

Gender responsive policies and programs for young female offenders

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Prepared on behalf of the Australian Women's Coalition Inc by

Dr Frances Panopoulos PhD

Major Jenny Begent

Ms Sharyl Scott

Abstract

For some years, criminal behaviour in young females was not considered a serious issue. In recent times, however, the relative increase in the number of arrests of young female offenders has become a concern. Research suggests a high incidence of co-existing substance abuse and mental health problems in this group. In order to provide effective gender-specific prevention and intervention strategies, we need to understand the diverse developmental pathways that bring young women to offending. Further research needs to be undertaken to ensure good policy and practice in responding to the needs and risks associated with young female offenders.



Introduction

In February 2011 the Australian Bureau of Statistics reported a six percent increase in the number of female offenders police proceeded against in the periods between 2008-2009 and 2009-2010. This change represented a faster rate of increase for females compared to males, the latter increasing at four percent over the same period.¹ Within this context, the present paper sets out the basic reasons why gender-responsive approaches are and will continue to be crucial in the corrective services and broader social context. In particular, we call for increased vigilance around the needs and risks associated with the younger female cohort – in both the adult and juvenile systems. In presenting this paper we have drawn on some key sources, including national and international literature and policy documents, as well as AWC’s role as a nationally-based consultative forum for issues affecting all women and girls.²

Gender-responsive policies for women and girls

Since 2009 the AWC has encouraged the Australian Government to pursue a gender-responsive approach to early intervention and rehabilitation for both women *and* girls who come into contact with the justice system. At the level of its individual member organisations, AWC has been concerned about these issues for a number of years.

We acknowledge that in Australia, the past decade has seen a steady increase in attempts to make incarceration and rehabilitation more responsive to the needs of women. A 2011 Australian Institute of Criminology report outlines some of the better practice developments on this front in Australia and overseas in recent years.³

Overall however, the international and Australian prisons reform literature recognises the need to *continue* to develop gender-responsive approaches across jurisdictions, addressing not only prison reform but also pre- and post-incarceration support and services for women and girls at risk.

At the Seventh National Women Offenders Conference (2007) the Australian Corrective Services Administrators Council (CSAC) concluded that unfortunately

¹ ABS 4519 Recorded Crime-Offenders, 2009-10, accessed online February 2011.

² See Appendix A for more information about the Australian Women’s Coalition (AWC) Inc.

³ AIC Technical and Background Paper 41–Good practice in women’s prisons: a literature review, accessed online February 2011.

‘there is still no national consensus about the need for a gender-specific approach to women’s offending’.⁴ The CSAC conference identified several key themes common to all Australian jurisdictions:

- *The complex, multiple needs which many women offenders presented with*
- *The need for a joined-up, whole of government approach to managing women offenders, and partnering with the non-government sector, with improved communication all round*
- *The significance of accommodation and transitional housing issues, and the maintenance of housing for women while they are in custody*
- *The need to maintain the momentum to keep women’s issues on the wider correctional agenda*
- *The impact of sentencing on children of women offenders up to the age of 15-16 years*
- *The high prevalence of mental health issues in the system*
- *The significant over-representation of Indigenous women in the system*
- *The importance of training for staff in managing the specific needs of women offenders*
- *The need to maintain a continuum of care and co-ordinated case management approach in supervising women offenders.*

In a 2009 review of gender-responsiveness in the European prisons context, the United Nations Office of Drugs and Crime (UNODC) made the following statement regarding imprisoned girls:

‘Little is known about the health needs of imprisoned girls, but concern is emerging regarding substance misuse, mental health problems, poor sexual health and poorer general physical health on a range of indicators (Douglas & Plugge, 2008). For instance, girls are increasingly at risk of HIV infection and may also be mothers’⁵

Compared with women, the inequities for adolescents and girls are likely to be even more pronounced, in part because of the absence of a consistent ‘voice’ for female juvenile offenders across jurisdictions. This lack of consensus exists despite a growing body of evidence pointing to significant inequities for this group, both in custodial and non-custodial settings. We discuss some of these issues in more detail below.

