



WOMEN INCARCERATED AT DARWIN CORRECTION CENTRE

POWER, PURPOSE, POSSIBILITIES

THE GOOD FIGHT

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CIVIL LAW SERVICES TO INCARCERATED WOMEN IN DARWIN

In the last ten years the rate of women incarcerated in Darwin has doubled.

TEWLS provide the only civil legal advice service within the Women's Sector at the Darwin Correctional Centre. We attend every third week, and have over 100 open legal matters for this clinic.

We receive funding for 0.75 of a legal officer and 0.75 of a client service officer to provide a civil and family law legal service at the DCC, as well as at 6 other locations. We have sought additional funding over many years to address unmet service needs.



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CLIENT SNAPSHOT – KARIE

Karie* is an Aboriginal woman incarcerated for offences committed whilst “ice” affected. Prior to sentencing, Karie had weekly face-to-face contact with her children. Once incarcerated, all contact and communication with her children stopped.

Family Court orders were obtained facilitating supervised contact and communication. Expert evidence identified multiple health and well-being benefits for both Karie and the children of ongoing connectivity.

Maintaining safe connection to family is vital for incarcerated women, and assists in reducing recidivism. Of note, Karie has complex trauma acquired as a child and at the DCC, incarcerated women’s access to services to address reasons foundational to criminality is severely limited.



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CLIENT SNAPSHOT - ABBEY

Abbey* requested legal help regarding a housing debt. Abbey had been a tenant of public housing prior to her incarceration at the DCC. She had given up her house as a result of the length of her sentence before seeking legal help, leaving behind a substantial debt.

TEWLS represented Abbey, seeking information and documentation, and providing advice in respect of the debt. We successfully advocated to have a significant proportion of Abbey's waived, being \$7,000, for which Abbey was not liable.

Abbey instructs she felt strongly supported and informed during the process, and that she likely would have had to pay off the debt if it had not been for the legal help. Reducing debt post release is important for improved outcomes, as is holding Government to account, and providing holistic legal assistance.

Homelessness is a foundational contributor to incarceration - 24% of all TEWLS clients have homelessness indicators. Up until a recent change in Housing policy (brought about through TEWLS and other services advocacy), Abbey could not have been allocated a public housing premises until she had paid off her debt.



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CLIENT SNAPSHOT - SHALAYNE

Shalayne attended TEWLS at the DCC clinic for help with a domestic violence order (DVO). Upon commencing to act for Shalayne in the DVO, Shalayne told TEWLS that she had problems with other matters as well, with TEWLS acting for Shalayne in consumer contracts, court fines, and debt matters.

Shalayne disclosed “historical” sexual assaults for the first time during legal appointments and a victim of crime compensation application was lodged. TEWLS facilitated an external specialist NGO sexual assault counselling service to attend Shaylayne and other women incarcerated at the DCC. **Prior to this, incarcerated women had had no access to sexual assault counselling at the DCC.**

We are currently advocating for attendance at therapeutic and rehabilitation programs to count towards cutting out court fines, and for domestic and family violence, as well as financial counselling services for all incarcerated women in the DCC.



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DATA POWER - WOMEN INCARCERATED IN THE NT AND THE ABSENCE OF QUALITATIVE DATA



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UNDERTAKE LEGAL HEALTH CHECKS: A POSITIVE PURPOSE!

The legal health check is a legal screening tool that we adapted to 'diagnose' the precursors to incarceration and to identify the multiple legal needs of women incarcerated in the DCC.

It employs structured interview questions, in a conversational context. The base of the LHC remains available at <http://legalhealthcheck.org.au/>

TEWLS believes that all clients should be offered a legal health check to ensure holistic service provision.



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TEWLS LHC STATISTICAL SNAPSHOT

@ 50 participants aged between 22 and 58 = 75%

- ▶ 86% were receiving **Centrelink** prior to incarceration
- ▶ 69% had **unpaid court fines**
- ▶ 51% had **unpaid loans / consumer contracts**, with 42% paying off debts/fines via Centrepay prior to incarceration

- ▶ 83% had experienced **DFV** either as a child or an adult
- ▶ 77% had received an injury from a **violent act**
- ▶ 53% had been listed on a **DVO** in the past (PP or Defendant)
- ▶ 29% were subject to a **current DVO or PVRO** (PP or Defendant)



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- 83% had issues with **alcohol and/or drugs**
- 53% had a **pre-existing mental health condition**
- 65% were either receiving **medical treatment** or had medical concerns

- 83% were **Mothers**
- 42% had **prior involvement with Child Welfare Authorities**

- 77% identified as **Aboriginal or Torres Strait Islander**
- 61% **spoke a language other than English at home**

- 70 % had experienced **homelessness**
- 40 % were **homeless** immediately prior to incarceration
- 33% had been living in **public housing** immediately prior to incarceration.



