

Submission to the House Standing Committee on Social Policy and Legal Affairs Inquiry into Family, Domestic and Sexual Violence

Preventing violence against women who have experienced incarceration

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Women who experience incarceration should be a priority group for violence prevention

Any national plan to reduce violence against women is unlikely to be effective without addressing the violence that occurs against women who have experienced incarceration. Although this group of women are not representative of all women in the general population, there is good evidence that they experience elevated levels of disadvantage and violence victimisation (1-3). Women released from prison are 16 times more likely to die from violence than women in the Australian population of the same age (4). Death is the most serious outcome of violence against women and, as such, the risk of non-fatal injuries from violence (a more common outcome (5)), is likely to be much higher. While the risk of non-fatal violence victimisation against women released from prison is not well understood, preliminary findings suggest that women released from prison are approximately 9 times more likely to be a victim of non-fatal violence than women in the general population (6, 7). Additionally, the majority (70% to 90%) of women in prison report a history of violence or abuse victimisation (8).

In 2019, there were 9,654 instances of a woman being released from prison in Australia (9). The number of women, particularly Indigenous women, in prison in Australia is increasing at a rate that far exceeds crime rates (10), population growth (10), and the growth of the male prison population (9). From 2009 to 2019, the number of women in prison in Australia increased by 65%, compared to a 48% increase for men (9). The vast majority of women in prison will be released back into the community as they are often convicted of minor, non-violent offences, and are therefore held on short sentences of usually only a few months (11, 12). Further, increasing numbers of women are being held in prison on remand, meaning they have not been sentenced and may be detained on unproven charges (i.e., have not yet been found guilty) (13). Given the increasing number of women being released from prison, and their elevated risk of family, domestic and sexual violence victimisation, women who have experienced incarceration should be considered a priority group for violence prevention policies and violence victimisation support services.

The connection between incarceration, inequity, and violence against women

There is a clear overlap between the factors that may increase a women's risk of family, domestic and sexual violence victimisation, and the factors that may increase a women's risk of being incarcerated (2, 14, 15). Additionally, many of the reasons why a woman may be incarcerated are connected to their violence victimisation (2).

Compared to women in the general population, women in prison are more likely to experience health and social disadvantage, including mental health and substance use issues (16), and

homelessness or unstable housing (17). These factors can be both a cause and a consequence of violence victimisation and incarceration for women. For example, having mental health and substance use issues may increase a women's risk of violence victimisation (18-20). Alternatively, mental health and substance use issues may result from, or be exacerbated by, violence victimisation (21, 22). Using substances as a coping mechanism for violence victimisation may lead to criminal charges and incarceration related to buying or possessing illegal substances (2).

Similarly, family and domestic violence victimisation is one of the most common reasons why women leave their homes in Australia (23). Without accessible and secure housing, these women become at risk of homelessness, which may increase their risk of incarceration. People who are homeless are more likely to be involved in the criminal justice system than people who are housed (24, 25), and many people leave prison without secure accommodation and enter (or return) into homelessness in Australia (26). Some women leaving prison may feel that they have no choice but to return to a family and domestic violence situation as it may be their only means of securing housing after release, or out of fear that they might lose custody of their children (27). Therefore, without appropriate support to secure a safe place to live, the criminal justice system likely amplifies the risk of family and domestic violence victimisation among marginalised women in our community.

After experiencing violence victimisation, some women may react violently towards the person perpetrating violence against them (28, 29). This could lead to assault charges or intervention orders being brought against the woman (28, 29). In Australia, female victims of family and domestic violence are often misidentified by police as the primary aggressors of violence (30). Trauma-informed policing and criminal justice responses to family and domestic violence are urgently needed, as without such, we will continue to criminalise women for being victims of family and domestic violence.

Opportunities to reduce violence against women who experience incarceration

Providing gender-sensitive transitional support is critical to address the high rates of violence experienced by women who have experienced incarceration. The *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders* (31) stipulate that a gender sensitive approach to women's care should take into account the need to provide specialised support for women. However, there are substantial evidence gaps in this area which impede an evidence-informed, gender-specific service response to address the high rates of violence against women who have experienced incarceration (32). Further, similarities or differences in how sex- or gender-specific service provision is implemented across jurisdictions in Australia are poorly understood.

Throughcare, which to be effective requires tailored case management, is the main policy framework for post-release support in Australia, and is designed to ensure continuity of social and health support as people transition from prison to the community (32-34). Although few evidence-based, health-focused throughcare interventions exist in Australia, regardless of sex or gender specificity (35), existing service models have typically been informed from evidence generated predominantly from men. These service models and approaches to throughcare have then been generalised to women without sufficient consideration of the unique health and social needs of women released from prison (36, 37).

Although more evidence is needed to inform development of gender-sensitive and appropriate throughcare services to support women leaving prison, and to reduce their exposure to violence, it is imperative that throughcare policies consider gender-sensitive approaches to address women's overlapping risk factors for violence and incarceration (32), including poor mental health, substance use issues, and housing (38). Further, the overrepresentation of Indigenous women in Australian prisons necessitates the provision of culturally appropriate and acceptable services to address exposure to violence among these women (39). This may be a key component of closing the gap between Indigenous and non-Indigenous health and family and domestic violence victimisation for Indigenous women (40).

Evidence-informed policy decisions targeted at resourcing and optimising transitional health and social support for women is critical, particularly given their high rates of repeated presentation within the criminal justice system, and their high rates of violence victimisation (4, 32, 35, 41). This is a critical opportunity to improve the health and wellbeing of some of the most marginalised women in our community. However, without transitional support services specific to the needs of women released from prison, this is a missed public health opportunity. Immediate action is needed to help these marginalised women to escape from domestic and family violence.

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