⁴ Corrective Services Administrators Council (CSAC), 7th National Women Offenders Conference, Summary of Proceedings, Melbourne, 4-5 December 2007

⁵ United Nations Office on Drugs and Crime (2009), ‘Women’s health in prison: correcting gender inequity in prison health’, World Health Organisation 2009.

Social inclusion

Compared to the growing body of research on adult female offenders, there is a relative lack of publicly available information relating to the juvenile cohort. Much of what is available points to significant added disadvantage among girls, particularly with regard to histories of abuse and neglect and associated psychological and emotional health outcomes.

In mid 2008 the Australian Institute of Health and Welfare (AIHW) reported that nationally in the period 2006-07:

- *6.5% of young people under supervision were female*
- *there was a slightly younger age structure for the young females experiencing juvenile justice supervision over the period, compared to the young males*
- *the population of females who experienced juvenile justice supervision had a slightly younger age structure than the equivalent male population*
- *when looking at the age structure among ATSI young people, their numbers were proportionally higher at younger age groups and this was particularly the case for young females*
- *there were proportionally more ATSI females (43%) when compared with ATSI males (35%)⁶*

Recent reforms in Victoria were preceded by a comprehensive literature and service review commissioned in 2003 which concluded that adolescent female offenders have unique health and psychosocial needs, namely:

- *much higher prevalence and frequency of physical or sexual abuse compared to boys*
- *higher needs in terms of major mental health issues resulting from abuse histories*
- *likelihood of specific health needs related to pregnancy, parenting and sexually transmitted diseases*
- *likelihood of multiple sex contacts from an early age*
- *history of running away from home and truancy*
- *learning disability*
- *substance abuse issues*
- *a high likelihood of having been state wards*
- *greater concerns regarding economic and social dependency (namely pressing needs for an income, housing and medical services after release)*
- *facing more pronounced stigmatisation after release⁷*

Many administrators and policy-makers might simply stop at the AIHW report's 6.5%

⁶ AIHW 'Juvenile Justice in Australia 2006-07', Juvenile Justice Series Number 4, August 2008.

⁷ Andrew Day, Kevin Howells and Debra Rickwood, 'The Victorian Juvenile Justice Review', prepared for the Department of Human Services, Victoria, January 2003.

figure for females in general, and look no further. However, what the above statistics and research findings tell us is that there are complex gender-based issues at play that require a better understanding of the unique circumstances and needs of young female offenders, and this is particularly the case for ATSI females.

In response to the research and its members' ongoing concerns and observations at the grassroots level, the AWC made a submission in February 2010 to the House of Representatives Inquiry into Indigenous juveniles and young adults in the criminal justice system, pointing out the additional risks and needs faced by ATSI females, and young females in general.⁸ The AWC welcomed the subsequent ATSI Committee report - *'Doing Time, Time for Doing: Indigenous youth in the criminal justice system'* - which acknowledged, to some extent, the disproportionate disadvantage faced by young ATSI females.⁹

In summary, the available evidence points to the fact that younger female offenders face even greater barriers to inclusion than older women, men and boys, and that the effects are particularly pronounced among young ATSI women and girls. For this reason, the AWC believes that the Australian Government's Social Inclusion Agenda should specifically address the complex needs of young women and girls involved in the adult and juvenile justice systems.

Enhanced targeting of homelessness risk groups

The 2008 National Homelessness White Paper acknowledged the risks associated with people leaving prisons as well as those who are homeless prior to incarceration.¹⁰ However, there is evidence from both Australia and other countries suggesting that women may be at even greater risk than men when it comes to homelessness following a period of incarceration. Research conducted in both Victoria and New South Wales supports this view.

⁸ a copy of the AWC submission is available at www.awcaus.org.au

⁹House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs report, *'Doing Time-Time for Doing: Indigenous youth in the criminal justice system'*, Parliament of the Commonwealth of Australia, June 2011.