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- 68% had a **prior incarceration history**
 - 59% complained of **discrimination** either in or out of the DCC
 - 92% did not think there was good **mental health** support whilst incarcerated at the DCC
 - 85% wanted to speak to a **DFV or trauma counsellor** at DCC if one was available



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EMERGING THEMES

- ▶ Multiple unaddressed pre-existing vulnerabilities, compounded by incarceration.
- ▶ High level complex trauma requiring therapeutic service provision to reduce recivism.
- ▶ Systems focus on criminal acts and criminalisation, with very limited civil law and therapeutic service provision.
- ▶ Incarcerated women are devalued and invisible at a policy, systems and structural level.
- ▶ The DCC themes reflect qualitative research across other Australian jurisdictions.



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POSSIBILITIES –

4 CURRENT HOT BUTTON ISSUES



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#4 – ACTION THE 150 NEW LEGAL MATTERS PROACTIVELY! And...

- Publish and promote available data.
- Lodge representative and systemic complaints where appropriate e.g. Ombudsman, Health and Community Services Complaints Commission.
- Use data when advocating for an external and independent specialist DFV counsellor, policy and service improvements, additional funding.
- Note holistic service provision which seeks to reduce recidivism.
- Brag about the positive participant reception: ‘thanks very much, that’s the first time someone asked about me’

Live in hope of appropriate funding



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#3 – ADDRESS SYSTEMIC DISCRIMINATION

TEWLS co-facilitated two half-day Community Legal Education sessions with the NT Anti-Discrimination Commission. One was held in the DCC, and one external to the DCC for women who had recently exited prison.

The sessions covered the role and means of contacting the NT Anti-Discrimination Commission, before a rights-based discussion of the **legal framework of discrimination on the grounds of criminal record, irrelevant criminal record and employment law**; all priority issues identified for women post release seeking employment. Each included interactive role plays on employment interviews and discrimination.

The sessions informed and broke down misconceptions regarding employability post release, and provided practical assistance on how to approach future employment opportunities. All 25 participants are now able to apply for employment and now know where to go if discrimination arises.

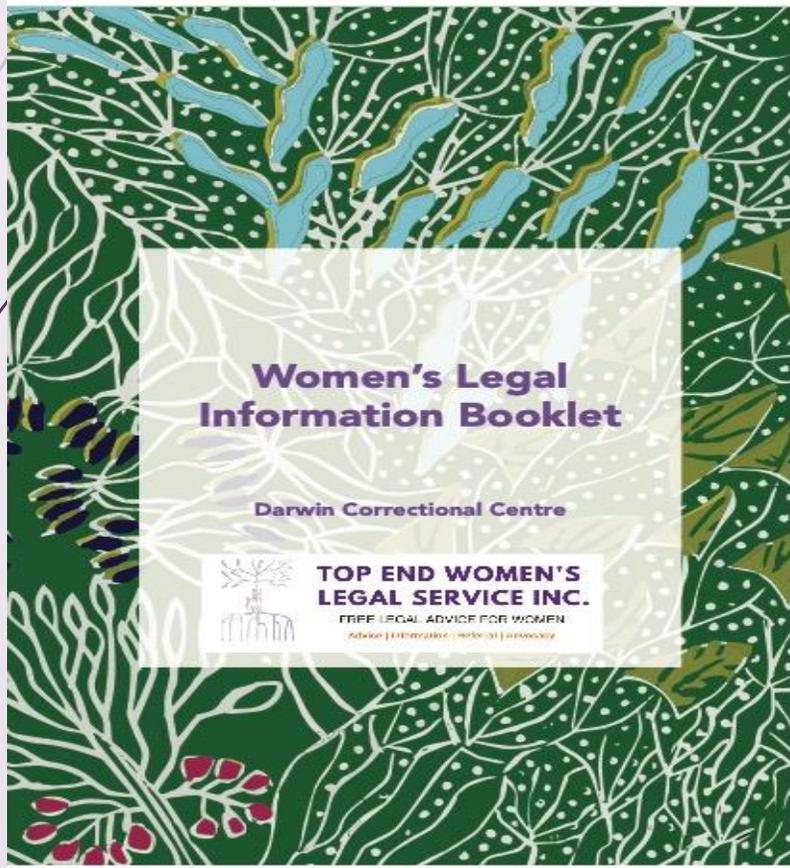


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#2 – ADVANCE CIVIL LAW LEGAL ACCESS AND EMPOWER WOMEN WITH INFORMATION



- ▶ TEWLS has recently published a Legal Information Booklet for women to self-identify legal issues frequently raised in Legal Health Checks and TEWLS' legal clinic – this “self-help guide” is now included in all DCC ‘arrival’ packs.
- ▶ This resource is available at: <http://tewls.org.au>

#1 – SECURE EXTERNAL NGO COMPLEX DFV TRAUMA COUNSELLING

The NT has the highest incarceration rates in Australia, for both women and men, with almost half convicted of a violent act.

The # of women incarcerated in the NT increased by 10% in 17/18. In Darwin, the women's sector is within and completely surrounded by a prison focused on men, causing women to have reduced access to services.

Addressing the issues foundational to incarceration are essential, as is addressing the complex trauma of currently incarcerated women now.



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