were released from remand in 2017 were typically in prison for short periods. Almost two-thirds of women were in prison for less than one month and approximately one in four spent between one and three months on remand. Very few women spent more than three months in custody on remand (Figure 9).

**Figure 9: time on remand prior to release from prison, male and female prisoners, 2017**



While a large proportion of male prisoners were also held on remand for short periods, they were less likely than women to be in custody for less than one month (44 per cent of men released from an unsentenced episode compared with 65 per cent of women) and were more likely to be on remand for three months or more (21 per cent of men compared with 11 per cent of women).

Men who had a remand episode end in 2017 were more likely to receive a sentence of imprisonment and transition to being a sentenced prisoner (57 per cent) than to be released from prison without having served any time under sentence (43 per cent of men). Men whose remand episode ended were also less likely than women to be released on bail (28 per cent of men compared with 41 per cent of women) and were much less likely to be sentenced to the time they had already served on remand (3 per cent compared with 12 per cent).

### FURTHER ANALYSIS OF COURT OUTCOMES FOR WOMEN RELEASED ON BAIL

#### **Many women released on bail do not go on to receive any further prison time for the charges they were remanded for.**

The court outcomes were tracked for 129 women who were remanded on charges relating to an offence (or multiple offences) and then released from prison on bail between October and December 2016.

- 41 per cent were sentenced to a term of imprisonment for at least one of the offences for which they were charged and on remand. Of these women, 59 per cent were sentenced to the time they had already served on remand (i.e. pre-sentence detention) and released at court, while the remaining 41 per cent were sentenced to additional time in prison.
- 35 per cent received a supervised Community Corrections Order.
- 18 per cent received other outcomes such as a bond, fine or adjourned undertaking.
- Six per cent were acquitted of all the charges after having been remanded in custody.

Overall, only 17 per cent of women who were initially remanded and then bailed were sentenced to a term of imprisonment longer than the time they had already served on remand.



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