¹⁰ *'The Road Home – a National Approach to Reducing Homelessness'*, Commonwealth of Australia, 2008, p. 9

For example, a 2008 University of New South Wales study, which focused on the post-release needs of Aboriginal women in Western Sydney, summarised the evidence as follows:

'Research establishes the importance of stable housing for women post-release, and for recidivism in particular. Women ex-prisoners suffer worse housing problems and higher levels of homelessness, debt, depression, isolation and social exclusion than men. There is a dearth of women specific appropriate post-release support services. They have a significant need for assistance with accommodation, finances, employment, family reunification and are at a high risk of poor mental and physical health outcomes'.¹¹

Research conducted by the Australian Housing and Urban Research Institute (AHURI) in 2004 highlighted the fact that women are at greater disadvantage than men, with women participants in their study being more likely to return to prison than men during the nine-month period of the research. AHURI concluded that, compared with men, women had greater problems securing suitable accommodation and far fewer women live with parents, partners or close family.¹²

It can be argued that the access and equity issues identified by HREOC and AHURI are magnified in the young offender population, as younger women and girls are not generally in a position to advocate collectively for their rights as regards basic health, welfare and housing needs.

Homelessness is an area where girls are further disadvantaged by the fact there is no consistent national approach to their accommodation needs. Housing and homelessness issues are central to poorer outcomes for women and girls, many of whom have had disrupted accommodation due to histories of neglect and abuse.

The complex relationship between unstable accommodation, out-of-home-care histories and juvenile justice involvement is beginning to be recognised at the national level. For example, the Australian Institute of Health and Welfare (AIHW) recently created a dataset linking three relevant existing datasets: the Supported

¹¹ 'Aboriginal Women with Dependent Children Leaving Prison Project-Needs Analysis Report', prepared by Associate Professor Eileen Baldry (UNSW), Jackie Ruddock & Jo Taylor, January 2008, Auspiced by Homelessness NSW, Commissioned by WSSPAH

¹² Australian Housing and Urban Research Institute, February 2004, 'The role of housing in preventing re-offending', AHURI Research and Policy Bulletin, Issue 36.

Accommodation Assistance Program (SAAP), child protection and juvenile justice data collections.¹³ This approach reflects a recognition of the complex interplay of abuse/neglect and homelessness. However, future users of the dataset will run the risk of further marginalising girls if they simply report on the lower overall numbers of girls compared to boys and fail to examine the deeper links between recidivism, homelessness and abuse histories among girls, and ATSI girls in particular.

In summary, the AWC continues to advocate for a nationally consistent, gender-responsive approach under the Homelessness Strategy.

Identifying target populations at greatest risk of violence

In 2009 the National Council to Reduce Violence Against Women and their Children released its report titled ‘Time For Action’, which set out strategies and actions to ensure communities are safe and free from violence. Action 1.1.1 highlighted the need to ‘prioritise key settings and population groups in which to coordinate primary prevention initiatives and actions’.¹⁴ In April 2009 the Government released its response - ‘Immediate Government Actions’ - followed in early 2011 by its ‘National Plan to Reduce Violence Against Women and their Children’, setting out some key priority areas for reform and endorsed by the Council of Australian Governments.¹⁵

The AWC contends that reforms need to recognise the significance of historical abuse and neglect in the profiles of ‘criminalised’ women and girls, by making them a priority population group in the National Plan to Reduce Violence Against Women.

It is a widely accepted view that ‘criminalised’ women and girls have much higher rates of abuse and neglect in their life histories and this assumption is borne out by research. For example, a recent Australian analysis explored gender-based differences in abuse histories. The researchers concluded that:

‘intensive early intervention with families is called for to reduce opportunities for child abuse as family environments appear to be distal predictors of

¹³ AIHW, ‘Linking SAAP, child protection and juvenile justice data collections—a feasibility study’, June 2008.

¹⁴ National Plan to Reduce Violence against Women (April 2009)

¹⁵ Council of Australian Governments (COAG). The National Plan to Reduce Violence Against Women and their Children 2010-2022, accessed online August 2011 at <http://www.fahcsia.gov.au/sa/women/progserv/violence/nationalplan/Pages/default.aspx>

*substance abuse, mental illness and crime*¹⁶

A recent ARC Linkage research project looking at the health and welfare needs of young offenders on community-based orders found that:

- 74% of the sample (both males and females) reported some form of abuse or neglect
- Severe abuse was reported by 23% of the males and 38% of the females
- Females were four times more likely to report three or more severe forms of abuse
- Females reported higher rates of suicide attempts and self-harm¹⁷

The research described above highlights the complex inter-play between gender, histories of abuse, drug use and crime. As it is among the few Australian research studies focusing on juveniles in *non-custodial* settings, it adds even greater depth to existing Australian research, which has tended to focus more on the health and welfare of those offenders who are actually incarcerated.

