

# CHANGING THE NARRATIVE

A NEW LEGAL SERVICE IS RESPONDING TO THE DRAMATIC INCREASE IN NUMBERS OF WOMEN, PARTICULARLY INDIGENOUS WOMEN, WHO ARE CRIMINALLY CHARGED AND IMPRISONED. **BY CAROLYN FORD**

A unique not-for-profit legal service for female offenders has opened in Melbourne.

The Law and Advocacy Centre for Women (LACW) works with criminalised women to help them address issues that have contributed to their offending, as well as providing legal advice and representation.

LACW principal legal officer Jill Prior said there is a clear link between victimisation through family violence and criminalisation of women, which was emphasised in the Royal Commission into Family Violence report, delivered in March.

Among its findings, the Royal Commission found:

- a majority of female offenders experienced family violence as children or from intimate partners, or both
- for some women, offending and imprisonment may be the only option for leaving violence
- sometimes police fail to investigate family violence reports and take steps to ensure the safety of these women because they view them as criminals rather than victims
- victims of family violence often experience homelessness upon release, which is a determinative factor in whether or not they return to prison
- at 12 months post-release, up to one third of female former prisoners have experienced victimisation – most often assault and family violence
- Aboriginal and Torres Strait Islander women are over-represented in the prisoner population, and there is a strong correlation between their experience of family violence and their incarceration
- there is a shortage of pre-prison diversionary options and post-release support compared to that provided to men. When compared with men, women commit fewer and less violent crimes; have shorter average periods of imprisonment; have more frequent periods in prison; have higher levels of previous victimisation, poor mental health and serious mental illness, substance misuse and unemployment and low educational attainment.

“The women the government has spent millions to inquire about through the Royal Commission are the same women we will assist . . . the women not heard from, not palatable, sometimes not likeable but who matter and who have suffered victimisation and loss

at an alarming rate,” Ms Prior said.

The new centre is in response to the dramatic increase in numbers of women, particularly Aboriginal or Torres Strait Islander (ATSI) women, criminally charged and imprisoned.

Between 2008 and 2013, female incarceration increased by more than double that of men. Between 2012 and 2014, the number of female defendants increased by 9 per cent compared to 5 per cent for men. Between 2013 and 2014 the number of ATSI women in custody increased by 18 per cent. Two out of three women prisoners are mothers of dependent children.

Ms Prior said the LACW, which is free for most clients, was well placed to interrupt the narrative.

“We knew something different was needed because we could see there was a clear narrative that women with these precursor issues that went unchecked, unassisted, lay the ground work for a path to a custodial sentence. We came up with a model of legal service delivery that was therapeutic and legal – with each arm allowing for early engagement, and a service that is client driven and needs focused. If the government and community have an appetite for change then we must take this

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Ms Prior said life circumstances – poverty, homelessness – leading to offending was at the heart of LACW’s practice model.

“She is the woman whose relationship has broken down, whose bills have escalated, the woman who has lost her housing, whose children are placed in out-of-home care because she isn’t coping and has turned to alcohol and drugs. She is removed from her family, she is fractured from her community, her health is diminished and her sense of purpose is so far down her list of fundamental needs that she makes decisions on a minute-by-minute basis. Her focus is on the immediacy of need rather than her future stability,” Ms Prior said.

“The individual experiences of the women are different and the histories are their own. Invariably, though, we see the same warning signs and symptoms of a life become unstable and difficult.”

opportunity. We must provide those most in need with real solutions to the social disadvantage that underpins their entry and entrenchment in the criminal justice system.”

Set up by Ms Prior and another lawyer Elena Pappas, LACW has assisted more than 70 women since opening in February. LACW, which receives no government funding and is seeking funding partners and donations, was officially launched in mid-June by former Supreme Court judge Betty King. Ms King said there are legal services that assist female victims of domestic violence but not female offenders, even though domestic violence might have led to the crime.

“The question being asked here is, ‘are the issues of women accused of criminal offending being heard and dealt with by the criminal justice system?’ The answer would have to be no,” Ms King said. ■