The available evidence strongly suggests that gender-specific interventions are necessary for more effective rehabilitation and support for girls and young women. There is a strong case for targeting early abuse prevention services within this specific population.

With regard to evidence of poorer mental health outcomes for women and girls, a cautionary note is needed in examining mental health statistics. Analysts and commentators run the risk of stereotyping individuals and making this an individual-level issue while ignoring the underlying social pre-cursors of mental health and substance abuse problems in this group. Rather, it is important to consider gendered responses to economic disadvantage, physical and sexual violence and trauma as precursors to poorer mental health outcomes for ‘criminalised’ women and girls.

Improved service links

It is widely accepted both within correctional and ex-prison transitional support services that many women are not able to access adequate supports post-release to aid their transitions back into the community. In most jurisdictions, funding for transitional support services, particularly those targeting women, is relatively poor.

¹⁶ Lennings, C. J., Kenny, D. A., Mackdacy, E., Arcuri, A., Howard, J. (2007). The Relationship Between Substance Abuse And Delinquency In Female Adolescents In Australia. *Psychiatry, Psychology and the Law*. 14 (1), 100-110.

¹⁷ see for example the Justice Health, ‘NSW Inmate Health Survey’ 2001 and 2009

This is despite the burden of care and/or rehabilitation falling on already over-stretched community organisations struggling to cope with the demand. The complex nature of needs in this area means that service providers must be ‘all things to all people’. Ensuring that women-centred post-release support services are targeted for specific funding is key to improvement in this area.

In 2004 the Australian Human Rights Commission conducted consultations and research into the unmet needs of Indigenous women exiting prison. Concerns raised by the Commission included:

‘...the lack of coordination of existing government and community services, which has the result of limiting the accessibility of services to Indigenous women. Anecdotal evidence suggests that Indigenous women have difficulty in accessing support programs upon their release and are left to fend for themselves, sometimes leading them to homelessness, returning to abusive relationships or re-offending.’¹⁸

As one informant in AWC’s 2009 consultation put it:

‘the issues for adults and juveniles are the same, really, but it’s harder for girls because they don’t have the same rights and abilities as women. It’s about wisdom, knowledge and experience. When they come out, they’re estranged from their families, so getting housing and support is impossible’.¹⁹

The AWC therefore advocates for whole-of-Government support for initiatives that improve links between government departments, community-based organisations and this specific group of women and girls.

Generational impacts—women as primary and sole carers

National and international commentators have highlighted the importance of generational impacts for incarcerated women and girls. In 2009 the United Nations Office on Drugs and Crime (UNODC) identified a number of key themes relevant to women in prisons internationally, emphasising the fact that: most women in prison

¹⁸ Human Rights and Equal Opportunity Commission Social Justice Report 2004, Chapter 2: ‘Walking with the Women - Addressing the needs of Indigenous women exiting prison’.

¹⁹ From an interview with a transitional support worker.

are mothers, and imprisoned mothers are usually the primary or sole carer for their children.²⁰

Based on research from many countries UNODC also pointed out that, when fathers are imprisoned, the mother usually continues to care for the children. In contrast, fathers often do not continue caring for the children when mothers are imprisoned, thus leading to large numbers of children being institutionalised. An example cited by UNODC is the United Kingdom, where in a reported 80% of cases where a mother is imprisoned the father does not look after the child. In addition, families can also break up when mothers are remanded in custody or are serving short sentences.²¹

In recent years Australian researchers have also recognised the greater impacts associated with incarcerating mothers, as illustrated by the following quote:

‘Children of prisoners are at high risk of negative health outcomes and are themselves at an increased risk of offending later in life. The needs of these children must be recognised and policies introduced to reduce the adversities they face. The social, politico-legal and economic conditions that are contributing to the continuing rise in incarceration rates must be recognised, and measures must be taken to reduce this trend.’²²

Traditional justice models tend to take an individualistic approach. An holistic approach that recognises and respects the importance of family relationships in women’s lives is clearly needed.

In summary, although the numbers of incarcerated women are proportionally much smaller than men, incarcerated women are much more likely than men to be primary and often sole carers of children, thus inflating the familial and generational health and welfare costs associated with poor outcomes in this population group.

²⁰ United Nations Office on Drugs and Crime (2009), ‘Women’s health in prison: correcting gender inequity in prison health’, World Health Organisation 2009.

²¹ ‘Women’s health in prison: Correcting gender inequity in prison health’, United Nations Office on Drugs and Crime (2009).

²² Simon Quilty, Michael H. Levy, Kirsten Howard, Alex Barratt and Tony Butler, 2007, ‘Children of prisoners: a growing public health problem’, Australian and New Zealand Journal of Public Health, Volume 28 Issue 4, pp 339-343, Published Online: 25 September 2007

Stigmatisation of girls

In their review of the Australian and international literature, Day and colleagues highlighted the fact that young women offenders face greater stigmatisation upon release from incarceration.²³ During its 2009 consultations, AWC heard from informants that stigmatisation can form a barrier to community reintegration for girls in particular, as well as leading to insensitive responses towards young women and girls by law enforcement agencies and magistrates. This is especially the case for ATSI girls, and particularly for those who are engaged in prostitution as a gendered response to poverty and/or drug dependence. Of particular concern to AWC members are law enforcement and judicial models that punish girls involved in prostitution while failing to deal with perpetrators.

Future Research

This paper has emphasised the fact that simple analyses of overall percentages of women/girls compared to men/boys is *not* sufficient to give a true picture of what is really happening at the coalface. Administrators may be tempted to dismiss the need for gender-responsive policies and programs citing the relatively small numbers of women and girls compared to men and boys. However, given the gender differences discussed in this paper, a deeper understanding of what works for women and girls is clearly needed.

A further concern is that much of the existing research is based on institutional samples, with a relative lack of evidence about outcomes for those who are *not* incarcerated, those who are at risk of incarceration, and those who are in transition. This in turn translates into a poorer understanding of the extent to which community-based early intervention and pre- and post-incarceration experiences impact on health, welfare and recidivism. The high health, familial and broader social costs associated with this group over the long term would make this a sensible priority area for future research funding. However this should not be at the expense of critical funding to support over-stretched transitional support services.

²³ Andrew Day, Kevin Howells and Debra Rickwood, 'The Victorian Juvenile Justice Review', prepared for the Department of Human Services, Victoria, January 2003.

APPENDIX A

About the Australian Women's Coalition (AWC) Inc

The AWC Inc is a national peak women's organisation made up of the following women's organisations:

Aboriginal Legal Rights Movement
Australian Bosnian Women's Cultural Association Inc
Australian Church Women Inc
Australian Federation of Medical Women
Catholic Women's League Australia
Conflict Resolving Women's Network Australia Inc
Girl Guides Australia Inc
Hindu Women's Council of Australia
Mothers Union Australia
Muslim Women's National Network Australia Inc
National Council of Jewish Women of Australia Ltd
Pan Pacific and South East Asia Women's Association Australia Inc
Soroptimist International of Australia Inc
The Salvation Army
VIEW Clubs of Australia
Zonta International District 23 Inc

For more information about the AWC, visit www.awcaus.org.au

About the Authors

Major Jenny Begent – Salvation Army

Jenny Begent is the Vice President of the Australian Women's Coalition Inc. She has been a Salvation Army officer for 25 years, serving positions of leadership within social and community services. Her main area of expertise is Family Violence. She has held office on several state peak bodies, and been appointed to a number of state Committees and Boards. Her particular interests are social policy and working with communities to find safe ways to include the excluded.

Dr Frances Panopoulos PhD

Frances Panopoulos is a Social Policy Consultant and the AWC's national Coordinator. In her work with the women's sector she has been a key contributor to several projects and policy documents, including: the AWC's consultation report on a new national model of long-term care for survivors of sexual violence (2010); the AWC's invited submission on the Australian Government's New National Women's Health Policy (2009). The topic of Frances' PhD research, completed in the late 1990s, was police leadership.

Sharyl Scott

Current AWC President Sharyl Scott has been a member of Zonta International for nearly 20 years. She is currently the Principal of a State Primary School in NSW and strongly supports initiatives in the wider community to support the development of women and children.